

S.F. No. 4062 – Environment Omnibus Bill (3rd Engrossment)

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Date: April 26, 2022

ARTICLE 1 ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

[See attached spreadsheet]

ARTICLE 2 ENVIRONMENT AND NATURAL RESOURCES POLICY

Section 1 [Permitting Efficiency Report Due Date] changes from August 1 to October 1 the date by which the Department of Natural Resource's (DNR) annual permitting efficiency report must be submitted to the legislature and to the governor.

Section 2 [Unadopted Rules] prohibits the commissioner of natural resources from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

Section 3 [Transfer of Off-Highway Motorcycles] allows current owners, not just registered owners, to apply for a transfer of ownership of an off-highway motorcycle.

Section 4 [Issuance of Snowmobile Registration Decal] requires a snowmobile registration number to be printed on a registration decal issued at the time of registration and requires the decal to be permanently affixed to the snowmobile in a clearly visible manner.

Section 5 [Display of Snowmobile Registration Decal] requires a snowmobile registration decal to be affixed to a particular part of the snowmobile, depending on when the snowmobile was made.

Section 6 [Snowmobile Manufacturer Requirements] makes statutory a requirement that is currently in rules (6100.5700, subp. 4) for snowmobile manufacturers to provide an area of certain dimensions on a snowmobile's cowling for placement of a snowmobile registration decal.

Section 7 [Transfer of Snowmobiles] allows current owners, not just registered owners, to apply to transfer ownership of a snowmobile.

Section 8 [Conforming Changes] narrows the DNR's rulemaking authority to reflect changes made in another section of the bill.

Section 9 [Crossing of Highways by Snowmobiles] allows road authorities to approve safe locations for the crossing of highways by snowmobiles.

Section 10 [Definition of ATV] amends the definition of all-terrain vehicle to remove outdated references to low pressure or non-pneumatic tires and to include vehicles that are between 2,000 and 3,000 pounds.

Section 11 [Transfer of ATVs] allows current owners, not just registered owners, to apply to transfer ownership of an ATV.

Section 12 [Luce Line Trail Connection] amends the statutory definition of the Luce Line Trail to include a connection to Greenleaf Lake State Recreation Area.

Section 13 [Reservation Policy Authority] provides the DNR authority to develop reservation policies for lodging facilities, day-use facilities, tours, educational programs, seminars, events, and rentals.

Section 14 [Deadline for Timber Payments] replaces the current requirement that payment for timber cut from state lands be paid within 30 days of the statement with a requirement that payment be postmarked by that date.

Section 15 [Timely Environmental Review of Metallic Minerals Mining Projects] requires an RGU to report to the appropriate legislative committees if it fails to meet environmental review timeliness goals set forth in this section.

Section 16 [Minnow Definition Modification] expands the statutory definition of minnow to include members of the sucker family (Catostomidae) that are greater than 12 inches in length.

Section 17 [Definition of Unloaded] modernizes the definition of an unloaded firearm to account for advances in firearm technology.

Section 18 [Walk-In Access Program Expansion] expands the walk-in access program to include birdwatching, nature photography, and similar compatible uses.

Section 19 [WMA Access by Persons with Disabilities] modernizes the statute that authorizes the DNR to permit people with disabilities to use motor vehicles in wildlife management areas. Repeals the requirement that the access be for hunting purposes.

Section 20 [Deer Stands in Certain WMAs Sunset Repeal] repeals a sunset on authority to leave deer stands overnight in certain wildlife management areas.

Section 21 [Establishing Residency with Driver's License Application] allows a person to use a driver's license application receipt to establish residency for resident game and fish license purposes if the receipt is at least 60 days old.

Section 22 [Permissible Firearms; Big Game and Wolves] modernizes the statute that governs which firearms may be used to take big game and wolves to reflect advances in firearm technology.

Section 23 [Blaze Orange/Pink Required for Persons in Ground Blinds] requires a person in a fabric or synthetic ground blind on public land during the open season where deer may be taken by firearms to have a blaze orange or blaze pink on top of the blind and on each side of the blind.

Section 24 [No New Antler Point Restrictions] prohibits new antler point restrictions.

Section 25 [Modification of Shotgun Zone] modifies the shotgun zone so that it covers only Olmsted and Dodge Counties.

Section 26 [Nuisance Bears] requires the DNR to issue permits for wildlife control operators to take nuisance bears by live tracking and relocation.

