

Subject Environment and Natural Resources Omnibus
Authors Hansen
Analyst Janelle Taylor
Date May 24, 2019

Overview

This bill contains the fiscal year 2020 and 2021 budget appropriations for the Pollution Control Agency (PCA), Department of Natural Resources (DNR), the Board of Water and Soil Resources (BWSR), and other entities, including appropriations from the environment and natural resources trust fund. It also contains a number of statutory and other changes related to the environment and natural resources.

Article 1: Environment and Natural Resources Appropriations

This article contains the fiscal year 2020 and 2021 appropriations for the PCA, DNR, BWSR, metropolitan area regional parks, Conservation Corps Minnesota, the Minnesota Zoo, the Science Museum, the school trust lands director, and Explore Minnesota Tourism.

Section	Description – Article 1: Environment and Natural Resources Appropriations
---------	---

- | | |
|---|--|
| 1 | Environment and natural resources appropriations.
Technical. |
| 2 | Pollution Control Agency.
Appropriates \$106,908,000 in fiscal year 2020 and \$104,363,000 in fiscal year 2021 to the PCA, including appropriations for the Environmental Quality Board. |
| 3 | Natural resources.
Appropriates \$312,128,000 in fiscal year 2020 and \$307,840,000 in fiscal year 2021 to the DNR, including pass through appropriations for the school trust lands director. |
| 4 | Board of Water and Soil Resources.
Appropriates \$15,207,000 in fiscal year 2020 and \$14,872,000 in fiscal year 2021 to BWSR. |
| 5 | Metropolitan Council.
Appropriates \$9,140,000 in fiscal years 2020 and 2021 to the Metropolitan Council for metropolitan area regional parks. |

Section	Description – Article 1: Environment and Natural Resources Appropriations
6	Conservation Corps Minnesota. Appropriates \$945,000 in fiscal years 2020 and 2021 for Conservation Corps Minnesota.
7	Zoological Board. Appropriates \$9,855,000 in fiscal year 2020 and \$9,999,000 in fiscal year 2021 to the Minnesota Zoo.
8	Science Museum. Appropriates \$1,079,000 in fiscal years 2020 and 2021 to the Science Museum of Minnesota.
9	Explore Minnesota Tourism. Appropriates \$14,404,000 in fiscal year 2020 and \$14,344,000 in fiscal year 2021 to Explore Minnesota Tourism.
10	Board of Animal Health. Appropriates \$120,000 in fiscal year 2020 and \$200,000 in fiscal year 2021 to the Board of Animal Health.
11	Administration. Extends and modifies the purposes of a previous appropriation for the school trust lands director.
12	Administration. Extends and modifies the purposes of a previous appropriation for the school trust lands director.

Article 2: Environment and Natural Resources Trust Fund

This article includes fiscal years 2019 and 2020 appropriations from the environment and natural resources trust fund (a constitutionally dedicated trust fund funded by proceeds from the Minnesota State Lottery). The appropriations are based upon the recommendations for fiscal year 2020 approved by the Legislative-Citizen Commission on Minnesota Resources (LCCMR) as well as additional appropriations for fiscal years 2019 and 2020 that appropriate money that became available when Laws 2019, chapter 2 passed. Chapter 2 switched projects funded with appropriation bonds payable from the environment and natural resources trust fund to general obligation bonds.

Section	Description – Article 2: Environment and Natural Resources Trust Fund
1	Appropriations. Technical.
2	Minnesota resources. Subd. 1. Total appropriation. Provides a total appropriation of \$2,940,000 in fiscal year 2019 and \$61,387,000 in fiscal year 2020 from the environment and natural resources trust fund. Subd. 2. Definition. Technical. Subd. 3. Foundational natural resource data and information. Provides a total appropriation for natural resource data and information projects of \$1,804,000 in fiscal year 2019 and \$13,601,000 in fiscal year 2020. Subd. 4. Water resources. Provides a total appropriation for water resources projects of \$5,416,000 in fiscal year 2020. Subd. 5. Technical assistance, outreach, and environmental education. Provides a total appropriation for technical assistance, outreach, and environmental education projects of \$1,136,000 in fiscal year 2020. Subd. 6. Aquatic and terrestrial invasive species. Provides a total appropriation for invasive species projects of \$5,400,000 in fiscal year 2020. Subd. 7. Air quality and renewable energy. Provides a total appropriation for air quality and renewable energy projects of \$1,485,000 in fiscal year 2020. Subd. 8. Methods to protect or restore land, water, and habitat. Provides a total appropriation for projects for protection, restoration, and enhancement methods of \$806,000 in fiscal year 2019 and \$5,960,000 in fiscal year 2020. Subd. 9. Land acquisition, habitat, and recreation. Provides a total appropriation for land acquisition projects of \$26,351,000 in fiscal year 2020. Subd. 10. Administration and contract agreement reimbursement. Provides a total appropriation of \$330,000 in fiscal year 2019 and \$1,538,000 in fiscal year 2020 for contract administration expenses of the Department of Natural Resources (DNR), and administrative expenses of the LCCMR. Subd. 11. Wastewater treatment recommendations. Provides a total appropriation of \$500,000 for wastewater treatment related projects in fiscal year 2020. Also allows up to \$5,000,000 of the environment and natural resources trust fund to be invested in loans through the Public Facilities Authority's clean water revolving fund.

