

This Document can be made available
in alternative formats upon request

HOUSE FILE NO. 1651

SECOND COMMITTEE ENGROSSMENT

March 5, 2007

Authored by Wagenius, Hansen, Bly, Scalze and Slocum
The bill was read for the first time and referred to the Committee on Finance

Referred by Chair to Environment and Natural Resources Finance Division
March 29, 2007

Returned to the Committee on Finance as Amended

A bill for an act

1.1 relating to natural resources; appropriating money for environment and natural
1.2 resources; modifying disposition of certain revenue; authorizing certain
1.3 sales; modifying and creating certain accounts; modifying and establishing
1.4 certain fees and surcharges; establishing an off-highway vehicle safety and
1.5 conservation program; defining certain terms; providing for venison donation;
1.6 providing for prairie establishment guidance; creating the Cuyuna Country
1.7 State Recreation Area Citizens Advisory Council; modifying aquatic farm
1.8 license provisions; restricting certain off-road vehicle trails; modifying state
1.9 park permit requirements; modifying timber sale provisions; exempting certain
1.10 exchanged land from the tax-forfeited land assurance fee; authorizing certain
1.11 leases of tax-forfeited lands; modifying definition of public official; modifying
1.12 agency service requirements; creating a grant program; designating a state
1.13 wildlife management area; improving oversight of local government water
1.14 management; modifying authority of watershed district board of managers
1.15 and soil and water conservation board of supervisors; modifying provisions
1.16 for wetland conservation; modifying requirements for ditch buffers; modifying
1.17 provisions for individual sewage treatment systems; providing for civil
1.18 enforcement; modifying provisions for regulating genetically engineered
1.19 organisms; establishing requirements for acquisition of easements; modifying
1.20 access to certain wetlands; modifying percentage of gasoline use attributable
1.21 to all-terrain vehicles; modifying trail designation requirements; eliminating
1.22 sunset of sustainable forest resources provisions; authorizing rulemaking;
1.23 requiring reports and studies; amending Minnesota Statutes 2006, sections
1.24 10A.01, subdivision 35; 15.99, subdivision 3; 16A.531, subdivision 1a; 17.4984,
1.25 subdivision 1; 84.025, subdivision 9; 84.026, subdivision 1; 84.0272, by adding
1.26 a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.927, subdivision 2; 84.963;
1.27 84D.02, by adding a subdivision; 84D.13, subdivision 7; 85.054, subdivision
1.28 12, by adding a subdivision; 86B.706, subdivision 2; 89.22, subdivision 2;
1.29 90.161, by adding a subdivision; 93.22, subdivision 1; 97A.055, subdivision 4;
1.30 97A.065, by adding a subdivision; 97A.133, by adding a subdivision; 97A.475,
1.31 subdivision 7, by adding a subdivision; 97A.485, subdivision 7; 97C.081,
1.32 subdivision 3; 103B.101, by adding a subdivision; 103C.321, by adding a
1.33 subdivision; 103D.325, by adding a subdivision; 103E.021, subdivisions 1, 2,
1.34 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1;
1.35 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728,
1.36 subdivision 2; 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3,
1.37 6, 9, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2;
1.38 103G.235; 103G.301, subdivision 2; 115.55, subdivisions 1, 2, 3, by adding a
1.39

2.1 subdivision; 116C.92; 116C.94, subdivision 1; 116C.97, subdivision 2; 282.04,
 2.2 subdivision 1; 296A.18, subdivision 4; Laws 2003, chapter 128, article 1, section
 2.3 169; Laws 2006, chapter 236, article 1, section 21; proposing coding for new law
 2.4 in Minnesota Statutes, chapters 17; 84; 84D; 85; 89; 97B; 103B; 103E; repealing
 2.5 Minnesota Statutes 2006, sections 89A.11; 103G.2241, subdivision 8.

2.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.7 **ARTICLE 1**

2.8 **ENVIRONMENT AND NATURAL RESOURCES**

2.9 **APPROPRIATIONS**

2.10 Section 1. **SUMMARY OF APPROPRIATIONS.**

2.11 The amounts shown in this section summarize direct appropriations, by fund, made
 2.12 in this article.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
2.13 <u>General</u>	\$ 134,588,000	\$ 137,139,000	\$ 271,727,000
2.14 <u>State Government Special</u>			
2.15 <u>Revenue</u>	48,000	48,000	96,000
2.16 <u>Environmental</u>	61,425,000	61,622,000	123,047,000
2.17 <u>Natural Resources</u>	79,811,000	80,820,000	160,631,000
2.18 <u>Game and Fish</u>	90,073,000	92,032,000	182,105,000
2.19 <u>Remediation</u>	11,666,000	11,186,000	22,852,000
2.20 <u>Permanent School</u>	200,000	200,000	400,000
2.21 <u>Total</u>	\$ 377,811,000	\$ 383,047,000	\$ 760,858,000

2.22

2.23 Sec. 2. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.24 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.25 agencies and for the purposes specified in this article. The appropriations are from the
 2.26 general fund, or another named fund, and are available for the fiscal years indicated
 2.27 for each purpose. The figures "2008" and "2009" used in this article mean that the
 2.28 appropriations listed under them are available for the fiscal year ending June 30, 2008, or
 2.29 June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal
 2.30 year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal
 2.31 year ending June 30, 2007, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2008</u>	<u>2009</u>

2.32

2.33

2.34

2.35

2.36 Sec. 3. **POLLUTION CONTROL AGENCY**

2.37 <u>Subdivision 1. Total Appropriation</u>	\$ 100,271,000	\$ 99,989,000
---	-----------------------	----------------------

3.1	<u>Appropriations by Fund</u>	
3.2	<u>2008</u>	<u>2009</u>
3.3	<u>General</u>	<u>27,232,000</u> <u>27,233,000</u>
3.4	<u>State Government</u>	
3.5	<u>Special Revenue</u>	<u>48,000</u> <u>48,000</u>
3.6	<u>Environmental</u>	<u>61,425,000</u> <u>61,622,000</u>
3.7	<u>Remediation</u>	<u>11,566,000</u> <u>11,086,000</u>

3.8 The amounts that may be spent for each
 3.9 purpose are specified in the following
 3.10 subdivisions.

3.11	<u>Subd. 2. Water</u>	<u>42,928,000</u>	<u>42,248,000</u>
------	-----------------------	-------------------	-------------------

3.12	<u>Appropriations by Fund</u>	
3.13	<u>General</u>	<u>23,326,000</u> <u>23,266,000</u>
3.14	<u>State Government</u>	
3.15	<u>Special Revenue</u>	<u>48,000</u> <u>48,000</u>
3.16	<u>Remediation</u>	<u>550,000</u> <u>-0-</u>
3.17	<u>Environmental</u>	<u>19,004,000</u> <u>18,934,000</u>

3.18 \$2,348,000 the first year and \$2,348,000
 3.19 the second year are for the clean water
 3.20 partnership program. Any balance remaining
 3.21 in the first year does not cancel and
 3.22 is available for the second year. This
 3.23 appropriation may be used for grants to
 3.24 local units of government for the purpose
 3.25 of restoring impaired waters listed under
 3.26 section 303(d) of the federal Clean Water
 3.27 Act in accordance with adopted total
 3.28 maximum daily loads (TMDL's), including
 3.29 implementation of approved clean water
 3.30 partnership diagnostic study work plans that
 3.31 will assist in restoration of such impaired
 3.32 waters.

3.33 \$2,324,000 the first year and \$2,324,000
 3.34 the second year are for grants to delegated
 3.35 counties to administer the county feedlot
 3.36 program. The commissioner, in consultation
 3.37 with the Minnesota Association of County

4.1 Feedlot Officers executive team, may use up
4.2 to five percent of the annual appropriation
4.3 for initiatives to enhance existing delegated
4.4 county feedlot programs, information and
4.5 education, or technical assistance to reduce
4.6 feedlot-related pollution hazards. Any
4.7 unexpended balance in the first year does not
4.8 cancel but is available in the second year.

4.9 \$335,000 the first year and \$335,000 the
4.10 second year are for community technical
4.11 assistance and education, including grants
4.12 and technical assistance to communities for
4.13 local and basinwide water quality protection.

4.14 \$405,000 the first year and \$405,000 the
4.15 second year are for individual sewage
4.16 treatment system (ISTS) administration and
4.17 grants. Of this amount, \$86,000 each year
4.18 is for assistance to counties through grants
4.19 for ISTS program administration. Any
4.20 unexpended balance in the first year does not
4.21 cancel but is available in the second year.

4.22 \$480,000 the first year and \$480,000 the
4.23 second year are from the environmental
4.24 fund to address the need for continued
4.25 increased activity in the areas of new
4.26 technology review, technical assistance
4.27 for local governments, and enforcement
4.28 under Minnesota Statutes, sections 115.55
4.29 to 115.58, and to complete the requirements
4.30 of Laws 2003, chapter 128, article 1, section
4.31 165. Of this amount, \$48,000 each year is for
4.32 administration of individual septic tank fees.

4.33 \$375,000 the first year and \$375,000 the
4.34 second year are to monitor and analyze
4.35 endocrine disruptors in surface waters in at

5.1 least 20 additional sites. The data must be
5.2 placed on the agency's Web site.

5.3 \$15,317,000 the first year and \$15,317,000
5.4 the second year are to implement the
5.5 requirements of Minnesota Statutes, chapter
5.6 114D. Of this amount, \$6,317,000 each
5.7 year is for completion of ten percent of the
5.8 needed statewide assessments of surface
5.9 water quality and trends and \$9,000,000
5.10 each year is to develop TMDL's and TMDL
5.11 implementation plans for waters listed on
5.12 the United States Environmental Protection
5.13 Agency approved impaired waters list. The
5.14 agency shall complete an average of ten
5.15 percent of the TMDL's each year over the
5.16 next ten years.

5.17 \$690,000 the first year and \$690,000 the
5.18 second year are from the environmental fund
5.19 to provide regulatory services to the ethanol,
5.20 mining, and other developing economic
5.21 sectors. This is a onetime appropriation.

5.22 \$88,000 the first year is for the endocrine
5.23 disruptors report required to be completed
5.24 under article 2.

5.25 \$550,000 is appropriated in fiscal year
5.26 2008 from the remediation fund to the
5.27 commissioner of the Pollution Control
5.28 Agency for transfer to the commissioner
5.29 of health to conduct an evaluation of point
5.30 of use water treatment units at removing
5.31 perfluorooctanoic acid, perfluorooctane
5.32 sulfonate, and perfluorobutanoic acid from
5.33 known concentrations of these compounds
5.34 in drinking water. The evaluation shall be
5.35 completed by December 31, 2007, and the

6.1 commissioner of health may contract for
6.2 services to complete the evaluation.