Section 27 [Deer and Elk Causing Damage] authorizes nonlethal scaring, hazing, chasing, or harassing of deer or elk that are causing damage to agricultural crops. Requires deaths of deer or elk from these activities to be reported.

Section 28 [Repeal of Minnow Importation Ban] repeals a prohibition on importing minnows for release into public waters.

Section 29 [Two-Line Angling] authorizes anglers to use two lines in the Minnesota River downstream of the Granite Falls dam and in the Mississippi River downstream of St. Anthony Falls.

Section 30 [Importation Permit; Minnow Health Requirements] authorizes a minnow dealer who has obtained a permit from the commissioner of natural resources to import minnows into the state. Imposes various requirements related to the health of imported minnows. Enumerates information required to be made available to the DNR upon request.

Section 31 [Public Waters Inventory Revisions] prohibits a revision to the public waters inventory from taking effect if an affected political subdivision objects.

Section 32 [White Bear Lake Water Appropriations] amends a statute relied upon by the court in the recent White Bear Lake litigation to make clear that the statute does not prohibit the DNR from issuing new water appropriations or amendments to existing water appropriations permits to a municipality whose public water supply plan was approved by the DNR prior to 2021.

Section 33 [Review of Calcareous Fen Decisions] requires DNR to provide a hydrologic evaluation to the applicant for a water appropriation permit that is denied because of the appropriation's anticipated effect on a calcareous fen. Provides for review of the determination and authorizes applicants to file a contested case petition.

Section 34 [Water Appropriations to Facilitate Tree Growth] authorizes appropriation of water from the Mt. Simon-Hinckley aquifer where the appropriation is for less than 4,000,000 gallons per year and is to facilitate the growth of trees.

Section 35 [Transfer of Water Use Permits] when a water use permit is transferred as part of the conveyance of real property, this section prohibits the Department of Natural Resources (DNR)

from imposing additional conditions on the permit, reducing the amount of the appropriation, reducing the term, or requiring testing.

Section 36 [Analysis of Effect on Land Values] requires DNR to provide estimates of the impact of any new restriction or policy on land values in the affected area before a water management plan for appropriating water is prepared.

Section 37 [White Bear Lake Water Appropriations] amends a statute relied upon by the court to make clear that it does not prohibit the DNR from issuing new water appropriations or amendments to existing water appropriations permits to a municipality whose public water supply plan was approved by the DNR prior to 2021.

Section 38 [Groundwater Management Area Plan Development] limits the types of information that may be disseminated about the development of a groundwater management area plan to information about meetings related to plan development and factual responses to public and media inquiries. Requires that impacts on land values be identified and strategies to address them included in any groundwater management area plan.

Section 39 [Definition of Sustainable] defines “sustainable” for purposes of groundwater management areas as a use that does not result in a change in hydrologic regime of more than 20 percent relative to the August median stream flow.

Sections 40 & 41 [White Bear Lake Water Appropriations] amend statutes relied upon by the court to make clear that they do not prohibit the DNR from issuing new water appropriations or amendments to existing water appropriations permits to a municipality whose public water supply plan was approved by the DNR prior to 2021.

Section 42 [Well Interference and Testing] requires the commissioner to take into account the condition of a well when validating a well interference claim. Authorizes parties ordered to contribute to an affected well owner to file a contested case petition.

Section 43 [PCA Training Fee] clarifies that the Pollution Control Agency (PCA) may not increase the fee for training water pollution control or subsurface sewage treatment system personnel without legislative approval.

Section 44 [Effluent Limitation Compliance] provides that to the extent allowed by federal law, an industrial NPDES or state disposal system permit holder that constructs a treatment works facility to comply with modified effluent standards, may not be required to expend additional capital investment on the treatment works for 16 years.

Section 45 [Precast Reinforced Concrete SSTS Tanks] provides that a precast reinforced concrete SSTS tank that contains one or more drainage holes that have been repaired meets minimum standards and criteria for subsurface sewage treatment systems.

Section 46 [Wastewater & Water Supply System Operator Certification Fee] clarifies that the PCA may not increase the fee for wastewater & water supply system operator certification without legislative approval.

Sections 47 & 48 [Wastewater Laboratory Certification Fee] prohibit the PCA from increasing the fee for wastewater laboratory certification without legislative approval.

