

House Research Act Summary

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Overview

This act contains various provisions related to the environment and natural resources.

Section

- 1** **Permanent school fund reporting.** Amends § 16A.06 by adding subd. 10. Requires the commissioner of finance to report to the Permanent School Fund Advisory Committee on the long-term economic return of the permanent school trust fund.
- 2** **Permanent school fund authority; reporting.** Amends § 84.027 by adding subd. 18. Gives the commissioner of natural resources the authority and responsibility for administering permanent school fund lands. Directs the commissioner to report annually to the Permanent School Fund Advisory Committee on the achievement of the following four goals: (1) efficient management of the lands; (2) reduction in the management expenditures of the lands; (3) management of the sale, exchange, and lease of the lands to maximize revenues; and (4) maximizing the long-term economic return for the fund while maintaining sound natural resource conservation and management principles.
- 3** **Facilities management account.** Amends § 84.0857. Appropriates the proceeds from the sale of administrative sites under the control of the DNR (as provided in section 22) for use to acquire facilities, renovate facilities, acquire land, or design and construct facilities for administrative use by the department.
- 4** **Environmental learning centers.** Amends § 84.0875. Requires environmental learning centers to follow the same rules and standards related to space requirements as those developed by the commissioner of health to protect the health and safety of those attending youth camps.

Minnesota Forests for the Future Program. Adds § 84.66.

Subd. 1. Purpose. States that the purpose of the Minnesota Forests for the Future Program is to identify and protect private, working forest lands for their timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other values.

Subd. 2. Definitions. Defines “forest land,” “forest resources,” “guidelines,” “riparian land,” and “working forest land,” for purposes of the program.

Subd. 3. Establishment. Requires the commissioner of natural resources to establish and administer the Minnesota Forests for the Future Program. Establishes criteria for evaluating land for the program, including its potential for producing timber and other products, maintaining forest landscapes, providing public recreation, and providing ecological, fish and wildlife habitat and other cultural and environmental values.

Subd. 4. Land eligibility. Requires land to be: (1) forest land, desirable land adjacent to forest land, or land beneficial to forest resource protection; (2) at least five acres (except for riparian areas or an area providing access to state forest land); and (3) is not currently enrolled in a state or federal program, unless enrollment in the program would provide additional conservation benefits or a longer enrollment term.

Subd. 5. Land interests. Allows the commissioner to acquire permanent interests in lands by fee title, easement, gift or donation. Requires easements to have a forestry management plan (unless waived or modified by the commissioner). States that this plan will guide forest management consistent with the easement and provide perpetuation of the forest. Requires the plan to be developed in accordance with the guidelines established by the Minnesota Forest Resources Council.

Subd. 6. Application. Requires the commissioner to establish an application process and requires that priority be given, if applications exceed available funds, to applications covering lands providing the greatest public benefits for timber productivity, public access, and ecological and wildlife values.

Subd. 7. Landowner responsibilities. Allows the commissioner to enroll land in the program through an easement, if the landowner agrees to a permanent easement that is not subject to any prior title, lien or encumbrance and manage the land in a manner consistent with the purposes for which the land was selected for the program.

Subd. 8. Correction of easement boundaries. Allows the commissioner to convey interests of the state to correct legal descriptions of boundaries for easements and requires the conveyances to be quitclaim deed or as approved by the attorney general.

Subd. 9. Terminating or changing an easement. Allows the commissioner to terminate an easement with the consent of a property owner if it is in the public interest and allows the commissioner to modify the terms of an easement if it will

help implement the program or facilitate the program's administration.

Subd. 10. Payments. Requires payments to landowners under the program to be in accordance with law and the Department of Natural Resources' policies.

Subd. 11. Monitoring, enforcement, and damages. Paragraph (a) requires the commissioner to establish a long-term program for monitoring and enforcing easements within the program and requires the program to require a financial contribution to be made for each easement to cover the costs of managing, monitoring, and enforcing the easement.