Section	Description – Article 2: Environment and Natural Resources Trust Fund
	<p>Subds. 12 to 19. Provides project requirements that apply to all recipients. The LCCMR recommends similar requirements each year, which include: specifying the availability of appropriations; data requirements; specific project requirements, including requiring ecological restoration and management plans; and requiring easements to be permanent and have a long-term monitoring and enforcement plan. Also extends several previous appropriations set to expire.</p>
3	<p>Land acquisition for habitat and recreation. Reduces the amount of acres of land to be acquired within the metropolitan regional park system under a previous appropriation from 2015.</p>
4	<p>Land acquisition, habitat, and recreation. Reduces acreage amounts under previous appropriations from 2017, including the amount of acres of land to be acquired within the metropolitan regional park system and for scientific and natural area (SNA) purposes, and the amount of acres to be enhanced and acquired under the native prairie bank easement program.</p>
5	<p>Transfer. Transfers the unencumbered money from a previous appropriation from 2017 for the LCCMR administrative expense to an appropriation from 2016 for a grants management system.</p>
6	<p>Effective date. States that sections 1 to 5 are effective the day following final enactment.</p>

Article 3: Environment and Natural Resources

This article contains a number of statutory and other provisions related to the environment and natural resources.

Section	Description – Article 3: Environment and Natural Resources
1	<p>State bee. Establishes the rusty patched bumble bee as the official state bee.</p>
2	<p>Reimbursement. Increases the rate of reimbursement paid by the Minnesota Department of Agriculture (MDA) to meat processors who process hunter-harvested deer when the hunter has elected to donate the venison to charity from \$70 per deer to \$150 per deer.</p>

Section	Description – Article 3: Environment and Natural Resources
3	<p>Fencing.</p> <p>Modifies fencing requirements for farmed Cervidae to require all new fencing to be high tensile fencing and require all entry areas to have two redundant gates by December 1, 2019. Requires fencing deficiencies to be repaired within a reasonable time as determined by the Board of Animal Health (BAH), not to exceed 45 days. Requires reinspection when a fence deficiency is detected during an inspection and requires a reinspection fee equal to one-half of the new annual inspection fees established in section 6 to be paid for each reinspection. Allows the board to revoke a facility's registration if a facility experiences more than one escape incident in a six-month period or fails to correct deficiencies.</p>
4	<p>Identification.</p> <p>Modifies requirements for identifying farmed Cervidae to require an identification number that has not been used in the previous three years and modifying the requirements for when white-tail deer must be identified.</p>
5	<p>Inspection.</p> <p>Requires the BAH to annually inspect farmed Cervidae facilities and allows MDA and conservation officers to participate in the inspection. Establishes requirements for the inspection, including an inspection of the perimeter of all fencing and verifying whether animals have been tagged.</p>
6	<p>Inspection fees.</p> <p>Establishes annual inspection fees and requires them to be paid by January 1 each year. The fee is \$500 when an owner manages a herd for profit, sells the opportunity to shoot animals in the herd, or the herd has more than one species, and \$250 for other herds.</p>
7	<p>Contested case hearing.</p> <p>Requires a person officially contesting the board's decision to revoke their farmed Cervidae registration to request a hearing within 30 days of revocation.</p>
8	<p>Mandatory registration.</p> <p>States that a person whose farmed Cervidae registration is revoked is ineligible for future registration unless the BAH determines the person has undertaken measures that make future escapes extremely unlikely.</p>
9	<p>Mandatory surveillance for chronic wasting disease; depopulation.</p> <p>Requires depopulation when chronic wasting disease (CWD) has been detected once the appraisal for the federal indemnification process has been completed or, when not applying, within a reasonable time determined by the BAH. Also requires the fencing to be maintained for five years after the detection and posted with biohazard signs.</p>

Section	Description – Article 3: Environment and Natural Resources
10	<p>Oversight.</p> <p>Allows certain legislative committees and divisions to meet quarterly to receive updates from MDA, the BAH, and the University of Minnesota on CWD and establishes an account where federal grants received for CWD must be deposited and appropriates the money to the commissioner of agriculture the purposes of the grant.</p>
11	<p>Paying grant-eligible expenditures.</p> <p>Allows the DNR to pay eligible grant program expenditures made on or after the effective date of an appropriation.</p>
12	<p>Permanent school fund authority; reporting.</p> <p>Modifies a provision requiring that the permanent school fund (PSF) be compensated by expanding the requirement so that it applies to all management practices, policies, and designations that prohibit or diminish long-term economic return. Also expands how the PSF may be compensated by referring to a new provision established later in the bill that allows for leasing options in addition to exchanges or acquisitions as allowed under current law.</p>
13	<p>Application.</p> <p>Clarifies what is meant by road for purposes of an exemption from certain endangered species protections. Under current law, plants on ditches and roadways are exempt from provisions prohibiting the taking of an endangered species. This section replaces “roadway” for purposes of the exemption with “an existing public road right-of way” unless the ground has not been previously disturbed by construction or maintenance, and defines “public road right-of-way” as “the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, that is not privately owned.”</p>
14	<p>Trade in prohibited animal parts prohibited.</p> <p>Subd. 1. Definitions. Defines “antique,” “prohibited animal part,” and “sell”/“sale” for purposes of the new prohibitions. A “prohibited animal part” includes a tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon, walrus, whale, or narwhal, and a horn or a piece of a horn from a rhinoceros.</p> <p>Subd. 2. Prohibition. Prohibits a person from purchasing or selling a prohibited animal part if the person knows or should know it is a prohibited animal part.</p> <p>Subd. 3. Exceptions. Provides an exception from the prohibition for sales/purchases that are (1) undertaken as part of law enforcement activities; (2) expressly authorized by law; (3) of an antique; (4) certain musical instruments; and (5) educational or scientific nonprofits. Also specifies that the prohibitions do</p>

Section **Description – Article 3: Environment and Natural Resources**

not apply to the possession of a cultural artifact that contains a prohibited animal part.