6.3 By January 15, 2008, the commissioner shall
6.4 amend agency rules and, where legislative
6.5 action is necessary, provide recommendations
6.6 to the house of representatives and senate
6.7 divisions on environmental finance on
6.8 water and air fee changes that will result in
6.9 revenue to the environmental fund to pay for
6.10 regulatory services to the ethanol, mining,
6.11 and other developing economic sectors.

6.12 Notwithstanding Minnesota Statutes, section
6.13 16A.28, the appropriations encumbered
6.14 under contract on or before June 30, 2009,
6.15 for clean water partnership, individual
6.16 sewage treatment systems (ISTS), Minnesota
6.17 River, total maximum daily loads (TMDL's),
6.18 stormwater contracts or grants, and local and
6.19 basinwide water quality protection contracts
6.20 or grants in this subdivision are available
6.21 until June 30, 2011.

6.22 Subd. 3. Air 10,623,000 10,890,000

6.23 Appropriations by Fund
6.24 Environmental 10,623,000 10,890,000

6.25 Up to \$150,000 the first year and \$150,000
6.26 the second year may be transferred from the
6.27 environmental fund to the small business
6.28 environmental improvement loan account
6.29 established in Minnesota Statutes, section
6.30 116.993.
6.31 \$200,000 the first year and \$200,000 the
6.32 second year are from the environmental fund
6.33 for a monitoring program under Minnesota
6.34 Statutes, section 116.454.

7.1 \$125,000 the first year and \$125,000 the
 7.2 second year are from the environmental fund
 7.3 for monitoring ambient air for hazardous
 7.4 pollutants in the metropolitan area.

7.5 \$760,000 the first year and \$760,000 the
 7.6 second year are from the environmental fund
 7.7 to provide regulatory services to the ethanol,
 7.8 mining, and other developing economic
 7.9 sectors. This is a onetime appropriation.

7.10 Subd. 4. Land 18,081,000 18,151,000

7.11	<u>Appropriations by Fund</u>		
7.12	<u>Environmental</u>	<u>7,065,000</u>	<u>7,065,000</u>
7.13	<u>Remediation</u>	<u>11,016,000</u>	<u>11,086,000</u>

7.14 All money for environmental response,
 7.15 compensation, and compliance in the
 7.16 remediation fund not otherwise appropriated
 7.17 is appropriated to the commissioners of the
 7.18 Pollution Control Agency and agriculture
 7.19 for purposes of Minnesota Statutes, section
 7.20 115B.20, subdivision 2, clauses (1), (2),
 7.21 (3), (6), and (7). At the beginning of each
 7.22 fiscal year, the two commissioners shall
 7.23 jointly submit an annual spending plan
 7.24 to the commissioner of finance and the
 7.25 house and senate chairs of environment and
 7.26 natural resources finance that maximizes the
 7.27 utilization of resources and appropriately
 7.28 allocates the money between the two
 7.29 departments. This appropriation is available
 7.30 until June 30, 2009.

7.31 \$3,616,000 the first year and \$3,616,000
 7.32 the second year are transferred from the
 7.33 petroleum tank fund to the remediation fund
 7.34 for appropriation to the commissioner for

8.1 purposes of the leaking underground storage
 8.2 tank program to protect the land.
 8.3 \$252,000 the first year and \$252,000 the
 8.4 second year are from the remediation fund to
 8.5 be transferred to the Department of Health
 8.6 for health assessments, drinking water
 8.7 advisories, and public information activities
 8.8 for areas contaminated by hazardous releases.

8.9 Subd. 5. **Multimedia** 4,879,000 4,911,000

8.10	<u>Appropriations by Fund</u>		
8.11	<u>General</u>	<u>2,288,000</u>	<u>2,320,000</u>
8.12	<u>Environmental</u>	<u>2,591,000</u>	<u>2,591,000</u>

8.13 \$550,000 the first year and \$550,000 the
 8.14 second year are from the environmental fund
 8.15 to provide regulatory services to the ethanol,
 8.16 mining, and other developing economic
 8.17 sectors. This is a onetime appropriation.

8.18 Notwithstanding Minnesota Statutes, section
 8.19 16A.28, the appropriations encumbered
 8.20 under contract on or before June 30, 2009, for
 8.21 total maximum daily load (TMDL) contracts
 8.22 or grants are available until June 30, 2011.

8.23 Subd. 6. **Environmental Assistance** 22,142,000 22,142,000

8.24 \$14,000,000 each year is from the
 8.25 environmental fund for SCORE block grants
 8.26 to counties.

8.27 Any unencumbered grant and loan balances
 8.28 in the first year do not cancel but are available
 8.29 for grants and loans in the second year.

8.30 All money deposited in the environmental
 8.31 fund for the metropolitan solid waste landfill
 8.32 fee under Minnesota Statutes, section
 8.33 473.843, and not otherwise appropriated, is

9.1 appropriated to the agency for the purposes
9.2 of Minnesota Statutes, section 473.844.
9.3 \$119,000 the first year and \$119,000 the
9.4 second year are from the environmental
9.5 fund for environmental assistance grants
9.6 or loans under Minnesota Statutes, section
9.7 115A.0716.
9.8 \$1,200,000 the first year and \$1,200,000 the
9.9 second year are from the environmental fund
9.10 to retrofit school buses statewide, including
9.11 buses for preschool children, and for loans to
9.12 small trucking firms to install equipment to
9.13 reduce fuel consumption. This is a onetime
9.14 appropriation.

9.15 Notwithstanding Minnesota Statutes, section
9.16 16A.28, the appropriations encumbered
9.17 under contract on or before June 30,
9.18 2009, for environmental assistance grants
9.19 awarded under Minnesota Statutes, section
9.20 115A.0716, and for technical and research
9.21 assistance under Minnesota Statutes,
9.22 section 115A.152, technical assistance
9.23 under Minnesota Statutes, section 115A.52,
9.24 and pollution prevention assistance under
9.25 Minnesota Statutes, section 115D.04, are
9.26 available until June 30, 2011.

9.27 Subd. 7. **Administrative Support** 1,618,000 1,647,000

9.28 The commissioner may transfer money from
9.29 the environmental fund to the remediation
9.30 fund as necessary for the purposes of the
9.31 remediation fund under Minnesota Statutes,
9.32 section 116.155, subdivision 2.

9.33 Sec. 4. **NATURAL RESOURCES**

9.34 Subdivision 1. **Total Appropriation** \$ 245,711,000 \$ 250,870,000

10.1	<u>Appropriations by Fund</u>	
10.2	<u>2008</u>	<u>2009</u>
10.3	<u>General</u>	<u>80,587,000</u>
10.4	<u>Natural Resources</u>	<u>74,751,000</u>
10.5	<u>Game and Fish</u>	<u>90,073,000</u>
10.6	<u>Remediation</u>	<u>100,000</u>
10.7	<u>Permanent School</u>	<u>200,000</u>

10.8 The amounts that may be spent for each
 10.9 purpose are specified in the following
 10.10 subdivisions.

10.11	<u>Subd. 2. Land and Mineral Resources</u>		
10.12	<u>Management</u>	<u>11,461,000</u>	<u>11,448,000</u>

10.13	<u>Appropriations by Fund</u>	
10.14	<u>General</u>	<u>6,347,000</u>
10.15	<u>Natural Resources</u>	<u>3,551,000</u>
10.16	<u>Game and Fish</u>	<u>1,363,000</u>
10.17	<u>Permanent School</u>	<u>200,000</u>

10.18 \$475,000 the first year and \$475,000 the
 10.19 second year are for iron ore cooperative
 10.20 research. Of this amount, \$200,000 each year
 10.21 is from the minerals management account in
 10.22 the natural resources fund and \$275,000 each
 10.23 year is from the general fund. \$237,500 the
 10.24 first year and \$237,500 the second year are
 10.25 available only as matched by \$1 of nonstate
 10.26 money for each \$1 of state money. The
 10.27 match may be cash or in-kind.

10.28 \$86,000 the first year and \$86,000 the
 10.29 second year are for minerals cooperative
 10.30 environmental research, of which \$43,000
 10.31 the first year and \$43,000 the second year are
 10.32 available only as matched by \$1 of nonstate
 10.33 money for each \$1 of state money. The
 10.34 match may be cash or in-kind.

10.35 \$2,800,000 the first year and \$2,696,000
 10.36 the second year are from the minerals

- 11.1 management account in the natural resources
- 11.2 fund for use as provided in Minnesota
- 11.3 Statutes, section 93.2236, paragraph (c).
- 11.4 \$200,000 the first year and \$200,000 the
- 11.5 second year are from the state forest suspense
- 11.6 account in the permanent school fund to
- 11.7 accelerate land exchanges, land sales, and
- 11.8 commercial leasing of school trust lands and
- 11.9 to identify, evaluate, and lease construction
- 11.10 aggregate located on school trust lands. This
- 11.11 appropriation is to be used for securing
- 11.12 maximum long-term economic return
- 11.13 from the school trust lands consistent with
- 11.14 fiduciary responsibilities and sound natural
- 11.15 resources conservation and management
- 11.16 principles.
- 11.17 \$15,000 the first year is for a report
- 11.18 by February 1, 2008, to the house and
- 11.19 senate committees with jurisdiction over
- 11.20 environment and natural resources on
- 11.21 proposed minimum legal and conservation
- 11.22 standards that could be applied to
- 11.23 conservation easements acquired with public
- 11.24 money.
- 11.25 \$701,000 the first year and \$701,000 the
- 11.26 second year are to support the land records
- 11.27 management system. Of this amount,
- 11.28 \$326,000 the first year and \$326,000 the
- 11.29 second year are from the game and fish fund
- 11.30 and \$375,000 the first year and \$375,000 the
- 11.31 second year are from the natural resources
- 11.32 fund.
- 11.33 Subd. 3. **Water Resources Management** 12,931,000 13,116,000