Paragraph (b) states that a landowner who violates or allows others to violate the terms of the easement is liable for the damages.

Paragraph (c) allows the attorney general, upon request of the commissioner, to bring action against a landowner in district court.

6 Forests for the future revolving account. Establishes the forests for the future revolving account in the natural resources fund. States that money in the fund is appropriated to the commissioner to acquire land meeting the requirements of the forests for the future program. Requires the commissioner to sell the lands acquired with this fund after placing a protective easement on the land. Requires the commissioner to submit a report to the legislature by October 1, each year.

7 Application; issuance; reports. Amends § 84.788, subd. 3. Extends the number of days a temporary registration permit for off-highway motorcycles is valid from ten to 21 days.

8 Application; issuance; reports, additional fee. Amends § 84.82, subd. 2. Extends the number of days a temporary registration permit for snowmobiles is valid from ten to 21 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.

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

10 Sticker required; fee. Amends § 84.8205, subd. 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.

11 Application; issuance; reports. Amends § 84.922, subd. 2. Extends the number of days a temporary registration permit for ATVs is valid from ten to 21 days.

12 Prohibitions on youthful operators. Amends § 84.9256, subd. 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.

13 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.

14 Interstate State Park. Amends § 85.012, subd. 28. Clarifies the name of Interstate State Park (was Interstate Park).

15 Wild River State Park. Amends § 85.012, subd. 49a. Clarifies the name of Wild River

State Park (was St. Croix Wild River State Park).

- 16 **Names, acquisition; administration.** Amends § 85.013, subd. 1. Amends § 85.011. Technical change to remove the terms “monument” and “state monument” that are no longer needed.
- 17 **Free entrance; permanently and totally disabled veterans.** Amends § 85.053 by adding subd. 10. Requires the commissioner of natural resources to allow free entrance to state parks and recreation areas for any “veteran with a total and permanent service-connected disability” defined as a resident with a total and permanent service-connected disability as adjudicated by the U.S. Veterans Administration or by one of the armed forces retirement boards.
- 18 **Grand Portage State Park.** Adds § 85.054, subd. 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.
- 19 **Temporary certificate.** Amends § 86B.401, subd. 2. Requires temporary licenses for water craft to be valid for 21 days.
- 20 **Not to be left burning.** Amends § 88.15, subd. 2. Modifies the responsibility for a campfire by adding a person who maintains the campfire (it previously was the responsibility of only the person who started the campfire). Provides a definition of “maintains” for purposes of the section.
- 21 **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.
- 22 **Proceeds from natural resources land.** Amends § 94.16, subd. 3. Requires the net proceeds from the sale of administrative sites to be deposited in the facilities management account for use to acquire facilities, renovate facilities, acquire land, or design and construct facilities for administrative use by the department. (These proceeds currently are deposited in the land acquisition account to be used for acquisition of natural resource lands or interests in lands within the outdoor recreation system under chapter 86A.)
- 23 **Expedited exchanges of land involving the state and governmental subdivisions of the state.** Adds § 94.3495.

Subd. 1. Purpose and scope. States that the purpose of this section is to expedite the exchange of public land ownership and that the section applies to exchanges of land between the state and a governmental subdivision of the state.

Subd. 2. Classes of land; definitions. Classifies the lands that may be involved in expedited land exchanges under this section into three classes:

- (1) Class 1 land, which includes Class A land, except for school trust lands and university land granted by acts of Congress, (Class A land includes all land owned by the state and controlled or administered by the DNR);
- (2) Class 2 land, which includes Class B land (tax-forfeited land); and
- (3) Class 3 land, which includes all land owned in fee by a governmental subdivision of the state.

Subd. 3. Valuation of land. Paragraph (a) states that all land valuations shall be

determined by: the commissioner for the exchange of Class 1 land for Class 2 or 3 land; and by the county board for the exchange of Class 2 land for Class 3 land. Allows the parties of a land exchange to have the land appraised, use the valuation process for minimal value acquisitions provided under section 84.0272, subdivision 3, or obtain a market analysis from a qualified real estate broker. Requires the merchantable timber to be determined and considered in the valuation of lands.