Subd. 4. Disposition of seized prohibited animal parts. States that prohibited animal parts are forfeited to the state upon conviction and must be destroyed or given to a nonprofit for an educational or scientific purpose.

Effective date. The section becomes effective January 1, 2020.

15 **Civil citation; authority to issue.**

Conforming change related to the removal of the ban on snorkel devices for all-terrain vehicles (ATVs) in section 22.

16 **Exemptions.**

Removes an exemption from off-highway motorcycle (OHM) registration requirements for OHMs used exclusively in organized track-racing events.

17 **Purposes.**

Allows money in the off-highway motorcycle account to be used for grants to local law enforcement agencies for enforcement and public education.

18 **Purposes for the account; allocation.**

Allows the DNR to establish a performance based funding formula for distributing snowmobile grants-in-aid. Provides an exception from the rulemaking process for the procedures and criteria.

19 **Required rules.**

Allows a snowmobile safety education and training instructor to collect a fee for the cost of a person's online training course in addition to the fee that may be charged for classroom materials and expenses.

20 **Training and certification programs established.**

Establishes a new voluntary ATV safety and training program for six- to nine-year-olds and their parents/guardians. Requires the parents/guardians to be present at the training. Allows the DNR to incorporate a riding component in the voluntary training program.

21 **Prohibitions on youthful operators.**

Increases the minimum age a person must be to take the existing ATV training and certification program from six to ten.

Section	Description – Article 3: Environment and Natural Resources
22	<p>Operation generally. Removes the ban on operating an ATV with a snorkel device.</p>
23	<p>No child left inside grant program.</p> <p>Subd. 1. Establishment. Requires the commissioner of natural resources to administer a program that provides grants for environmental, ecological, and other natural-resource based education and recreation programs for youth.</p> <p>Subd. 2. Eligibility. States that public entities and private nonprofit organizations are eligible for the program.</p> <p>Subd. 3. Priorities. Requires the commissioner to give priority to certain programs.</p>
24	<p>Bait harvest from infested waters. Reinstates a provision that expired that allows a person to harvest gizzard shad using a cast net in certain infested waters (certain areas of the Mississippi and St. Croix Rivers) and expands the provision to the Minnesota River downstream of Granite Falls.</p>
25	<p>Restrictions in infested and noninfested waters; commercial fishing and turtle, frog, and crayfish harvesting. Modifies tagging requirements that apply to commercial fishing equipment (nets, traps, etc.) used in infested waters by expanding the requirement to waters listed for aquatic plants or aquatic macrophytes, excluding Eurasian watermilfoil, and modifying provisions allowing the tags to be removed if the equipment has been decontaminated by adding certain requirements.</p>
26	<p>Gull Lake pilot study. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Gull Lake under a permit from the DNR.</p>
27	<p>Cross Lake pilot study. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Cross Lake in Crow Wing County under a permit from the DNR.</p>
28	<p>Receipts. Lowers a statutory annual transfer of \$750,000 from the water recreation account to the invasive species account to \$375,000.</p>

Section	Description – Article 3: Environment and Natural Resources
29	State Park Open House Days. Requires the DNR to designate four free state park days. Under current law, the DNR may designate one day.
30	Designation. Designates a portion of the St. Croix River Water Trail between Wild River State Park and William O'Brien State Park as the Walter F. Mondale Scenic River Way.
31	User fee; validity. Increases the fees for cross-country-ski passes (annual pass from \$19 to \$24, three-year pass from \$54 to \$69, and daily pass from \$5 to \$9).
32	Cross-country-ski trail grant-in-aid program. Allows the DNR to establish a performance based funding formula for distributing cross-country-ski trail grants-in-aid. Provides an exception from the rulemaking process for the procedures and criteria.
33	Special use permits; fees. Statutorily appropriates money deposited in the natural resources fund from certain special use permit fees to the DNR.
34	Watercraft surcharge. Increases the watercraft surcharge from \$5 to \$10.60.
35	Wildland firefighters; training and licensing. Exempts forest officers and wildland firefighters from certain training, education, and certification requirements applicable to firefighters generally.
36	Written consent. Requires a person harvesting/possessing more than 50 spruce or birch stems/branches to receive written consent from the owner of the land the materials were taken from.
37	Transportation requirements. Technical (related to the new decorative materials buyer license).
38	Decorative materials buyers. Establishes a decorative materials buyer's license required for those buying more than 100 pounds of decorative boughs, 50 spruce stems/branches, or 50 birch stems/branches. Sets the license fee at \$25. Currently those buying 100 pounds of