12.1	<u>Appropriations by Fund</u>		
12.2	<u>General</u>	<u>12,651,000</u>	<u>12,836,000</u>
12.3	<u>Natural Resources</u>	<u>280,000</u>	<u>280,000</u>
12.4	<u>\$310,000 the first year and \$310,000 the</u>		
12.5	<u>second year are for grants for up to 50</u>		
12.6	<u>percent of the cost of implementing the Red</u>		
12.7	<u>River mediation agreement.</u>		
12.8	<u>\$65,000 the first year and \$65,000 the</u>		
12.9	<u>second year are for a grant to the Mississippi</u>		
12.10	<u>Headwaters Board for up to 50 percent of</u>		
12.11	<u>the cost of implementing the comprehensive</u>		
12.12	<u>plan for the upper Mississippi within areas</u>		
12.13	<u>under the board's jurisdiction.</u>		
12.14	<u>\$5,000 the first year and \$5,000 the second</u>		
12.15	<u>year are for payment to the Leech Lake Band</u>		
12.16	<u>of Chippewa Indians to implement the band's</u>		
12.17	<u>portion of the comprehensive plan for the</u>		
12.18	<u>upper Mississippi.</u>		
12.19	<u>\$200,000 the first year and \$200,000 the</u>		
12.20	<u>second year are for the construction of ring</u>		
12.21	<u>dikes under Minnesota Statutes, section</u>		
12.22	<u>103F.161. The ring dikes may be publicly</u>		
12.23	<u>or privately owned. Any unencumbered</u>		
12.24	<u>balance does not cancel at the end of the</u>		
12.25	<u>first year and is available for the second</u>		
12.26	<u>year. If the appropriation in the first year is</u>		
12.27	<u>insufficient, the appropriation for the second</u>		
12.28	<u>year is available in the first year.</u>		
12.29	<u>\$1,280,000 the first year and \$1,280,000 the</u>		
12.30	<u>second year are to support the identification</u>		
12.31	<u>of impaired waters and develop plans to</u>		
12.32	<u>address those impairments, as required by the</u>		
12.33	<u>federal Clean Water Act. This is a onetime</u>		
12.34	<u>appropriation.</u>		
12.35	<u>Subd. 4. Forest Management</u>	<u>41,148,000</u>	<u>41,930,000</u>

13.1	<u>Appropriations by Fund</u>		
13.2	<u>General</u>	<u>22,858,000</u>	<u>23,273,000</u>
13.3	<u>Natural Resources</u>	<u>18,033,000</u>	<u>18,393,000</u>
13.4	<u>Game and Fish</u>	<u>257,000</u>	<u>264,000</u>

13.5 \$7,217,000 the first year and \$7,217,000
 13.6 the second year are for prevention,
 13.7 presuppression, and suppression costs of
 13.8 emergency firefighting and other costs
 13.9 incurred under Minnesota Statutes, section
 13.10 88.12. If the appropriation for either
 13.11 year is insufficient to cover all costs of
 13.12 presuppression and suppression, the amount
 13.13 necessary to pay for these costs during the
 13.14 biennium is appropriated from the general
 13.15 fund.

13.16 By November 15 of each year, the
 13.17 commissioner of natural resources shall
 13.18 submit a report to the chairs of the house
 13.19 and senate committees and divisions having
 13.20 jurisdiction over environment and natural
 13.21 resources finance, identifying all firefighting
 13.22 costs incurred and reimbursements received
 13.23 in the prior fiscal year. These appropriations
 13.24 may not be transferred. Any reimbursement
 13.25 of firefighting expenditures made to the
 13.26 commissioner from any source other than
 13.27 federal mobilizations shall be deposited into
 13.28 the general fund.

13.29 \$17,983,000 the first year and \$18,293,000
 13.30 the second year are from the forest
 13.31 management investment account in the
 13.32 natural resources fund for only the purposes
 13.33 specified in Minnesota Statutes, section
 13.34 89.039, subdivision 2.

14.1 \$780,000 the first year and \$780,000 the
14.2 second year are for the Forest Resources
14.3 Council for implementation of the
14.4 Sustainable Forest Resources Act.
14.5 \$350,000 the first year and \$350,000 the
14.6 second year are for the FORIST timber
14.7 management information system, other
14.8 information systems, and for increased
14.9 forestry management. The amount in the
14.10 second year is also available in the first year.
14.11 \$257,000 the first year and \$264,000 the
14.12 second year are from the game and fish
14.13 fund to implement ecological classification
14.14 systems (ECS) standards on forested
14.15 landscapes. This appropriation is from
14.16 revenue deposited in the game and fish fund
14.17 under Minnesota Statutes, section 297A.94,
14.18 paragraph (e), clause (1).
14.19 \$55,000 the first year and \$55,000 the
14.20 second year are to develop and implement
14.21 a statewide information and education
14.22 campaign regarding the proposed statewide
14.23 ban on the transport, storage, or use of
14.24 nonapproved firewood on state administered
14.25 land.
14.26 \$75,000 the first year is to the Forest
14.27 Resources Council for a task force on
14.28 forest protection and \$75,000 the second
14.29 year is appropriated to the commissioner
14.30 for grants to cities, counties, townships,
14.31 special recreation areas, and park and
14.32 recreation boards in cities of the first class
14.33 for the identification, removal, disposal, and
14.34 replacement of dead or dying shade trees
14.35 lost to forest pests or disease. For purposes

15.1 of this section, "shade tree" means a woody
 15.2 perennial grown primarily for aesthetic or
 15.3 environmental purposes with minimal to
 15.4 residual timber value. The commissioner
 15.5 shall consult with municipalities; park and
 15.6 recreation boards in cities of the first class;
 15.7 nonprofit organizations; and other interested
 15.8 parties in developing eligibility criteria.

15.9 \$50,000 the first year and \$100,000 the
 15.10 second year are from the natural resources
 15.11 fund for forest road maintenance in support
 15.12 of all-terrain vehicle trails.

15.13 **Subd. 5. Parks and Recreation Management** 35,141,000 35,959,000

15.14	<u>Appropriations by Fund</u>		
15.15	<u>General</u>	<u>20,560,000</u>	<u>20,923,000</u>
15.16	<u>Natural Resources</u>	<u>14,581,000</u>	<u>15,036,000</u>

15.17 \$640,000 the first year and \$640,000 the
 15.18 second year are from the water recreation
 15.19 account in the natural resources fund for state
 15.20 park water access projects.

15.21 \$3,996,000 the first year and \$3,996,000 the
 15.22 second year are from the natural resources
 15.23 fund for state park and recreation area
 15.24 operations. This appropriation is from the
 15.25 revenue deposited in the natural resources
 15.26 fund under Minnesota Statutes, section
 15.27 297A.94, paragraph (e), clause (2).

15.28 \$5,000 each year is for payment of expenses
 15.29 of the Cuyuna Country State Recreation Area
 15.30 Citizens Advisory Council.

15.31 The commissioner of natural resources, in
 15.32 consultation with the local elected officials
 15.33 and citizens of Meeker County, shall develop
 15.34 a plan for Greenleaf Lake State Recreation
 15.35 Area. The commissioner shall submit the

16.1 plan to the legislative committees with
 16.2 jurisdiction over state parks and capital
 16.3 investment by February 1, 2008.

16.4 **Subd. 6. Trails and Waterways Management** 29,942,000 30,147,000

16.5	<u>Appropriations by Fund</u>		
16.6	<u>General</u>	<u>2,528,000</u>	<u>2,548,000</u>
16.7	<u>Natural Resources</u>	<u>25,295,000</u>	<u>25,405,000</u>
16.8	<u>Game and Fish</u>	<u>2,119,000</u>	<u>2,194,000</u>

16.9 \$8,424,000 the first year and \$8,424,000
 16.10 the second year are from the snowmobile
 16.11 trails and enforcement account in the natural
 16.12 resources fund for snowmobile grants-in-aid.
 16.13 The additional money under this paragraph
 16.14 may be used for new grant-in-aid trails. Any
 16.15 unencumbered balance does not cancel at the
 16.16 end of the first year and is available for the
 16.17 second year.

16.18 \$1,140,000 the first year and \$1,132,000 the
 16.19 second year are from the natural resources
 16.20 fund for off-highway vehicle grants-in-aid.
 16.21 Of this amount, \$790,000 the first year
 16.22 and \$882,000 the second year are from the
 16.23 all-terrain vehicle account; \$150,000 each
 16.24 year is from the off-highway motorcycle
 16.25 account; and \$200,000 the first year and
 16.26 \$100,000 the second year are from the
 16.27 off-road vehicle account. Any unencumbered
 16.28 balance does not cancel at the end of the first
 16.29 year and is available for the second year.

16.30 \$261,000 the first year and \$261,000 the
 16.31 second year are from the water recreation
 16.32 account in the natural resources fund for a
 16.33 safe harbor program on Lake Superior.
 16.34 \$742,000 the first year and \$760,000
 16.35 the second year are from the natural

17.1 resources fund for state trail operations
 17.2 and maintenance. The money may be used
 17.3 for trail maintenance, signage, mapping,
 17.4 interpretation, native prairie restoration
 17.5 using best management practices, and
 17.6 maintenance of nonmotorized forest trails.
 17.7 This appropriation is from the revenue
 17.8 deposited in the natural resources fund
 17.9 under Minnesota Statutes, section 297A.94,
 17.10 paragraph (e), clause (2).
 17.11 \$32,000 the first year and \$107,000 the
 17.12 second year are from the game and fish fund
 17.13 and is added to the base for expenditures
 17.14 on water access sites according to the
 17.15 requirements of the federal sport and fish
 17.16 restoration program.

17.17 **Subd. 7. Fish and Wildlife Management** 67,072,000 68,394,000

<u>Appropriations by Fund</u>			
17.18			
17.19	<u>General</u>	<u>3,255,000</u>	<u>3,255,000</u>
17.20	<u>Natural Resources</u>	<u>1,876,000</u>	<u>1,876,000</u>
17.21	<u>Game and Fish</u>	<u>61,941,000</u>	<u>63,263,000</u>

17.22 \$410,000 the first year and \$418,000 the
 17.23 second year are for resource population
 17.24 surveys in the 1837 treaty area. Of this
 17.25 amount, \$274,000 the first year and \$288,000
 17.26 the second year are from the game and fish
 17.27 fund.
 17.28 \$8,061,000 the first year and \$8,167,000
 17.29 the second year are from the heritage
 17.30 enhancement account in the game and
 17.31 fish fund for only the purposes specified
 17.32 in Minnesota Statutes, section 297A.94,
 17.33 paragraph (e), clause (1). Of this amount,
 17.34 \$1,175,000 the first year and \$1,175,000 the
 17.35 second year are for preserving, restoring, and

18.1 enhancing grassland/wetland complexes on
18.2 public lands.

18.3 Notwithstanding Minnesota Statutes, section
18.4 84.943, \$13,000 the first year and \$13,000
18.5 the second year from the critical habitat
18.6 private sector matching account may be used
18.7 to publicize the critical habitat license plate
18.8 match program.

18.9 \$8,000 the first year and \$8,000 the second
18.10 year are appropriated from the game and
18.11 fish fund for transfer to the wild turkey
18.12 management account for purposes specified
18.13 in Minnesota Statutes, section 97A.075,
18.14 subdivision 5.

18.15 \$108,000 the first year and \$108,000 the
18.16 second year are from the game and fish
18.17 fund for costs associated with administering
18.18 fishing contest permits.