Paragraph (b) requires lands exchanged under this section to be only for lands of at least “substantially equal value” as defined in section 94.343, subdivision 3, paragraph (b), and states that no payment is due if the lands are of substantially equal value but are not the same value.

Subd. 4. Title. Requires that the title to land be examined as necessary to determine that the title is good and allows the parties to the exchange to utilize title insurance.

Subd. 5. Approval by Land Exchange Board. Requires all land exchanges under this section to receive unanimous approval of the Land Exchange Board.

Subd. 6. Conveyance. Requires the conveyance of Class 1 land to be made by deed executed by the commissioner of natural resources. Requires the conveyance of Class 2 land to be made by deed executed by the commissioner of revenue. Requires the conveyance of Class 3 land to be made by deed executed by the governing body. Establishes procedures for delivering the deeds in various situations and requires the deeds to be recorded in the county where the lands lie.

Subd. 7. Reversionary interest; mineral and water power rights and other reservations. Requires the deed for any land exchanged under this section to include a reverter that provides that the land automatically reverts back to the conveying governmental unit if: the land is sold or otherwise transferred without prior written approval within 40 years of the conveyance. States that Class 1 lands are subject to the reservation of mineral, water, and other rights and easements directed by the commissioner. States that Class 2 lands are subject to the reservation of the same rights and easements as required by the sale of tax-forfeited lands and others determined by the county board and approved by the commissioner. States that Class 3 lands are subject to the reservation of the mineral rights.

Subd. 8. Land status. States that land received in exchange for Class 1 land is subject to the same trust and status as the land given in the exchange. States that land received in exchange for Class 2 land is subject to a trust in favor of the government subdivision where it lies and all laws related to tax-forfeited land. States that land received in exchange for Class 3 land has the same status as the land given in exchange.

- 24 **Citizen oversight subcommittees.** Amends § 97A.055, subd. 4b. Technical clarification of the name of the Ecological Resources Subcommittee.
- 25 **Acquisition; generally.** Amends § 97A.141, subd. 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.
- 26 **State conservation easements; wetland bank credit.** Allows wetland protected by future

permanent conservation easements owned by the state or a local unit of government to be eligible for wetland replacement or mitigation credits in greater than 80 percent areas.

27 **Definitions.** Adds § 115.0301. Defines terms for purposes of the new ballast water management requirements (sections 28 to 30).

28 **Ballast water management plan.** Adds § 115.0306.

Subd. 1. Ballast water management plan required. Requires operators of vessels designed, constructed or adapted to carry ballast water to operate their vessel according to an approved ballast water management plan and keep a copy of the plan on board the vessel and readily available for examination by the commissioner at all times.

Subd. 2. Ballast water management plan approval. Establishes minimum requirements for the approval of ballast water management plans.

29 **Ballast water record book.** Adds § 115.0307.

Subd. 1. Ballast water record book required. Requires operators of vessels to maintain, in English on board the vessel, a ballast water record book that documents each ballast water or sediment discharge according to rules adopted by the commissioner and keep a copy of the record book readily available for examination by the commissioner.

Subd. 2. Retention period. Requires a ballast water record book to be retained, on board the vessel for three years from the date of the last entry and retained by the owner or operator for an additional three years. Allows the commissioner to establish alternative retention practices for foreign vessels.

Subd. 3. Regulations. Establishes minimum requirements of ballast water record books. Allows the commissioner to adopt rules regarding alternative methods of record keeping including electronic record keeping.

30 **Consultation and cooperation.** Adds § 115.0309.

Subd. 1. Great Lakes Panel on Aquatic Nuisance Species. Requires the commissioner of natural resources to cooperate with the Great Lakes Panel on Aquatic Nuisance Species. States that the commissioner of the Pollution Control Agency shall serve as an alternate if necessary.