Section	Description – Article 3: Environment and Natural Resources
	decorative boughs must have a permit from the DNR. Renames the forest bough account as the special forest products account.
39	Special forest products. Establishes a definition of “special forest products” for purposes of the decorative materials buyer license provisions.
40	Special use and product permit. Technical (related to the new decorative materials buyer license).
41	Compensating permanent school fund. Requires that the permanent school fund (PSF) to be compensated when revenue generation of school trust lands are diminished by management practices or prohibited by policy or designations as determined by the commissioner. States that to compensate the land, the DNR may exchange the lands for other lands, lease/provide rental payments, or condemn the land with payment going to the fund. Under current law, the DNR may use condemnation or do exchanges. Establishes provisions applicable when the lands are leased.
42	Lease terms. Allows the DNR to lease DNR administered lands for purposes of compensating the PSF as provided under the previous section.
43	Eligibility and performance. Requires applicants and lease holders for mineral leases to meet state requirements for responsible vendors and subjects lease holders to suspension and debarment under existing state contract provisions.
44	Game fish. Modifies the definition of “game fish” to use the scientific names for the fish and adds burbot and cisco to the list of game fish which are removed from the definition of “rough fish” in the next section.
45	Rough fish. Removes burbot and cisco from the definition of rough fish.
46	Summary of fish and game laws. Removes a requirement that the DNR supply license vendors with one copy of the fishing, hunting, and trapping regulations for each person getting a license.

Section	Description – Article 3: Environment and Natural Resources
47	<p>Citizen oversight committees.</p> <p>Extends the DNR’s game and fish fund Fisheries Oversight Committee, Wildlife Oversight Committee, and the Budget Oversight Committee by five years, until June 30, 2025.</p>
48	<p>Deer, bear, and lifetime licenses.</p> <p>Increases the amount of money from the sale of resident and nonresident adult deer hunting licenses that is deposited in the deer management account from \$2 to \$16 and statutorily creates the account.</p>
49	<p>Owner responsibility; penalty amount.</p> <p>States that penalties for an owner of a dog who pursues big game do not apply to a person using a dog in compliance with the new provisions allowing leashed dogs to track big game established in section 62.</p>
50	<p>Application deadline.</p> <p>States that applications under the game and fish statutes must be postmarked or be received by 4:30 pm on the date they are due.</p>
51	<p>Discretionary separate selection; eligibility.</p> <p>Allows landowners/tenants of land eligible for a separate selection process for elk hunting licenses to sell the license to any state resident eligible to hunt elk. The license may not be sold for more than the original cost of the license. Removes the requirement that landowners allow public elk hunting on their land in order to be eligible for the separate selection process.</p>
52	<p>Mandatory separate selection.</p> <p>Requires the DNR to put the name of a person who is unsuccessful in a separate elk license drawing for those who have applied at least ten times without receiving one in the drawing for the remaining licenses.</p>
53	<p>Importing hunter-harvested Cervidae.</p> <p>Expands the ban on importing hunter-harvested Cervidae carcasses into Minnesota to all Cervidae. Under current law, the ban is from CWD endemic areas. The DNR has, by rule, been banning the practice statewide already.</p>
54	<p>Dogs pursuing big game.</p> <p>States that provisions allowing a person to kill a dog wounding, killing, or pursuing big game during certain times do not apply to a dog used in compliance with the new provisions allowing leashed dogs to track big game established in section 59.</p>

Section	Description – Article 3: Environment and Natural Resources
55	<p>Provisional certificate for persons with permanent physical or developmental disability. Allows a person with a permanent physical disability to receive a provisional firearms safety certificate when they are unable to pass the firearms safety certificate requirements (a similar provision exists for those with a developmental disability).</p>
56	<p>Exceptions. Provides exceptions from the ban on using artificial lights while hunting to allow a person to use a handheld artificial light: (1) while possessing a firearm when tracking a wounded or dead bear in compliance with the new leashed dog provisions; and (2) to track a wounded or dead deer in compliance with the new leashed dog provisions. Provides a definition of “handheld artificial light” for purposes of the provision as “an artificial light that is carried in the hand or attached to the person.”</p>
57	<p>Possessing night vision or thermal imaging equipment. Allows a person legally hunting coyote or fox to use night vision or thermal imaging equipment.</p>
58	<p>Hunting by persons with a permanent physical or developmental disability. Defines “permanent physical disability” for purposes of the expanded provisional firearms safety certificate option provided in section 55.</p>
59	<p>Equipment requirements. Removes the requirement that crossbows used for hunting have a stock at least 30 inches long.</p>
60	<p>Use of mechanical or electronic assistance to hold and discharge firearms or bows by a person with a physical disability. Allows a person to assist a person with a disability using mechanical/electronic assistance, including taking an animal wounded by the person with a disability if the person is physically incapable of doing so. Requires the person assisting to have a license to take the animal.</p>
61	<p>Using dogs and horses to take big game prohibited. Provides an exception from the ban on using a dog or horse to take big game for the new provision allowing the use of leashed dogs to track big game.</p>
62	<p>Using dogs to locate wounded deer or bear.</p> <p>Subd. 1. Using dogs allowed. Allows a person to use a dog to locate and retrieve a wounded deer or bear only as provided in this section.</p> <p>Subd. 2. Requirements for hunters and handlers. Requires hunters using a dog to track wounded deer or bear to have a valid hunting license to take the deer or</p>

Section **Description – Article 3: Environment and Natural Resources**

bear. If using a dog handler, the handler must have a license or be accompanied by a licensed hunter. Requires the hunter and any dog handler to be on foot and wear blaze orange or blaze pink and requires any light used to be a handheld artificial light as defined in section 55.

Subd. 3. Requirements for dogs. Requires dogs used under this section to be accompanied by the hunter and any handler until the bear or deer is located. The dog must be physically controlled and on a leash at all times and the leash must not exceed 30 feet. Requires the dog owner's information to be on the dog. States that the hunter and any handler are jointly responsible for the dog. States that violations of this subdivision are subject to the misdemeanor penalties and license revocations and restrictions applicable to those violating game and fish laws.