18.19 \$182,000 the first year and \$132,000 the
18.20 second year are to accelerate wildlife health
18.21 programs and to prevent the spread of
18.22 disease from livestock and poultry to the
18.23 wildlife population. \$50,000 in the first
18.24 year is for fencing cattle-feeding areas in
18.25 bovine tuberculosis control zones, under the
18.26 emergency deterrent materials assistance
18.27 program in Minnesota Statutes, section
18.28 97A.028, subdivision 3. This appropriation
18.29 is available until June 30, 2009. \$66,000 of
18.30 this amount is permanent.

18.31 \$575,000 the first year and \$575,000 the
18.32 second year are for preserving, restoring, and
18.33 enhancing grassland/wetland complexes on
18.34 public lands.

19.1 \$150,000 the first year and \$150,000 the
 19.2 second year are from the game and fish fund
 19.3 to expand the roadsides for wildlife program.

19.4 \$175,000 the first year and \$175,000 the
 19.5 second year are appropriated from the game
 19.6 and fish fund to the commissioner of natural
 19.7 resources for grants to Let's Go Fishing
 19.8 of Minnesota to promote opportunities
 19.9 for fishing. The grants must be matched
 19.10 equally with cash or in-kind contributions
 19.11 from nonstate sources. This is a onetime
 19.12 appropriation.

19.13 Notwithstanding Minnesota Statutes, section
 19.14 16A.28, the appropriations encumbered
 19.15 under contract on or before June 30, 2009, for
 19.16 aquatic restoration grants and wildlife habitat
 19.17 grants are available until June 30, 2010.

19.18 **Subd. 8. Ecological Services** 14,201,000 15,404,000

	<u>Appropriations by Fund</u>	
19.20 <u>General</u>	<u>6,831,000</u>	<u>7,934,000</u>
19.21 <u>Natural Resources</u>	<u>3,488,000</u>	<u>3,519,000</u>
19.22 <u>Game and Fish</u>	<u>3,882,000</u>	<u>3,951,000</u>

19.23 \$1,192,000 the first year and \$1,223,000 the
 19.24 second year are from the nongame wildlife
 19.25 management account in the natural resources
 19.26 fund for the purpose of nongame wildlife
 19.27 management. Notwithstanding Minnesota
 19.28 Statutes, section 290.431, \$100,000 the first
 19.29 year and \$100,000 the second year may be
 19.30 used for nongame information, education,
 19.31 and promotion.

19.32 \$1,612,000 the first year and \$1,636,000
 19.33 the second year are from the heritage
 19.34 enhancement account in the game and
 19.35 fish fund for only the purposes specified

20.1 in Minnesota Statutes, section 297A.94,
20.2 paragraph (e), clause (1), on public lands.
20.3 \$2,765,000 in the first year and \$3,985,000
20.4 in the second year, of which \$1,795,000 the
20.5 first year and \$1,795,000 the second year
20.6 are from the invasive species account in the
20.7 natural resources fund for law enforcement
20.8 and water access inspection to prevent the
20.9 spread of invasive species, grants to manage
20.10 invasive plants in public waters, technical
20.11 assistance to grant applicants for improving
20.12 lake quality, and management of terrestrial
20.13 invasive species on state-administered lands.
20.14 Priority shall be given to preventing the
20.15 spread of aquatic invertebrates. Of this
20.16 amount, \$250,000 the first year and \$250,000
20.17 the second year are for a zebra mussel pilot
20.18 program. This is a onetime appropriation.
20.19 An applicant for a grant to manage invasive
20.20 plants in public waters must have a workable
20.21 plan for improving water quality and
20.22 reducing the need for additional treatment.
20.23 Grants may not be made for chemicals that
20.24 are likely endocrine disruptors. A plan to
20.25 prevent the introduction of asian carp into
20.26 Minnesota waters must be made available to
20.27 the public by November 1, 2007.
20.28 \$125,000 the first year is to support
20.29 a technical committee and for land
20.30 management units that manage grass lands
20.31 in order to develop plans to optimize native
20.32 prairie seed harvest and replanting on
20.33 state-owned lands. The work must use best
20.34 management practices with an outcome of
20.35 ensuring the survival of the native prairie
20.36 remaining in Minnesota and to estimate the

21.1 value of the seeds. Maximizing seed harvest
21.2 may include allowing seed producers to keep
21.3 a portion of the seed as compensation for
21.4 supplying equipment and labor.

21.5 The Department of Natural Resources
21.6 in cooperation with the Department of
21.7 Agriculture and the Board of Water and
21.8 Soil Resources shall establish a technical
21.9 advisory committee which has the expertise
21.10 to develop (1) criteria to identify public
21.11 and private marginal lands which could be
21.12 used to produce native prairie seeds of a
21.13 local ecotype or restore native prairies that
21.14 could be used to produce clean energy, (2)
21.15 guidelines for production that ensure high
21.16 carbon sequestration, protection of wildlife
21.17 and waters, and minimization of inputs and
21.18 that do not compromise the survival of the
21.19 native prairie remaining in Minnesota, and
21.20 (3) recommendations for incentives that will
21.21 result in the production of native prairie seeds
21.22 of a local ecotype or restore native prairies.

21.23 In addition to agency members, the advisory
21.24 committee shall have one member from
21.25 each of two farm organizations, one member
21.26 from a sustainable farmer organization, one
21.27 member each from three rural economic
21.28 development organizations, one member
21.29 each from three environmental organizations,
21.30 and one member each from three wildlife or
21.31 conservation organizations. The technical
21.32 committee shall work with the NextGen
21.33 Energy Board to develop a clean energy
21.34 program. A report on outcomes from the
21.35 technical committee is due December 15,

22.1 2007, to the legislative finance chairs on
 22.2 environment and natural resources.
 22.3 \$50,000 in the first year is for the
 22.4 commissioner, in consultation with the
 22.5 Environmental Quality Board, to report to
 22.6 the house and senate committees having
 22.7 jurisdiction over environmental policy
 22.8 and finance by February 1, 2008, on the
 22.9 Mississippi River critical area program. The
 22.10 report shall include the status of critical
 22.11 area plans, zoning ordinances, the number
 22.12 and types of revisions anticipated, and the
 22.13 nature and number of variances sought. The
 22.14 report shall include recommendations that
 22.15 adequately protect and manage the aesthetic
 22.16 integrity and natural environment of the river
 22.17 corridor.
 22.18 \$1,500,000 the first year and \$1,500,000 the
 22.19 second year are to support the identification
 22.20 of impaired waters and develop plans to
 22.21 address those impairments, as required by the
 22.22 federal Clean Water Act. This is a onetime
 22.23 appropriation.

22.24 **Subd. 9. Enforcement** 30,021,000 30,697,000

<u>Appropriations by Fund</u>		
22.26 <u>General</u>	<u>3,336,000</u>	<u>3,392,000</u>
22.27 <u>Natural Resources</u>	<u>7,163,000</u>	<u>7,320,000</u>
22.28 <u>Game and Fish</u>	<u>19,422,000</u>	<u>19,885,000</u>
22.29 <u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

22.30 \$100,000 each year is for a conservation
 22.31 officer position to be stationed at Mississippi
 22.32 Headwaters State Forest to work with local
 22.33 jurisdictions, including Native American
 22.34 reservations, in enforcing state law along
 22.35 the Mississippi River from Lake Itasca

23.1 downstream to Lake Bemidji and in the
23.2 Bemidji region.

23.3 \$1,082,000 the first year and \$1,082,000 the
23.4 second year are from the water recreation
23.5 account in the natural resources fund for
23.6 grants to counties for boat and water safety.

23.7 \$100,000 the first year and \$100,000 the
23.8 second year are from the remediation fund
23.9 for solid waste enforcement activities under
23.10 Minnesota Statutes, section 116.073.

23.11 \$315,000 the first year and \$315,000 the
23.12 second year are from the snowmobile
23.13 trails and enforcement account in the
23.14 natural resources fund for grants to local
23.15 law enforcement agencies for snowmobile
23.16 enforcement activities.

23.17 \$1,164,000 the first year and \$1,164,000
23.18 the second year are from the heritage
23.19 enhancement account in the game and
23.20 fish fund for only the purposes specified
23.21 in Minnesota Statutes, section 297A.94,
23.22 paragraph (e), clause (1).

23.23 \$225,000 the first year and \$225,000
23.24 the second year are from the natural
23.25 resources fund for grants to county law
23.26 enforcement agencies for off-highway
23.27 vehicle enforcement and public education
23.28 activities based on off-highway vehicle use
23.29 in the county. Of this amount, \$213,000 each
23.30 year is from the all-terrain vehicle account,
23.31 \$11,000 each year is from the off-highway
23.32 motorcycle account, and \$1,000 each year
23.33 is from the off-road vehicle account. The
23.34 county enforcement agencies may use
23.35 money received under this appropriation

24.1 to make grants to other local enforcement
 24.2 agencies within the county that have a high
 24.3 concentration of off-highway vehicle use. Of
 24.4 this appropriation, \$25,000 each year is for
 24.5 administration of these grants.
 24.6 \$15,000 the first year and \$5,000 the second
 24.7 year are from the off-road vehicle account
 24.8 in the natural resources fund to establish
 24.9 the off-road vehicle environment and safety
 24.10 education and training program under
 24.11 Minnesota Statutes, section 84.8015.
 24.12 \$50,000 the first year and \$225,000 the
 24.13 second year are from the natural resources
 24.14 fund for grants to qualifying off-highway
 24.15 vehicle organizations to assist in safety and
 24.16 environmental education and monitoring
 24.17 trails on public lands. Of this appropriation,
 24.18 \$25,000 each year is for administration of
 24.19 these grants.
 24.20 Overtime must be distributed to conservation
 24.21 officers at historical levels; however, a
 24.22 reasonable reduction or addition may be
 24.23 made to the officer's allocation, if justified,
 24.24 based on an individual officer's workload. If
 24.25 funding for enforcement is reduced because
 24.26 of an unallotment, the overtime bank may be
 24.27 reduced in proportion to reductions made in
 24.28 other areas of the budget.

24.29 Subd. 10. Operations Support 3,794,000 3,775,000

24.30	<u>Appropriations by Fund</u>		
24.31	<u>General</u>	<u>2,221,000</u>	<u>2,211,000</u>
24.32	<u>Natural Resources</u>	<u>484,000</u>	<u>484,000</u>
24.33	<u>Game and Fish</u>	<u>1,089,000</u>	<u>1,080,000</u>

25.1 \$38,000 in the first year is from the game and
25.2 fish fund for the study on the natural stands
25.3 of wild rice required in article 2.

25.4 \$270,000 the first year and \$270,000 the
25.5 second year are from the natural resources
25.6 fund for grants to be divided equally between
25.7 the city of St. Paul for the Como Zoo
25.8 and Conservatory and the city of Duluth
25.9 for the Duluth Zoo. This appropriation
25.10 is from the revenue deposited to the fund
25.11 under Minnesota Statutes, section 297A.94,
25.12 paragraph (e), clause (5).

