

1.1 moves to amend H.F. No. 2393 as follows:

1.2 Page 5, delete section 2, and insert:

1.3 "Sec. 2. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to
1.4 read:

1.5 Subd. 9. **De minimis.** (a) Except as provided in paragraphs ~~(b)~~ (d), (e), (f), (g) and
1.6 ~~(e)~~ (h), a replacement plan for wetlands is not required for draining or filling the following
1.7 amounts of wetlands as part of a project outside of the shoreland wetland protection zone:

1.8 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
1.9 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than
1.10 80 percent area;

1.11 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
1.12 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent
1.13 area, ~~except within the 11-county metropolitan area;~~

1.14 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~
1.15 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent
1.16 area, ~~except within the 11-county metropolitan area;~~ or

1.17 (4) ~~100~~ 400 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack
1.18 wetland types not listed in clauses (1) to (3) outside of the building setback zone of the
1.19 shoreland wetland protection zones in all counties;

1.20 (b) Except as provided in paragraphs (d), (e), (f), (g), and (h), a replacement plan
1.21 for wetlands is not required for draining or filling the following amounts of wetlands
1.22 as part of a project within the shoreland wetland protection zone beyond the shoreland
1.23 building setback zone:

1.24 ~~(5)~~ (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to
1.25 (3), beyond the building setback zone, as defined in the local shoreland management
1.26 ordinance, but within the shoreland wetland protection zone; or

1.27 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

2.1 In a greater than 80 percent area, the local government unit may increase the de
2.2 minimis amount allowed under this paragraph up to 1,000 square feet if the wetland is
2.3 isolated and is determined to have no direct surficial connection to the public water.

2.4 (c) Except as provided in paragraphs (d), (e), (f), (g), and (h) a replacement plan for
2.5 wetlands is not required for draining or filling up to 200 square feet of wetland as part
2.6 of a project within the shoreland building setback zone, as defined in the local shoreland
2.7 management ordinance.

2.8 ~~To the extent that a local shoreland management ordinance is more restrictive than~~
2.9 ~~this provision, the local shoreland ordinance applies;~~

2.10 ~~(6) up to 20 square feet of wetland, regardless of type or location;~~

2.11 ~~(7) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~
2.12 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent~~
2.13 ~~area within the 11-county metropolitan area; or~~

2.14 ~~(8) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland~~
2.15 ~~protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

2.16 ~~For purposes of this paragraph, the 11-county metropolitan area consists of the~~
2.17 ~~counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne,~~
2.18 ~~Washington, and Wright.~~

2.19 ~~(b) (d)~~ The amounts listed in ~~paragraph~~ paragraphs (a), clauses (1) to (8), (b), and (c)
2.20 may not be combined on a project.

2.21 ~~(c) (e)~~ This exemption no longer applies to a landowner's portion of a wetland
2.22 when the cumulative area drained or filled of the landowner's portion since January 1,
2.23 1992, is the greatest of:

2.24 (1) the applicable area listed in paragraph (a), (b), or (c), if the landowner owns
2.25 the entire wetland;

2.26 (2) five percent of the landowner's portion of the wetland; or

2.27 (3) 400 square feet.

2.28 ~~(d) (f)~~ This exemption may not be combined with another exemption in this section
2.29 on a project.

2.30 ~~(e) (g)~~ Property may not be divided to increase the amounts listed in paragraph (a).

2.31 (h) If a local ordinance or similar local control is more restrictive than this
2.32 subdivision, the local standard applies."