Subd. 4. Additional requirements. States that the state trespass laws apply including all requirements to gain permission to enter private or public property. Allows the use of dogs outside of the legal shooting hours or open season, but it must be reported to the local conservation officer.

63 **Baiting bear; use of drum.**

Allows a person to use a drum to bait bear on state land if they pay a \$5 drum charge and establishes requirements, including requiring the drum to be removed within seven days following the end of the season.

64 **Taking animals causing damage.**

Requires traps used to take certain animals causing damage to be tagged with the landowner's name and telephone number, or when placed by an agent of the landowner, the agent's information. Requires the removal or destruction of beaver dams to be done in compliance with new provisions established in the next section.

65 **Removing beaver dams; agreement by landowner.**

Allows a person to remove or destroy a beaver dam from the person's property unless the removal/destruction of the dam would change or diminish the historical water levels, course, current, or cross section of public waters, or when a public waters work permit is otherwise required. Prohibits a person from removing/destroying a beaver dam on public property or someone else's without permission. Allows a person to petition a district court for relief if they fail to get the property owner's permission.

66 **Government units.**

Allows any government unit to kill beaver causing damage and remove or destroy any associated beaver lodge or dams subject to existing permit requirements and the new provisions established in the previous section.

Section	Description – Article 3: Environment and Natural Resources
67	<p>Permits and notice; requirements.</p> <p>Modifies special permit and notification requirements for road authorities and government units when killing beaver to only require permits when taking a beaver two weeks before or after the trapping season for beaver. Allows the road authority, local government, or their agent to dispose of or retain the beaver unless otherwise directed by a conservation officer.</p>
68	<p>Beaver control programs.</p> <p>Conforming change needed due to the provision allowing all government units to kill beavers causing damage.</p>
69	<p>Tagging requirements for traps.</p> <p>Requires traps used as part of a beaver control program implemented by a government unit to be tagged with the name and telephone number of the government unit, and, if applicable, any third-party contractor’s information. The tags must be provided by the local government unit.</p>
70	<p>Possessing firearms; hunting turkey.</p> <p>Modifies the definition of legal firearm for purposes of turkey hunting to allow the use of smaller gauge shotguns, for example .410 shotguns.</p>
71	<p>Cast nets for gizzard shad.</p> <p>Reinstates a provision that expired allowing gizzard shad to be taken with cast nets under certain conditions and restricts the cast nets used to those five feet in radius or less and allows a person to use up to two cast nets.</p>
72	<p>General restrictions.</p> <p>Conforming change needed due to the provision designating cisco as a game fish rather than a rough fish.</p>
73	<p>Continuous season for certain species.</p> <p>Establishes a continuous season for yellow bass, burbot, and cisco now that they are designated as game fish.</p>
74	<p>Assignment.</p> <p>Restricts the DNR from allowing areas assigned to licensed commercial fishing operators from interfering with permits or contracts issued to governmental subdivisions for invasive species control. Under current law, the DNR assigns commercial fishing operators to an area and they are restricted to fishing that area.</p>

Section	Description – Article 3: Environment and Natural Resources
75	<p>Powers.</p> <p>Restricts the Lake Minnetonka Conservation District regulatory authority over commercial marinas to activities below the ordinary high-water mark of the lake.</p>
76	<p>Soil and water conservation districts.</p> <p>Subd. 1. Duties. Codifies the duties of soil and water conservation districts (SWCDs), including providing technical assistance in a number of situations, participating in certain activities in administering the Wetland Conservation Act, locally administer the reinvest in Minnesota (RIM) reserve program, participating in local water management planning, and coordinating and cooperating with local, state, and federal partners.</p> <p>Subd. 2. Services provided. Lists a number of services provided by SWCDs in carrying out the duties listed under the previous subdivision, including providing technical expertise, providing information and outreach, and administering projects and programs such as the RIM reserve program.</p>
77	<p>Compensation.</p> <p>Increases the cap on the daily compensation amount for watershed district managers from \$75 to \$125.</p>
78	<p>Legislative intent.</p> <p>Modifies the legislative intent of provisions governing the Mississippi Headwaters Board to authorize all zoning authorities (rather than counties as stated in current law) to implement the plan for the area.</p>
79	<p>Generally.</p> <p>States that all zoning authorities in addition to the counties are subject to the Mississippi Headwaters Board provisions.</p>
80	<p>Zoning authority.</p> <p>Defines “zoning authority” for purposes of provisions governing the Mississippi Headwaters Board as “counties, organized townships, local and special governmental units, joint powers boards, councils, commissions, boards, districts, and all state agencies and departments within the corridor” excluding statutory or home rule charter cities.</p>
81	<p>Responsibilities of other governmental units.</p> <p>States that the certification procedure required under the next section applies to all zoning authorities in the corridor.</p>
82	<p>Purpose.</p> <p>Subjects all zoning authorities to the Mississippi Headwaters Board certification requirements applicable to certain land use actions.</p>