25.13 \$55,000 in the first year and \$7,000 in the
25.14 second year are to be transferred to the
25.15 Environmental Quality Board to fulfill the
25.16 requirement of Minnesota Statutes, sections
25.17 116C.92 and 116C.94.

25.18 **Sec. 5. BOARD OF WATER AND SOIL**
25.19 **RESOURCES** **\$ 22,369,000 \$ 22,728,000**

25.20 \$4,102,000 the first year and \$4,102,000 the
25.21 second year are for natural resources block
25.22 grants to local governments. The board may
25.23 reduce the amount of the natural resources
25.24 block grant to a county by an amount equal to
25.25 any reduction in the county's general services
25.26 allocation to a soil and water conservation
25.27 district from the county's previous year
25.28 allocation when the board determines that
25.29 the reduction was disproportionate. Grants
25.30 must be matched with a combination of local
25.31 cash or in-kind contributions. The base grant
25.32 portion related to water planning must be
25.33 matched by an amount that would be raised
25.34 by a levy under Minnesota Statutes, section
25.35 103B.3369.

26.1 \$3,566,000 the first year and \$3,566,000
26.2 the second year are for grants requested
26.3 by soil and water conservation districts for
26.4 general purposes, nonpoint engineering,
26.5 and implementation of the reinvest in
26.6 Minnesota conservation reserve program.
26.7 Upon approval of the board, expenditures
26.8 may be made from these appropriations for
26.9 supplies and services benefiting soil and
26.10 water conservation districts. Any district
26.11 requesting a grant under this paragraph
26.12 shall create and maintain a Web page that
26.13 publishes, at a minimum, its annual plan,
26.14 annual report, annual audit, and annual
26.15 budget, including membership dues and
26.16 meeting notices and minutes.
26.17 \$3,250,000 the first year and \$3,250,000
26.18 the second year are for grants to soil and
26.19 water conservation districts for cost-sharing
26.20 contracts for erosion control and water
26.21 quality management. Of this amount, at least
26.22 \$1,200,000 the first year and \$1,200,000 the
26.23 second year are for grants for cost-sharing
26.24 contracts to establish and maintain vegetation
26.25 buffers of restored native prairie and restored
26.26 prairie using seeds of a local ecotype region.
26.27 \$300,000 the first year and \$300,000 the
26.28 second year are available to begin county
26.29 cooperative weed management programs
26.30 on natural lands and private lands enrolled
26.31 in state and federal conservation programs
26.32 and to restore native plants in selected
26.33 invasive species management sites by
26.34 providing local native seeds and plants
26.35 to landowners for implementation. This
26.36 appropriation is available until expended. If

27.1 the appropriation in either year is insufficient,
27.2 the appropriation in the other year is available
27.3 for it. Notwithstanding Minnesota Statutes,
27.4 section 103C.501, any balance in the board's
27.5 cost-share program that remains from the
27.6 fiscal year 2007 appropriation is available
27.7 in an amount up to \$2,000 for a grant to
27.8 the Faribault Soil and Water Conservation
27.9 District to pay for erosion repair on the Blue
27.10 Earth River, and up to \$40,000 is available for
27.11 grants to soil and water conservation districts
27.12 for Web site development and reporting; and
27.13 \$100,000 in fiscal years 2008 and 2009 is
27.14 for evaluating and reporting on performance,
27.15 financial, and activity information of local
27.16 water management entities as provided for in
27.17 article 2, section 38.

27.18 The board shall develop a forestry practice
27.19 docket for cost-share money. The board shall
27.20 develop standards or policies for cost-share
27.21 practices for the following purposes: (1)
27.22 establishment and maintenance of vegetated
27.23 buffers of restored prairie or restored native
27.24 prairie using seeds of a local ecotype;
27.25 (2) establishment of cooperative weed
27.26 management programs on private natural
27.27 lands and lands enrolled in state and federal
27.28 conservation programs and restoration of
27.29 native plants in selected invasive species
27.30 management sites by providing local native
27.31 seeds and plants to landowners; and (3)
27.32 establishment of soil and water conservation
27.33 and ecological improvement practices on
27.34 private forest lands.

27.35 \$100,000 the first year and \$100,000 the
27.36 second year are for a grant to the Red

28.1 River Basin Commission to develop a Red
28.2 River basin plan and to coordinate water
28.3 management activities in the states and
28.4 provinces bordering the Red River. The
28.5 unencumbered balance in the first year does
28.6 not cancel but is available for the second
28.7 year.
28.8 \$5,450,000 the first year and \$5,450,000 the
28.9 second year are for implementation of the
28.10 Clean Water Legacy Act as follows:
28.11 (1) \$1,500,000 each year is for targeted
28.12 nonpoint restoration cost-share and incentive
28.13 payments, of which up to \$1,400,000 each
28.14 year is available for grants. Of this amount,
28.15 \$250,000 each year must be contracted for
28.16 services with the Minnesota Conservation
28.17 Corps. The grant funds are available until
28.18 expended;
28.19 (2) \$2,000,000 each year is for targeted
28.20 nonpoint restoration and protection and
28.21 technical, compliance, and engineering
28.22 assistance activities, of which up to
28.23 \$1,325,000 the first year and \$1,700,000
28.24 the second year are available for grants, of
28.25 which \$225,000 the first year is to inventory
28.26 wetland mitigation opportunities and water
28.27 quality and watershed improvement projects
28.28 in a greater than 80 percent area and of
28.29 which \$150,000 the first year is to conduct a
28.30 regionwide wetland mitigation siting analysis
28.31 for greater than 80 percent areas. The
28.32 \$225,000 amount shall include an inventory
28.33 of the wetland and water resources that have
28.34 been developed on former mine lands and
28.35 an analysis of the functions and values of

29.1 those wetland and water resources. This is a
29.2 onetime appropriation and is available until
29.3 June 30, 2009. The \$150,000 amount for
29.4 analysis shall (i) evaluate wetland mitigation
29.5 opportunities in each watershed and wetland
29.6 bank service area, (ii) develop goals for
29.7 maintaining water quality in the greater than
29.8 80 percent areas, and (iii) identify wetland
29.9 mitigation opportunities in other regions with
29.10 a greater loss of wetlands or with impaired
29.11 waters. This is a onetime appropriation and
29.12 is available until June 30, 2009. A report on
29.13 the analysis outcomes shall be given to the
29.14 house and senate chairs of the environment
29.15 and natural resources policy and finance
29.16 committees by January 15, 2009;
29.17 (3) \$200,000 each year is for reporting
29.18 and evaluating applied soil and water
29.19 conservation practices;
29.20 (4) \$1,000,000 each year is for grants
29.21 to implement county individual sewage
29.22 treatment system programs. Of this
29.23 amount, after a county has complied with
29.24 requirements to adopt ordinances pursuant
29.25 to Minnesota Statutes, section 115.55,
29.26 subdivision 2, the county may request grants
29.27 of up to \$60,000 the first year and \$60,000
29.28 the second year to inventory properties with
29.29 individual sewage treatment systems that
29.30 are an imminent threat to public health or
29.31 safety due to water discharges of untreated
29.32 sewage, and require compliance under an
29.33 applicable ordinance. The grant amount
29.34 shall be proportional to the number of
29.35 properties expected to be inventoried. Each
29.36 county receiving an appropriation under

30.1 this paragraph shall report the number of
30.2 inspections and the number determined to be
30.3 an imminent threat to public health or safety
30.4 to the Pollution Control Agency by February
30.5 1 of each year;
30.6 (5) \$650,000 each year is for feedlot water
30.7 quality grants for feedlots under 300 animal
30.8 units where there are impaired waters; and
30.9 (6) \$100,000 each year is to the Minnesota
30.10 River Basin Joint Powers Board, also known
30.11 as the Minnesota River Board, for operating
30.12 expenses to measure and report the results of
30.13 projects in the 12 major watersheds within
30.14 the Minnesota River basin.
30.15 If the appropriations in clauses (1) to (6) in
30.16 either year are insufficient, the appropriation
30.17 in the other year is available for it. All of
30.18 the money appropriated in clauses (1) to
30.19 (6) as grants to local governments shall be
30.20 administered through the Board of Water
30.21 and Soil Resources' local water resources
30.22 protection and management program under
30.23 Minnesota Statutes, section 103B.3369.
30.24 \$140,000 the first year and \$140,000
30.25 the second year are for a grant to Area
30.26 II, Minnesota River Basin Projects,
30.27 for floodplain management, including
30.28 administration of programs.
30.29 \$1,120,000 the first year and \$1,060,000 the
30.30 second year may be spent for the following
30.31 purposes to support implementation of the
30.32 Wetland Conservation Act: \$500,000 each
30.33 year is to make grants to local units of
30.34 governments to improve response to major
30.35 wetland violations; \$500,000 each year is for

31.1 staffing to provide adequate state oversight
31.2 and technical support to local governments
31.3 administering the Wetland Conservation Act;
31.4 \$60,000 each year is for staff to monitor and
31.5 enforce wetland replacement and wetland
31.6 bank sites; and \$60,000 the first year is
31.7 for rulemaking required by changes to the
31.8 Wetland Conservation Act.
31.9 \$450,000 the first year and \$800,000
31.10 the second year are to implement
31.11 recommendations of the Drainage Work
31.12 Group to enhance public drainage and
31.13 modernization as follows: \$150,000 the first
31.14 year is to develop guidelines for drainage
31.15 records preservation and modernization;
31.16 \$500,000 the second year is for cost-share
31.17 grants to local governments for public
31.18 drainage records modernization; and
31.19 \$300,000 each year is to provide assistance
31.20 to local drainage management officials, to
31.21 facilitate the work of the Drainage Work
31.22 Group, to staff a drainage assistance team,
31.23 and to update the Minnesota Public Drainage
31.24 Manual. All of the money appropriated in
31.25 this paragraph as grants to local governments
31.26 shall be administered through the Board
31.27 of Water and Soil Resources' local water
31.28 resources protection and management
31.29 program under Minnesota Statutes, section
31.30 103B.3369.
31.31 In addition to other authorities, the Board
31.32 of Water and Soil Resources may reduce,
31.33 withhold, or redirect grants and other funding
31.34 if the local water management entity has
31.35 not corrected deficiencies as prescribed in a