Sections 49 through 51 [Chemical Plastic Recycling Definitions] define various terms related to chemical plastic recycling.

Section 52 [Chemical Plastic Facilities Properties Are Not Waste Facilities] exempts from the definition of waste facilities property used for chemical plastic recycling.

Section 53 [Chemical Plastic Recycling Exemptions] exempts chemical plastic recycling from Minnesota Statutes chapters 115, 115A, and 116, and the rules adopted pursuant to those chapters. Provides that the exemption does not apply under certain circumstances.

Section 54 [3M Account Reporting Frequency Change] changes the report frequency for the report on expenditures from the water quality and sustainability account from biannual to annual. This account holds proceeds from the 3M settlement.

Section 55 [PCA Permitting Efficiency Report Modifications] modifies requirements for the PCA's permitting efficiency report as follows:

- Makes it semiannual instead of annual.
- Requires it to cover only Tier 2 permits, not Tier 1 permits.
- Requires information about the percentage of applications completed in a category.
- Requires separate information about industrial and municipal permits to be separately stated.

Section 56 [Water Permit Fees] clarifies that the PCA may not increase water-related permit fees without legislative approval.

Section 57 [Unadopted Rules] prohibits the commissioner of the PCA from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

Sections 58 and 59 [Changes to MERA] amend the Minnesota Environmental Rights Act to prohibit suits related to water appropriation permits that meet the criteria described other sections of the bill related to White Bear Lake. The changes expire on January 1, 2041.

Section 60 [EAW Petitions] requires that the 100 signatories to an environmental assessment worksheet petition reside or own property in the county where the proposed action will be undertaken or in one or more adjoining counties. Provides that a mandatory environmental assessment worksheet is not required for projects affecting waters that are not on the public waters inventory.

Sections 61 [Events Promotion Account] creates an events promotion account in the natural resources fund. Money in the account is to be appropriated to promote special events in the state, and at least 50% must be spent to promote events outside of the metropolitan area.

Section 62 [Technical Change] repeals some obsolete language related to a date that has already passed.

Section 63 [School Trust Lands Director Changes] modifies and clarifies the duties of the School Trust Lands Director.

Section 64 [Use of Proceeds from Sales of Tax-Forfeited Lands] allows counties to use receipts from sales or rentals of forfeited lands for maintenance and upkeep at tax-forfeited properties.

Section 65 [Lottery in Lieu/Events Promotion Account] requires one percent of lottery in lieu proceeds to be deposited in the newly created events promotion account.

Section 66 [Wild Rice WQS Rulemaking Extension] extends from 2019 to 2025 the deadline by which PCA must amend wild rice water quality standards.

Section 67 [Continuation of Other Permits] prohibits termination or certain modifications of nonmunicipal water appropriations permits within five miles of White Bear Lake.

Section 68 [DNR Registration System] authorizes the DNR to give preference to a proposal from a vendor to replace the DNR registration system that currently provides vehicle registration software to the state. Requires a report to the legislature.

Section 69 [Report on White Bear Lake Water Supply Options] requires the DNR, in conjunction with state agency and municipal stakeholders, to explore available options for supplying east metropolitan area communities with safe drinking water in a manner that allows municipal growth while simultaneously ensuring the sustainability and quality of the state's water resources in and around White Bear Lake and neighboring aquifers. Requires DNR to report recommendations to the legislature by October 1, 2023.

Section 70 [Safe Travel on CSAH 13] requires the DNR to issue permits and convey any interests in real property that are necessary to facilitate the widening of CSAH 13 in Murray County.

Section 71 [Filling of Certain Air Permit Program Vacancies] requires PCA to post, interview for, and fill within 120 days air permitting program vacancies that have been open for at least a year.

Section 72 [Interim Provisions] imposes interim provisions related to whole effluent toxicity that are to remain in place until PCA adopts rules pursuant to section 75.

Section 73 [Registration Decal Format Transition] facilitates the transition from older format snowmobile registration decals to those required under the changes made in the bill.

Section 74 [Required Rulemaking] requires the DNR to make various rules changes to conform the rules to statutory changes made elsewhere in the bill related to snowmobile decals. Authorizes the agency to use exempt rulemaking for this purpose.

Section 75 [State Implementation Plan Revision] requires the PCA to seek EPA approval of a modification of Minnesota's Clean Air Act State Implementation Plan so that the PCA would be prohibited from applying ambient air quality standards in permits issued solely to authorize operations to continue at an existing facility with unmodified emissions.