Section	Description – Article 3: Environment and Natural Resources
83	Procedure for certification. Conforming changes related to the previous Mississippi Headwaters Board provisions.
84	Disapproval of actions. Conforming changes related to the previous Mississippi Headwaters Board provisions
85	Fees established. Requires wetland banking fees to be based on the actual cost to BWSR of implementing the activities that the fees are being charged for.
86	Conditions to affect public waters. Allows contractors and others to submit required landowner statements for work done in public waters electronically.
87	Form for compliance. Conforming change (related to the previous section).
88	Applications for groundwater appropriations; preliminary well-construction approval. Allows the DNR to provide preliminary well construction approval notices electronically.
89	Permit application and notification fees. Increases the permit application fee to construct or repair a dam subject to a dam safety inspection, work in public waters, or to divert waters for mining to at least \$300 but no more than \$3,000.
90	Hearing notice. Allows the DNR to send required water permit hearing notice summaries electronically to counties and other local governments.
91	Demand for hearing. Conforming change (related to the previous section).
92	Notice of permit order. Allows the DNR to submit electronic copies of public water work permit orders following a hearing to interested parties.
93	Temporary drawdown of public waters. Allows the DNR to send hearing notices for temporary drawdowns of public waters electronically to counties and other local governments.

Section	Description – Article 3: Environment and Natural Resources
94	<p>Invasive aquatic plant management permit.</p> <p>Allows notification of landowners regarding invasive aquatic plant management permit activities to be done electronically.</p>
95	<p>Agency authority; national pollutant discharge elimination system.</p> <p>Provides an exemption from national pollutant discharge and elimination system (NPDES) permit requirements for water transfers subject to intervening industrial, municipal, or commercial uses if pollutants are not introduced to the water.</p>
96	<p>Sugar beet storage.</p> <p>Prohibits the PCA from requiring a sugar beet company with a current national pollutant discharge elimination system (NPDES) permit to install sedimentation pond liners at remote storage sites for sugar beets unless a risk assessment confirms there is significant impact on groundwater and the liner is necessary to protect water from pollution.</p>
97	<p>External peer review of water quality standards.</p> <p>Amends peer review requirements for water quality standards to require that new and revised numeric water quality standards be supported by a technical support document providing the scientific basis for the standard and that it has undergone external, scientific peer review. The requirement would not apply when the water quality standard is not changed from a United States Environmental Protection Agency (EPA) criterion that has been through peer review. Requires the technical support document to be released for public comment and external peer review before finalization and details the process and purpose of the review.</p>
98	<p>Application requirements.</p> <p>Modifies application requirements for PCA’s financial assistance program for solid waste projects to include analysis of whether the proposed facility displaces capacity of existing facilities and how it conforms with existing statutes encouraging private ownership of solid waste facilities.</p>
99	<p>Natural resources damages account.</p> <p>Statutorily creates the natural resources damages account used by the PCA and DNR for purposes of tracking money received from certain natural resource damages related settlements and other actions. Requires the DNR to submit work plans to the commissioner of management and budget on how the funds are spent (similar to current practice). Requires the DNR to report to the legislature by November 1 each year on the expenditures from the account.</p>

Section	Description – Article 3: Environment and Natural Resources
100	Creation. Technical change (related to the establishment of the natural resources damages account).
101	Revenues. Technical change (related to the establishment of the natural resources damages account).
102	Natural resources damages account. Adds the natural resources damages account to the list of accounts in the remediation fund.
103	Eligible borrower. Modifies the eligibility requirements of the small business environmental-improvement loan program by increasing the total number of full-time equivalent (FTE) employees a borrower may have to less than 100 FTE employees (the current requirement is less than 50 FTE employees) and eliminating the \$1,000,000 cap on a borrower's net worth.
104	Loan conditions. Modifies the interest rate used for the small business environmental-improvement loan program to require the rate to be at or below one-half the level of the prime interest rate, not to exceed five percent. Current law requires that the rate be the greater of four percent or one-half the prime rate. The maximum loan amount is also increased from \$50,000 to \$75,000.
105	When prepared. Allows a responsible government unit to extend the public comment period for an environmental assessment worksheet (EAW) by 30 days, and requires the approval of the project proposer for extensions beyond that.
106	Gifts, grants, and endowments; account. Establishes the outdoor recreation promotion account for deposits of money received by Explore Minnesota Tourism for outdoor recreation promotion activities.
107	Appointment. Requires the DNR to provide human resources, payroll, accounting, and other administrative services to the school trust lands director.

Section	Description – Article 3: Environment and Natural Resources
108	<p>Rules; silica sand.</p> <p>Removes a provision passed in 2013 that required the DNR to adopt rules governing the reclamation of silica sand mines and instead requires the DNR to publish a model ordinance in the State Register.</p>
109	<p>Applying storm water rules to townships.</p> <p>Exempts a township with a population under 5,000 from having to implement Municipal Separate Storm Sewer System (MS4) permit requirements across the entire township until the PCA amends storm water rules. The requirements would still apply to the portions of the township that are urbanized areas as defined by the most recent decennial census.</p>
110	<p>Wetland replacement; frameworks for in-lieu fee program.</p> <p>Allows BWSR to complete planning frameworks and other application requirements for federal approval of an in-lieu fee program for wetland replacement.</p>
111	<p>Hill-Annex Mine State Park; management and operation.</p> <p>Requires the DNR to operate the Hill-Annex State Park through June 30, 2021, and work with stakeholders to review park activities and alternative operation models and submit a report to the legislature with recommendations. Requires the DNR to work with local governments to identify and coordinate volunteer opportunities to supplement park operations.</p>
112	<p>Aggregate reclamation guidance.</p> <p>Requires the DNR to update the department’s aggregate reclamation handbook.</p>
113	<p>Basic angling curriculum.</p> <p>Requires the DNR to develop a basic angling curriculum and make the curriculum available to nonprofit organizations operating fishing leagues for high schools without a cost.</p>
114	<p>Metropolitan landfill contingency action trust account; report.</p> <p>Requires the PCA to submit a report to the legislature on the long-term health of the metropolitan landfill contingency action trust account by February 1, 2020.</p>
115	<p>Stamp design; rule amendment.</p> <p>Requires the commissioner of natural resources to amend DNR rules to allow stamp design contest entries to be created using nonphotographic digital media and require a person entering a stamp design contest to list all media used in creating the entry. Allows the commissioner to use the good cause exemption from the state’s rulemaking procedure to amend the rules.</p>