- 33.1 Subd. 35. **Public official.** "Public official" means any:
- 33.2 (1) member of the legislature;
- 33.3 (2) individual employed by the legislature as secretary of the senate, legislative
33.4 auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or
33.5 attorney in the Office of Senate Counsel and Research or House Research;
- 33.6 (3) constitutional officer in the executive branch and the officer's chief administrative
33.7 deputy;
- 33.8 (4) solicitor general or deputy, assistant, or special assistant attorney general;
- 33.9 (5) commissioner, deputy commissioner, or assistant commissioner of any state
33.10 department or agency as listed in section 15.01 or 15.06, or the state chief information
33.11 officer;
- 33.12 (6) member, chief administrative officer, or deputy chief administrative officer of a
33.13 state board or commission that has either the power to adopt, amend, or repeal rules under
33.14 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- 33.15 (7) individual employed in the executive branch who is authorized to adopt, amend,
33.16 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- 33.17 (8) executive director of the State Board of Investment;
- 33.18 (9) deputy of any official listed in clauses (7) and (8);
- 33.19 (10) judge of the Workers' Compensation Court of Appeals;
- 33.20 (11) administrative law judge or compensation judge in the State Office of
33.21 Administrative Hearings or referee in the Department of Employment and Economic
33.22 Development;
- 33.23 (12) member, regional administrator, division director, general counsel, or operations
33.24 manager of the Metropolitan Council;
- 33.25 (13) member or chief administrator of a metropolitan agency;
- 33.26 (14) director of the Division of Alcohol and Gambling Enforcement in the
33.27 Department of Public Safety;
- 33.28 (15) member or executive director of the Higher Education Facilities Authority;
- 33.29 (16) member of the board of directors or president of Minnesota Technology, Inc.;
- 33.30 (17) member of the board of directors or executive director of the Minnesota State
33.31 High School League;
- 33.32 (18) member of the Minnesota Ballpark Authority established in section 473.755; ~~or~~
- 33.33 (19) citizen member of the Legislative-Citizen Commission on Minnesota
33.34 Resources;
- 33.35 (20) manager of a watershed district or member of a watershed management
33.36 organization; or

34.1 (21) supervisor of a soil and water conservation district.

34.2 Sec. 2. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

34.3 Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon
34.4 the agency's receipt of a written request containing all information required by law or by
34.5 a previously adopted rule, ordinance, or policy of the agency, including the applicable
34.6 application fee. If an agency receives a written request that does not contain all required
34.7 information, the 60-day limit starts over only if the agency sends written notice within 15
34.8 business days of receipt of the request telling the requester what information is missing.

34.9 (b) If a request relating to zoning, septic systems, watershed district review, soil and
34.10 water conservation district review, or expansion of the metropolitan urban service area
34.11 requires the approval of more than one state agency in the executive branch, the 60-day
34.12 period in subdivision 2 begins to run for all executive branch agencies on the day a request
34.13 containing all required information is received by one state agency. The agency receiving
34.14 the request must forward copies to other state agencies whose approval is required.

34.15 (c) An agency response, including an approval with conditions, meets the 60-day
34.16 time limit if the agency can document that the response was sent within 60 days of receipt
34.17 of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke
34.18 or rescind the approval by the agency and will not give rise to a claim that the 60-day
34.19 limit was not met.

34.20 (d) The time limit in subdivision 2 is extended if a state statute, federal law, or court
34.21 order requires a process to occur before the agency acts on the request, and the time
34.22 periods prescribed in the state statute, federal law, or court order make it impossible to
34.23 act on the request within 60 days. In cases described in this paragraph, the deadline is
34.24 extended to 60 days after completion of the last process required in the applicable statute,
34.25 law, or order. Final approval of an agency receiving a request is not considered a process
34.26 for purposes of this paragraph.

34.27 (e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state
34.28 agency requires prior approval of a federal agency; or (2) an application submitted to
34.29 a city, county, town, school district, metropolitan or regional entity, or other political
34.30 subdivision requires prior approval of a state or federal agency. In cases described in
34.31 this paragraph, the deadline for agency action is extended to 60 days after the required
34.32 prior approval is granted.

34.33 (f) An agency may extend the time limit in subdivision 2 before the end of the
34.34 initial 60-day period by providing written notice of the extension to the applicant. The

35.1 notification must state the reasons for the extension and its anticipated length, which may
35.2 not exceed 60 days unless approved by the applicant.

35.3 (g) An applicant may by written notice to the agency request an extension of the
35.4 time limit under this section.

35.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.6 Sec. 3. Minnesota Statutes 2006, section 16A.531, subdivision 1a, is amended to read:

35.7 Subd. 1a. **Revenues.** The following revenues must be deposited in the
35.8 environmental fund:

35.9 (1) all revenue from the motor vehicle transfer fee imposed under section 115A.908;

35.10 (2) all fees collected under section 116.07, subdivision 4d;

35.11 (3) all money collected by the Pollution Control Agency in enforcement matters
35.12 as provided in section 115.073;

35.13 (4) all revenues from license fees for individual sewage treatment systems under
35.14 section 115.56;

35.15 (5) all loan repayments deposited under section 115A.0716;

35.16 (6) all revenue from pollution prevention fees imposed under section 115D.12;

35.17 (7) all loan repayments deposited under section 116.994;

35.18 (8) all fees collected under section 116C.834;

35.19 (9) revenue collected from the solid waste management tax pursuant to chapter 297H;

35.20 (10) fees collected under section 473.844; ~~and~~

35.21 (11) interest accrued on the fund; and

35.22 (12) money received in the form of gifts, grants, reimbursement, or appropriation
35.23 from any source for any of the purposes provided in subdivision 2, except federal grants.

35.24 Sec. 4. **[17.035] VENISON DISTRIBUTION AND REIMBURSEMENT.**

35.25 Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter
35.26 28A may apply to the commissioner of agriculture for reimbursement of \$70 towards the
35.27 cost of processing a deer donated according to subdivision 1. The meat processor shall
35.28 deliver the deer, processed into cuts or ground meat, to a charitable organization that is
35.29 registered under chapter 309 and with the commissioner of agriculture and that operates
35.30 a food assistance program. To request reimbursement, the processor shall submit an
35.31 application, on a form prescribed by the commissioner of agriculture, the tag number
35.32 under which the deer was taken, and a receipt for the deer from the charitable organization.

35.33 Subd. 2. **Distribution.** (a) The commissioner of agriculture shall ensure the
35.34 equitable statewide distribution of processed deer by requiring the charitable organization

36.1 to allocate and distribute processed deer according to the allocation formula used in the
36.2 distribution of United States Department of Agriculture commodities under the federal
36.3 emergency food assistance program. The charitable organization must submit quarterly
36.4 reports to the commissioner on forms prescribed by the commissioner. The reports must
36.5 include, but are not limited to, information on the amount of processed deer received and
36.6 the organizations to which the meat was distributed.

36.7 (b) The commissioner of agriculture may adopt rules to implement this section.

36.8 Sec. 5. Minnesota Statutes 2006, section 17.4984, subdivision 1, is amended to read:

36.9 Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic
36.10 farm without first obtaining an aquatic farm license from the commissioner.

36.11 (b) Applications for an aquatic farm license must be made on forms provided by
36.12 the commissioner.

36.13 (c) Licenses are valid for five years and are transferable upon notification to the
36.14 commissioner.

36.15 (d) The commissioner shall issue an aquatic farm license on payment of the required
36.16 license fee under section 17.4988.

36.17 (e) A license issued by the commissioner is not a determination of private property
36.18 rights, but is only based on a determination that the licensee does not have a significant
36.19 detrimental impact on the public resource.

36.20 (f) The commissioner shall not issue or renew a license to raise minnows in a natural
36.21 water body if the natural water body is the subject of a protective easement or other
36.22 interest in land that was acquired with funding from federal waterfowl stamp proceeds
36.23 or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the
36.24 natural water body was the subject of any other development, restoration, maintenance, or
36.25 preservation project funded under section 97A.075, subdivision 2.

36.26 **EFFECTIVE DATE.** This section is effective July 1, 2008.

36.27 Sec. 6. Minnesota Statutes 2006, section 84.025, subdivision 9, is amended to read:

36.28 Subd. 9. **Professional services support account.** The commissioner of natural
36.29 resources may bill the various programs carried out by the commissioner for the costs of
36.30 providing them with professional support services. Except as provided under section
36.31 89.421, receipts must be credited to a special account in the state treasury and are
36.32 appropriated to the commissioner to pay the costs for which the billings were made.

36.33 The commissioner of natural resources shall submit to the commissioner of finance
36.34 before the start of each fiscal year a work plan showing the estimated work to be done

37.1 during the coming year, the estimated cost of doing the work, and the positions and fees
37.2 that will be necessary. This account is exempted from statewide and agency indirect
37.3 cost payments.

37.4 Sec. 7. **[84.02] DEFINITIONS.**

37.5 Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this
37.6 section shall have the meanings given them.

37.7 Subd. 2. **Best management practice for native prairie restoration.** "Best
37.8 management practice for native prairie restoration" means using seeds collected from a
37.9 native prairie within the same county or within 25 miles of the county's border, but not
37.10 across the boundary of an ecotype region.

37.11 Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds
37.12 or plants with origins outside of the state of Minnesota.

37.13 Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological
37.14 subsections and counties based on the Department of Natural Resources map, "County
37.15 Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

<u>Ecotype Region</u>	<u>Counties or portions thereof:</u>
37.16 <u>Rochester Plateau, Blufflands, and Oak</u>	<u>Houston, Winona, Fillmore, Wabasha,</u>
37.17 <u>Savanna</u>	<u>Goodhue, Mower, Freeborn, Steele,</u>
37.18	<u>Olmsted, Rice, Waseca, Dakota, Dodge</u>
37.19	
37.20 <u>Anoka Sand Plain, Big Woods, and St.</u>	<u>Anoka, Hennepin, Ramsey, Washington,</u>
37.21 <u>Paul Baldwin Plains and Moraines</u>	<u>Chisago, Scott, Carver, McLeod, Wright,</u>
37.22	<u>Benton, Isanti, Le Sueur, Sherburne</u>
37.23 <u>Inner Coteau and Coteau Moraines</u>	<u>Lincoln, Lyon, Pipestone, Rock, Murray,</u>
37.24	<u>Nobles, Jackson, Cottonwood</u>
37.25 <u>Red River Prairie (South)</u>	<u>Traverse, Wilkin, Clay, Becker</u>
37.26 <u>Red River Prairie (North) and Aspen</u>	<u>Kittson, Roseau, Red Lake, Pennington,</u>
37.27 <u>Parklands</u>	<u>Marshall, Clearwater, Mahnomon, Polk,</u>
37.28	<u>Norman</u>
37.29 <u>Minnesota River Prairie (North)</u>	<u>Big Stone, Pope, Stevens, Grant, Swift,</u>
37.30	<u>Chippewa, Meeker, Kandiyohi, Renville,</u>
37.31	<u>Lac qui Parle, Yellow Medicine</u>
37.32 <u>Minnesota River Prairie (South)</u>	<u>Nicollet, Redwood, Brown, Watonwan,</u>
37.33	<u>Martin, Faribault, Blue Earth, Sibley</u>
37.34 <u>Hardwood Hills</u>	<u>Douglas, Morrison, Otter Tail, Stearns,</u>
37.35	<u>Todd</u>

37.36 Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed
37.37 where native prairie vegetation originating from the site currently predominates or, if
37.38 disturbed, is predominantly covered with native prairie vegetation that originated from the
37.39 site. Unbroken pasture land used for livestock grazing can be considered native prairie if it

38.1 has predominantly native vegetation originating from the site and conservation practices
38.2 have maintained biological diversity.