Subd. 2. Cooperation with other state agencies. Requires the commissioner to consult with the commissioners of commerce, agriculture, natural resources, and any other agency that the commissioner determines to be necessary in developing the new ballast water rules required under this act.

Subd. 3. Canada and other foreign governments. Encourages the commissioner to consult with the Canadian government and other foreign governments in developing and implementing the new ballast water management requirements. States that the commissioner may not give foreign vessels more favorable treatment than U.S. vessels.

31 **License required.** Amends § 115.56, subd. 2. Adds providing service to an individual sewage treatment system (ISTS) to the list of activities required to be performed by a

licensed ISTS individual. Allows work to be done on ISTS with a flow of 10,000 gallons of water per day or less without requiring further licensing. Requires the commissioner to ensure that adequate design guidance exists for ISTS professionals.

- 32 **Mixed municipal solid waste.** Amends § 115A.03, subd. 21. Amends the definition of mixed municipal solid waste to exclude source-separated compostable materials.
- 33 **Source-separated compostable materials.** Amends § 115A.03, subd. 32a. Amends the definition of source-separated compostable materials to specify that they do not have to be mixed municipal solid waste; are governed by provisions requiring collectors to have a license to collect mixed municipal solid waste; and may be delivered to a transfer station or other processing facility only to be composted or transferred to a composting facility, unless the PCA commissioner determines no one else is willing to accept the materials.
- 34 **Permits.** Amends § 116.07, subd. 4a. Prohibits the Pollution Control Agency from issuing a permit to a facility located in a certain area in Hennepin County where environmental impacts have been disproportionate (the Phillips Neighborhood), unless the cumulative impact on the environment and residents of the area of past and current environmental pollution from all sources is analyzed and considered.
- 35 **Petroleum release notification.** Adds § 116.482. Requires a petroleum tank owner to notify residents who were surveyed for a petroleum release on the results of the survey, reports of releases, and corrective actions taken related to the release.
- 36 **Permanent School Fund Advisory Committee.** Amends § 127A.30. Adds as members of the Permanent School Fund Advisory Committee the house and senate K-12 education finance and environment and natural resources committee chairs and six individuals with specified areas of expertise appointed by the DNR commissioner. Allows legislators to recommend individuals to the natural resources and education commissioners to fill committee vacancies. Requires the committee to include a nonvoting member appointed by the commissioner of natural resources and requires the commissioner of natural resources to provide administrative support to the committee. Directs committee members to elect the committee chair. States that the committee is permanent.
- Directs the committee annually by January 15 to submit an annual report to the legislature with recommendations on managing school trust lands to secure a long-term economic return for the trust fund. Allows the report to include recommendations on meeting the four goals provided in section 2.
- 37 **Use of alternative threshold and certifications; restrictions.** Amends § 299K.08 by adding subd. 3a. Rolls back a federal rule change that reduces reporting requirements on facilities releasing toxic chemical emissions to the environment. The requirements apply to several industries that are not required to report under federal rules governing the Toxic Release Inventory (TRI) but which the legislature designated in 1993 should report identical information to the state. These industries include metal mining; railroads; air transportation; electric and gas service; hospitals; medical laboratories; institutions of higher education; wholesalers of chemicals and plastics; photography laboratories; testing laboratories; and prisons.
- 38 **Easement on tax-forfeited land; Itasca County.** Allows Itasca County to grant a 40-year easement of tax-forfeited land to the Itasca County Regional Rail Authority. Prohibits the easement from being canceled unless by resolution of the county board and prohibits the sale or conveyance of the land during the period of the easement.
- 39 **Appropriation; zoos.** Provides general fund appropriations in fiscal year 2009 of \$33,000 for the Pine Grove Zoo in Little Falls, and \$33,000 for the Lake Superior Zoo in Duluth.
- 40 **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).