Section	Description – Article 3: Environment and Natural Resources
116	Financial assurance analysis for waste tire facilities. Requires the PCA to conduct an analysis of the levels of financial assurance required for waste tire facilities and submit a report to the legislature by February 1, 2020.
117	Naming of state park facilities after Walter F. Mondale. Names the visitor center at St. Croix State Park, a scenic overlook and trail at Interstate State Park, the River Trail at Wild River State Park, and a day use area at William O’Brien State Park after Walter F. Mondale.
118	Revisor instruction. Requires the revisor to replace a statute being repealed in the next section related to PSF compensation with a new one established in the bill.
119	Repealer. Repeals section 92.121 (related to compensating the PSF which is replaced with a new provision in the bill).

Article 4: State Lands

This article contains a number of provisions being recommended by the DNR that pertain to the administration of state lands. The article also includes provisions providing additional authorities to St. Louis County in managing its tax-forfeited land, a provision allowing the commissioner of transportation to convey land to a private party in Stearns County originally, and a provision allowing Itasca County to sell by private sale certain tax-forfeited property.

Section	Description – Article 4: State Lands
1	Establishing boundary lines relating to certain state land holdings. Requires the DNR to publish a notice of conveyance of state lands to resolve boundary line issues in the State Register at least 30 days before the conveyance. Current law requires the notice to be made between 15 and 30 days before the conveyance.
2	Land valuation required. Requires the DNR to have certain state lands offered for sale appraised prior to offering them if their estimated market value exceeds \$100,000. Current law requires this when the estimated market value exceeds \$50,000.

Section	Description – Article 4: State Lands
3	<p>Notice to agencies; determination of surplus.</p> <p>Modifies a requirement that the DNR send written notice of surplus lands to all state departments, agencies, and the University of Minnesota by requiring the notice be sent only to certain agencies and other departments/agencies that request to be notified and expanding the requirement to include Minnesota State Colleges and Universities and the Indian Affairs Council.</p>
4	<p>Surveys, appraisals, and sale.</p> <p>Requires the DNR to have surplus state lands offered for sale appraised prior to offering them if their estimated market value exceeds \$100,000. Current law requires this when the estimated market value exceeds \$50,000. Requires the DNR to notify a federally recognized Indian tribe that they have the option to purchase surplus state lands within the boundary of the tribe’s reservation before offering the lands to local governments or offering them through a public sale. The tribe must submit an offer to the DNR within two weeks of receiving the notice and must purchase the lands within two years of an offer being accepted.</p>
5	<p>Sale; method; requirements; effects.</p> <p>Allows certain tax-forfeited land sales in St. Louis and Koochiching Counties to be conducted at designated facilities within the county and not just county-owned facilities as required under current law.</p>
6	<p>Method of sale.</p> <p>Amends a law from 2012 that allowed St. Louis County to sell certain tax-forfeited lakeshore property to those leasing the lands, or, if the leaseholder did not purchase the land, to another party under certain conditions. One of the conditions was that the other party would need to pay the leaseholder the appraised value of any improvements made to the land. This section would allow the leaseholder and other party to negotiate the value.</p>
7	<p>Sunset.</p> <p>Provides an additional three years for the tax-forfeited lakeshore property sales described in the previous section to occur.</p>
8	<p>Addition to state park.</p> <p>Adds land to the statutory boundaries of Glendalough State Park.</p>
9	<p>Deletion from state park.</p> <p>Removes land from the statutory boundaries of St. Croix State Park.</p>
10 to 12	<p>Private/public sales of surplus state land bordering public water.</p> <p>Allows the DNR to sell certain state lands bordering public water in Carlton, Cass, and Hubbard Counties.</p>

Section	Description – Article 4: State Lands
13	Private sale of tax-forfeited land; Itasca County. Allows Itasca County to sell by private sale certain tax-forfeited land to be used for a broadcast tower, transmitter, and transmission building.
14 and 15	Public sales of surplus state land bordering public water. Allows the DNR to sell certain state lands bordering public water in Kanabec and Otter Tail Counties.
16	Lease; tax-forfeited land; St. Louis County. Allows St. Louis County to lease certain property for more than \$12,000 per year.
17	Access to timber on tax-forfeited land; St. Louis County. Allows St. Louis County to operate vehicles used for timber harvesting and other related equipment on rustic roads on certain tax-forfeited lands for the purpose of sustainable forest management. Requires the rustic roads to be immediately repaired if damaged and maintained at their preharvest condition. Rustic roads may be designated by road authorities and are defined in statute as “a road that is not on the state-aid system that has the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.”
18	Private sale of tax-forfeited lands; St. Louis County. Allows St. Louis County to sell, through a private sale, certain tax-forfeited property.
19	Conveyance of state land; Stearns County. Allows the commissioner of transportation to convey state land located in Stearns County.
20 and 21	Private/public sales of surplus state land bordering public water. Allows the DNR to sell certain state lands bordering public water in Wabasha, and Yellow Medicine Counties.