38.3 Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local
38.4 ecotype" means a genetically differentiated population of a species that has at least one
38.5 trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted
38.6 to local environmental conditions, notably plant competitors, pathogens, pollinators, soil
38.7 microorganisms, growing season length, climate, hydrology, and soil.

38.8 Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration
38.9 using at least 25 representative and biologically diverse native prairie plant species of a
38.10 local ecotype originating in the same county as the restoration site or within 25 miles of
38.11 the county's border, but not across the boundary of an ecotype region.

38.12 Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least
38.13 25 representative and biologically diverse native prairie plant species originating from
38.14 the same ecotype region in which the restoration occurs.

38.15 Sec. 8. Minnesota Statutes 2006, section 84.026, subdivision 1, is amended to read:

38.16 Subdivision 1. **Contracts.** The commissioner of natural resources is authorized
38.17 to enter into contractual agreements with any public or private entity for the provision
38.18 of statutorily prescribed natural resources services by the department. The contracts
38.19 shall specify the services to be provided. Except as provided under section 89.421, funds
38.20 generated in a contractual agreement made pursuant to this section shall be deposited in
38.21 the special revenue fund and are appropriated to the department for purposes of providing
38.22 the services specified in the contracts. The commissioner shall report revenues collected
38.23 and expenditures made under this subdivision to the chairs of the Committees on Ways and
38.24 Means in the house and Finance in the senate by January 1 of each odd-numbered year.

38.25 Sec. 9. Minnesota Statutes 2006, section 84.0272, is amended by adding a subdivision
38.26 to read:

38.27 Subd. 5. **Easement information.** Parties to an easement purchased under the
38.28 authority of the commissioner must:

38.29 (1) specify in the easement all provisions that are perpetual in nature;

38.30 (2) file the easement with the county recorder or registrar of titles in the county
38.31 in which the land is located; and

38.32 (3) submit an electronic copy of the easement to the commissioner.

38.33 Sec. 10. Minnesota Statutes 2006, section 84.0855, subdivision 1, is amended to read:

39.1 Subdivision 1. **Sales authorized; gift certificates.** The commissioner may
39.2 sell natural resources-related publications and maps; forest resource assessment
39.3 products; federal migratory waterfowl, junior duck, and other federal stamps; and other
39.4 nature-related merchandise, and may rent or sell items for the convenience of persons using
39.5 Department of Natural Resources facilities or services. The commissioner may sell gift
39.6 certificates for any items rented or sold. Notwithstanding section 16A.1285, a fee charged
39.7 by the commissioner under this section may include a reasonable amount in excess of the
39.8 actual cost to support Department of Natural Resources programs. The commissioner may
39.9 advertise the availability of a program or item offered under this section.

39.10 Sec. 11. Minnesota Statutes 2006, section 84.0855, subdivision 2, is amended to read:

39.11 Subd. 2. **Receipts; appropriation.** Except as provided under section 89.421,
39.12 money received by the commissioner under this section or to buy supplies for the use of
39.13 volunteers, may be credited to one or more special accounts in the state treasury and is
39.14 appropriated to the commissioner for the purposes for which the money was received.
39.15 Money received from sales at the state fair shall be available for state fair related costs.
39.16 Money received from sales of intellectual property and software products or services shall
39.17 be available for development, maintenance, and support of software products and systems.

39.18 Sec. 12. Minnesota Statutes 2006, section 84.780, is amended to read:

39.19 **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

39.20 (a) The off-highway vehicle damage account is created in the natural resources fund.
39.21 Money in the off-highway vehicle damage account is appropriated to the commissioner
39.22 of natural resources for the repair or restoration of property damaged by the operation of
39.23 off-highway vehicles in an unpermitted illegal area after August 1, 2003, and for the costs
39.24 of administration for this section. Before the commissioner may make a payment from
39.25 this account, the commissioner must determine whether the damage to the property was
39.26 caused by the unpermitted illegal use of off-highway vehicles, that the applicant has made
39.27 reasonable efforts to identify the responsible individual and obtain payment from the
39.28 individual, and that the applicant has made reasonable efforts to prevent reoccurrence.
39.29 ~~By June 30, 2008, the commissioner of finance must transfer the remaining balance in the~~
39.30 ~~account to the off-highway motorcycle account under section 84.794, the off-road vehicle~~
39.31 ~~account under section 84.803, and the all-terrain vehicle account under section 84.927.~~
39.32 ~~The amount transferred to each account must be proportionate to the amounts received in~~
39.33 ~~the damage account from the relevant off-highway vehicle accounts.~~

40.1 (b) Determinations of the commissioner under this section may be made by written
40.2 order and are exempt from the rulemaking provisions of chapter 14. Section 14.386
40.3 does not apply.

40.4 (c) ~~This section expires July 1, 2008~~ These funds are available until expended.

40.5 **Sec. 13. [84.8045] RESTRICTIONS ON OFF-ROAD VEHICLE TRAILS.**

40.6 Notwithstanding any provision of sections 84.797 to 84.805 or other law to the
40.7 contrary, the commissioner shall not permit land administered by the commissioner in
40.8 Beltrami, Cass, Crow Wing, and Hubbard Counties to be used or developed for trails
40.9 primarily for off-road vehicles as defined in section 84.797, subdivision 7, except:

40.10 (1) upon approval by the legislature; or

40.11 (2) in designated off-road vehicle use areas.

40.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

40.13 **Sec. 14. [84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION**
40.14 **PROGRAM.**

40.15 Subdivision 1. **Creation.** The commissioner of natural resources shall establish
40.16 a program to promote the safe and responsible operation of off-highway vehicles in a
40.17 manner that does not harm the environment. The commissioner shall coordinate the
40.18 program through the regional offices of the Department of Natural Resources.

40.19 Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle
40.20 clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on
40.21 state forest land and other public lands.

40.22 Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements
40.23 with off-highway vehicle clubs for volunteer services to maintain, make improvements to,
40.24 and monitor trails on state forest land and other public lands. The off-highway vehicle
40.25 clubs shall promote the operation of off-highway vehicles in a safe and responsible manner
40.26 that complies with the laws and rules that relate to the operation of off-highway vehicles.

40.27 (b) The off-highway vehicle clubs may provide assistance to the department in
40.28 locating, recruiting, and training instructors for off-highway vehicle training programs.

40.29 (c) The commissioner may provide assistance to enhance the comfort and safety
40.30 of volunteers and to facilitate the implementation and administration of the safety and
40.31 conservation program.

40.32 Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into
40.33 any agreement that has the purpose of or results in the displacement of public employees
40.34 by volunteers participating in the off-highway safety and conservation program under

41.1 this section. The commissioner must certify to the appropriate bargaining agent that the
41.2 work performed by a volunteer will not result in the displacement of currently employed
41.3 workers or workers on seasonal layoff or layoff from a substantially equivalent position,
41.4 including partial displacement such as reduction in hours of nonovertime work, wages, or
41.5 other employment benefits.

41.6 Sec. 15. Minnesota Statutes 2006, section 84.927, subdivision 2, is amended to read:

41.7 Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the
41.8 all-terrain vehicle account may only be spent for:

41.9 (1) the education and training program under section 84.925;

41.10 (2) administration, enforcement, and implementation of sections 84.773 to 84.929;

41.11 (3) acquisition, maintenance, and development of vehicle trails and use areas;

41.12 (4) grant-in-aid programs to counties and municipalities to construct and maintain
41.13 all-terrain vehicle trails and use areas;

41.14 (5) grants-in-aid to local safety programs; ~~and~~

41.15 (6) enforcement and public education grants to local law enforcement agencies; and

41.16 (7) maintenance of minimum-maintenance forest roads according to section 89.71,
41.17 subdivision 5, and county forest roads within state forest boundaries as defined under
41.18 section 89.021.

41.19 The distribution of funds made available through grant-in-aid programs must be
41.20 guided by the statewide comprehensive outdoor recreation plan.

41.21 Sec. 16. Minnesota Statutes 2006, section 84.963, is amended to read:

41.22 **84.963 PRAIRIE PLANT SEED PRODUCTION AREAS.**

41.23 (a) The commissioner of natural resources shall study the feasibility of establishing
41.24 private or public prairie plant seed production areas within prairie land locations. If
41.25 prairie plant seed production is feasible, the commissioner may aid the establishment of
41.26 production areas. The commissioner may enter cost-share or sharecrop agreements with
41.27 landowners having easements for conservation purposes of ten or more years on their land
41.28 to commercially produce prairie plant seed of Minnesota origin. The commissioner may
41.29 only aid prairie plant seed production areas on agricultural land used to produce crops
41.30 before December 23, 1985, and cropped three out of five years between 1981 and 1985.

41.31 (b) The commissioner shall compile, prepare, and electronically disseminate to
41.32 the public prairie establishment guidance materials and resources. The resources must
41.33 provide information and guidance on project planning, seed selection including ecotype
41.34 and species mix, site preparation, seeding, maintenance, and technical service providers.

42.1 The commissioner shall use actual prairie restoration projects under development on
42.2 state-owned land to illustrate and demonstrate the practices described.

42.3 Sec. 17. Minnesota Statutes 2006, section 84D.02, is amended by adding a subdivision
42.4 to read:

42.5 Subd. 7. **Contracts for services for emergency invasive species prevention work;**
42.6 **commissions to persons employed.** The commissioner may contract for or accept the
42.7 services of any persons whose aid is available, temporarily or otherwise, in emergency
42.8 invasive species prevention work, either gratuitously or for compensation not in excess of
42.9 the limits provided by law with respect to the employment of labor by the commissioner.
42.10 The commissioner may issue a commission, or other written evidence of authority, to any
42.11 person whose services are so arranged for and may thereby empower the person to act,
42.12 temporarily or otherwise, in any other capacity, with powers and duties as may be specified
42.13 in the commission or other written evidence of authority, but not in excess of the powers
42.14 conferred by law. The commissioner of agriculture, under authority provided by law, shall
42.15 cooperate with the commissioner in emergency control of invasive species prevention.