Section 76 [Whole Effluent Toxicity] requires the PCA to adopt rules to uniformly apply whole effluent toxicity in water quality-based effluent limitations for all facilities in the state that process sugar beets.

Section 77 [PFAS Monitoring Plan Expenses] prohibits the PCA from mandating PFAS monitoring under its March 2022 PFAS Monitoring Plan unless it can be done at no cost to the party required to do the monitoring.

Section 78 [Red River Phosphorous Management] requires the Red River Basin Commission to develop a feasibility assessment of adaptive phosphorous management for the Red River of the North.

Section 79 [West Newton Special Use District] allows expansion of an existing structure in the West Newton Special Use District.

Section 80 [Repealer] repeals statutes and rules related to minnows, antler point restrictions, and the shotgun zone.

ARTICLE 3 STATE LANDS

Sections 1 through 3 [DNR Waiver or Assumption of Easement Fees] allow the Department of Natural Resources (DNR) to assume or waive various fees incurred by applicants for easements on DNR-administered land when DNR determines that an easement will benefit the state's land management interests.

Section 4 [Lease of DNR Recreational Facilities] clarifies that DNR may lease recreational facilities for a term of 30 years even where the lease is not associated with a recreational trail.

Section 5 [Lease of Tax-Forfeited Land Changes] raises from 10 to 25 the maximum lease term of a county lease of tax-forfeited lands. Raises from \$12,000 to \$50,000 the threshold annual lease value that triggers an obligation to first offer the land at public sale. Authorizes a county to lease tax-forfeited land for the purpose of developing conservation easements that provide ecosystem services.

Section 6 [Conveyance of Conservation Easements on Tax-Forfeited Land] authorizes a county, after consultation with the DNR to convey conservation easements on tax-forfeited land.

Section 7 [Addition to State Park] adds 11.50 acres to the boundary of Myre-Big Island State Park, Freeborn County.

Section 8 [Deletion from State Forest] removes 7,482 acres from Cloquet Valley State Forest (St. Louis County) and designates them as part of the Riverlands State Forest (St. Louis County).

Section 9 [Addition to State Forest] adds 121.5 acres to Riverlands State Forest (St. Louis County).

Section 10 [Public Sale of Surplus Riparian Land; Cass County] authorizes public sale of 29.6 acres of surplus riparian state land in Cass County.

Section 11 [Public Sale of Surplus Riparian Land; Fillmore County] authorizes public sale of 9.53 acres of surplus riparian land in Fillmore County.

Section 12 [Conveyance of Tax-Forfeited Land; Goodhue County] authorizes the conveyance of tax-forfeited riparian land by Goodhue County to the city of Wanamingo for no consideration.

Section 13 [Private Sale of Surplus Riparian Land; Hennepin County] authorizes the private sale of 0.55 acres of surplus riparian land in Hennepin County to a local unit of government for less than fair market value.

Section 14 [Public Sale of Surplus Riparian Land; Itasca County] authorizes public sale of 59 acres of surplus riparian land in Itasca County.

Section 15 [Conveyance of Surplus Riparian Land; Lake County] authorizes the conveyance of 4 parcels of surplus riparian land to the city of Two Harbors for no consideration.

Section 16 [Private Sale of Surplus State Land; Pine County] authorizes private sale of 2.0 acres of surplus state land in Pine County.

Section 17 [Exchange of Certain Riparian Land in St. Louis County] authorizes St. Louis County to exchange certain riparian land in St. Louis County.

Section 18 [Land Acquisition Trust Fund; St. Louis County] allows St. Louis County to deposit the proceeds of tax-forfeited land sales into a tax-forfeited land acquisition trust fund and to spend that money to purchase lands for forestry, mineral management, or environmental services purposes.

Section 19 [Private Sale of Tax-Forfeited Lands; St. Louis County] authorizes the private sale by St. Louis County of certain tax-forfeited land to address issues that have arisen as a result of previous incorrect surveys.

Section 20 [Private Sale of Surplus Riparian Land; Sherburne County] authorizes private sale of .05 acres of surplus riparian land in Sherburne County for less than fair market value.

Section 21 [Repeal of Sunset] repeals the sunset on St. Louis County authority to sell certain leased lakeshore lots.