Article 5: Clean Water Legacy Act Modifications

This article updates and modifies the state’s Clean Water Legacy Act and related provisions. The Clean Water Legacy Act was originally passed in 2006 and established a framework for assessing and improving the state’s waters as required under the federal Clean Water Act.

Section	Description – Article 5: Clean Water Legacy Act Modifications
1	<p>Financial assistance.</p> <p>Expands the types of financial assistance the Board of Water and Soil Resource (BWSR) can provide by allowing watershed-based, program-based, or other financial assistance in addition to performance-based as provided under current law. Allows the board to establish local match requirements and enter into certain intergovernmental agreements.</p>
2	<p>Performance-based criteria.</p> <p>Allows BWSR to develop and use eligibility criteria to award base amounts of state funding to local governments.</p>
3	<p>Program purposes.</p> <p>Technical.</p>
4	<p>Plan content.</p> <p>Adds drinking water source restoration, protection, and preservation to the list of items to be included in a comprehensive local watershed management plan.</p>
5	<p>Timelines; administration.</p> <p>Restricts BWSR from amending its transition plan for watershed-based planning to no more than once every two years.</p>
6	<p>Comprehensive local water management plan.</p> <p>Defines “comprehensive local water management plan” for purposes of the Clean Water Legacy Act.</p>
7	<p>Comprehensive watershed management plan.</p> <p>Defines “comprehensive watershed management plan” for purposes of the Clean Water Legacy Act.</p>
8	<p>Restoration.</p> <p>Modifies the definition of “restoration” for purposes of the Clean Water Legacy Act.</p>
9	<p>TMDL implementation plan.</p> <p>Modifies the definition of "TMDL implementation plan" to allow certain plans or strategies, including comprehensive watershed management plans and watershed restoration and protection strategies (WRAPS), to serve as the implementation plan for a TMDL when the Pollution Control Agency (PCA) determines the plan or strategy is sufficient.</p>

Section	Description – Article 5: Clean Water Legacy Act Modifications
10	<p>Watershed restoration and protection strategy or WRAPS.</p> <p>Modifies the definition of “watershed restoration and protection strategy” or “WRAPS” to allow the strategy to apply to a more flexible area and narrows the definition to include only strategies, not strategies and actions as stated under current law.</p>
11	<p>Goals for implementation.</p> <p>Modifies the Clean Water Legacy Act goals.</p>
12	<p>Implementation policies.</p> <p>Modifies the Clean Water Legacy Act implementation policies.</p>
13	<p>Priorities for scheduling and preparing WRAPS and TMDLs.</p> <p>Requires the PCA to seek recommendations from the Clean Water Council (CWC), DNR, Department of Health (MDH), Department of Agriculture (MDA), and BWSR regarding priorities for scheduling and preparing TMDLs and WRAPSs, and adds surface water and groundwater interactions and other items to the list of considerations that must be made when setting priorities.</p>
14	<p>Priorities for funding protection actions.</p> <p>Expands the types of waters the CWC may provide recommendations for funding for to include waters that have an approved TMDL.</p>
15	<p>Alternatives; TMDL, TMDL implementation plan, or WRAPS.</p> <p>Allows the PCA to submit a comprehensive watershed management plan or comprehensive local water management plan as an alternative to a TMDL in certain circumstances. States that a TMDL implementation plan or WRAPS is not needed if the PCA determines that a comprehensive watershed management plan, comprehensive local water management plan, or statewide/regional plan published by the agency is sufficient and allows the PCA to request BWSR to evaluate the implementation of these plans and to revoke or amend a determination after the evaluation is conducted.</p>
16	<p>Coordinating municipal and local water quality activities.</p> <p>States that certain projects, practices, and programs for water quality improvement or protection may be considered as contributing to the requirements of a storm water pollution prevention program for purposes of municipal separate storm sewer system (MS4) permits unless already documented as contributing. Allows the commissioner of health to determine that a comprehensive watershed management plan or comprehensive local watershed management plan is sufficient to meet wellhead protection plan requirements.</p>

Section	Description – Article 5: Clean Water Legacy Act Modifications
17	<p>Watershed restoration and protection strategies.</p> <p>Updates WRAPS requirements, including requiring the PCA, in consultation with BWSR, to coordinate the schedule, budget, scope, and use of WRAPS, and requiring completion of WRAPS for the state’s major watersheds by June 30, 2023, unless a comprehensive watershed management plan or comprehensive local water management plan is determined to be sufficient.</p>
18	<p>Public and stakeholder participation.</p> <p>Requires public agencies and private entities implementing restoration and protection activities identified in comprehensive watershed management plans or comprehensive local water management plans to make efforts to inform, consult, and involve the public and requires the PCA and BWSR to coordinate public and stakeholder participation.</p>
19	<p>Education.</p> <p>Expands the requirement of the CWC to develop education and engagement strategies to strategies regarding the entire Clean Water Legacy Act.</p>
20	<p>Nonpoint funding alternative.</p> <p>Allows BWSR to establish alternative timelines or content for the priority funding plan for nonpoint sources and use the information from comprehensive watershed management plans or comprehensive local water management plans to estimate and summarize costs.</p>



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155