42.16 Sec. 18. Minnesota Statutes 2006, section 84D.13, subdivision 7, is amended to read:

42.17 Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft
42.18 license suspension is effective 30 days after issuance of the civil citation. A civil penalty
42.19 collected under this section is payable to the commissioner and must be credited to the
42.20 ~~water recreation account~~ invasive species account.

42.21 Sec. 19. **[84D.15] INVASIVE SPECIES ACCOUNT.**

42.22 Subdivision 1. **Creation.** The invasive species account is created in the state
42.23 treasury in the natural resources fund.

42.24 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under
42.25 section 86B.415, subdivision 7, and civil penalties under section 84D.13 shall be deposited
42.26 in the invasive species account. Each year, the commissioner of finance shall transfer from
42.27 the game and fish fund to the invasive species account, the annual surcharge collected on
42.28 nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b).

42.29 Subd. 3. **Use of money in account.** Money credited to the invasive species account
42.30 in subdivision 2 shall be used for management of invasive species and implementation of
42.31 this chapter as it pertains to invasive species, including control, public awareness, law
42.32 enforcement, assessment and monitoring, management planning, and research.

43.1 Sec. 20. **[85.0146] CUYUNA COUNTRY STATE RECREATION AREA;**
43.2 **CITIZENS ADVISORY COUNCIL.**

43.3 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation
43.4 Area Citizens Advisory Council is established. Membership on the advisory council
43.5 shall include:

43.6 (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers
43.7 Board;

43.8 (2) a representative of the Croft Mine Historical Park Joint Powers Board;

43.9 (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has
43.10 worked as a miner in the local area;

43.11 (4) a representative of the Crow Wing County Board;

43.12 (5) an elected state official;

43.13 (6) a representative of the Grand Rapids regional office of the Department of Natural
43.14 Resources;

43.15 (7) a designee of the Iron Range Resources and Rehabilitation Board;

43.16 (8) a designee of the local business community selected by the area chambers of
43.17 commerce;

43.18 (9) a designee of the local environmental community selected by the Crow Wing
43.19 County District 5 commissioner;

43.20 (10) a designee of a local education organization selected by the Crosby-Ironton
43.21 School Board;

43.22 (11) a designee of one of the recreation area user groups selected by the Cuyuna
43.23 Range Chamber of Commerce; and

43.24 (12) a member of the Cuyuna Country Heritage Preservation Society.

43.25 Subd. 2. **Administration.** (a) The advisory council must meet at least four times
43.26 annually. The council shall elect a chair and meetings shall be at the call of the chair.

43.27 (b) Members of the advisory council shall serve as volunteers for two-year terms
43.28 with the ability to be reappointed. Members shall accept no per diem.

43.29 (c) The state recreation area manager may attend the council meetings and advise
43.30 the council of issues in management of the recreation area.

43.31 (d) Before a major decision is implemented in the Cuyuna Country State Recreation
43.32 Area, the area manager must consult with the council and take into consideration any
43.33 council comments or advice that may impact the major decision.

43.34 Sec. 21. Minnesota Statutes 2006, section 85.054, subdivision 12, is amended to read:

44.1 Subd. 12. **Soudan Underground Mine State Park.** A state park permit is not
44.2 required and a fee may not be charged for motor vehicle entry ~~or~~, parking at the visitor
44.3 parking area of Soudan Underground Mine State Park, or for tours of the High Energy
44.4 Physics Lab by supervised kindergarten through grade 12 school classes during the school
44.5 year.

44.6 Sec. 22. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision
44.7 to read:

44.8 Subd. 13. **Cuyuna Country State Recreation Area.** A state park permit is not
44.9 required and a fee may not be charged for motor vehicle entry or parking at Croft Mine
44.10 Historical Park and Portsmouth Mine Lake Overlook in Cuyuna Country State Recreation
44.11 Area, except for overnight camping.

44.12 Sec. 23. Minnesota Statutes 2006, section 86B.706, subdivision 2, is amended to read:

44.13 Subd. 2. **Money deposited in account.** The following shall be deposited in the state
44.14 treasury and credited to the water recreation account:

44.15 (1) ~~fees and surcharges~~ from titling and licensing of watercraft under this chapter;

44.16 (2) fines, installment payments, and forfeited bail according to section 86B.705,
44.17 subdivision 2;

44.18 (3) ~~civil penalties according to section 84D.13;~~

44.19 (4) mooring fees and receipts from the sale of marine gas at state-operated or
44.20 state-assisted small craft harbors and mooring facilities according to section 86A.21;

44.21 (5) (4) the unrefunded gasoline tax attributable to watercraft use under section
44.22 296A.18; and

44.23 (6) (5) fees for permits issued to control or harvest aquatic plants other than wild
44.24 rice under section 103G.615, subdivision 2.

44.25 Sec. 24. Minnesota Statutes 2006, section 89.22, subdivision 2, is amended to read:

44.26 Subd. 2. **Receipts to ~~natural resources~~ special revenue fund.** Fees collected under
44.27 subdivision 1 shall be credited to ~~a forest land use account in the natural resources fund~~
44.28 the special revenue fund and are annually appropriated to the commissioner to recoup the
44.29 costs of developing, operating, and maintaining facilities necessary for the specified uses
44.30 in subdivision 1 or to prevent or mitigate resource impacts of those uses.

44.31 **EFFECTIVE DATE.** This section is effective July 1, 2007, and applies to fees
44.32 collected according to Minnesota Statutes, section 89.22, subdivision 1, after August
44.33 1, 2006.

45.1 Sec. 25. **[89.421] FOREST RESOURCE ASSESSMENT PRODUCTS AND**
45.2 **SERVICES ACCOUNT.**

45.3 Subdivision 1. **Creation.** The forest resource assessment products and services
45.4 account is created in the state treasury in the natural resources fund.

45.5 Subd. 2. **Receipts.** Money received from forest resource assessment product sales
45.6 and services provided by the commissioner under sections 84.025, subdivision 9; 84.026;
45.7 and 84.0855 shall be credited to the forest resource assessment products and services
45.8 account. Forest resource assessment products and services include the sale of aerial
45.9 photography, remote sensing, and satellite imagery products and services.

45.10 Subd. 3. **Use of money in account.** Money credited to the forest resource
45.11 assessment products and services account under subdivision 2 is annually appropriated to
45.12 the commissioner and shall be used to maintain the staff and facilities producing the aerial
45.13 photography, remote sensing, and satellite imagery products and services.

45.14 Sec. 26. **[89.62] SHADE TREE PEST CONTROL; GRANT PROGRAM.**

45.15 Subdivision 1. **Grants.** The commissioner may make grants to aid in the control of
45.16 a shade tree pest. To be eligible, a grantee must have a pest control program approved
45.17 by the commissioner that:

45.18 (1) defines tree ownership and who is responsible for the costs associated with
45.19 control measures;

45.20 (2) defines the zone of infestation within which the control measures are to be
45.21 applied;

45.22 (3) includes a tree inspector certified under section 89.63 and having the authority to
45.23 enter and inspect private lands;

45.24 (4) has the means to enforce measures needed to limit the spread of shade tree
45.25 pests; and

45.26 (5) provides that grant money received will be deposited in a separate fund to be
45.27 spent only for the purposes authorized by this section.

45.28 Subd. 2. **Grant eligibility.** The following are eligible for grants under this section:

45.29 (1) a home rule charter or statutory city or a town that exercises municipal powers
45.30 under section 368.01 or any general or special law;

45.31 (2) a special park district organized under chapter 398;

45.32 (3) a special-purpose park and recreation board;

45.33 (4) a soil and water conservation district;

45.34 (5) a county; or

46.1 (6) any other organization with the legal authority to enter into contractual
46.2 agreements.

46.3 Subd. 3. **Rules; applicability to municipalities.** The rules and procedures adopted
46.4 under this section by the commissioner apply in a municipality unless the municipality
46.5 adopts an ordinance determined by the commissioner to be more stringent than the rules
46.6 and procedures of the commissioner. The rules and procedures of the commissioner or
46.7 the municipality apply to all state agencies, special purpose districts, and metropolitan
46.8 commissions as defined in section 473.121, subdivision 5a, that own or control land
46.9 adjacent to or within a zone of infestation.

46.10 Sec. 27. Minnesota Statutes 2006, section 90.161, is amended by adding a subdivision
46.11 to read:

46.12 Subd. 4. **Change of security.** Prior to any harvest activity, or activities incidental
46.13 to the preparation for harvest, a purchaser having posted a bond for 100 percent of the
46.14 purchase price of a sale may request the release of the bond and the commissioner
46.15 shall grant such release upon cash payment to the commissioner of the down payment
46.16 requirement of the sale, plus interest.

46.17 Sec. 28. Minnesota Statutes 2006, section 93.22, subdivision 1, is amended to read:

46.18 Subdivision 1. **Generally.** (a) All payments under sections 93.14 to 93.285 shall
46.19 be made to the Department of Natural Resources and shall be credited according to this
46.20 section.

46.21 ~~(a) If the lands or minerals and mineral rights covered by a lease are held by the state~~
46.22 ~~by virtue of an act of Congress, payments made under the lease shall be credited to the~~
46.23 ~~permanent fund of the class of land to which the leased premises belong;~~

46.24 ~~(b) If a lease covers the bed of navigable waters, payments made under the lease~~
46.25 ~~shall be credited to the permanent school fund of the state.~~

46.26 ~~(c) If the lands or minerals and mineral rights covered by a lease are held by the~~
46.27 ~~state in trust for the taxing districts, payments made under the lease shall be distributed~~
46.28 ~~annually on the first day of September as follows:~~

46.29 ~~(1) 20 percent to the general fund; and~~

46.30 ~~(2) 80 percent to the respective counties in which the lands lie, to be apportioned~~
46.31 ~~among the taxing districts interested therein as follows: county, three-ninths; town or city,~~
46.32 ~~two-ninths; and school district, four-ninths.~~

47.1 ~~(d) Except as provided under this section and except where the disposition of~~
47.2 ~~payments may be otherwise directed by law, all payments shall be paid into the general~~
47.3 ~~fund of the state.~~

47.4 (b) Twenty percent of all payments under sections 93.14 to 93.285 shall be
47.5 credited to the minerals management account in the natural resources fund as costs for
47.6 the administration and management of state mineral resources by the commissioner of
47.7 natural resources.

47.8 (c) The remainder of the payments shall be credited as follows:

47.9 (1) if the lands or minerals and mineral rights covered by a lease are held by the state
47.10 by virtue of an act of Congress, payments made under the lease shall be credited to the
47.11 permanent fund of the class of land to which the leased premises belong;

47.12 (2) if a lease covers the bed of navigable waters, payments made under the lease
47.13 shall be credited to the permanent school fund of the state;

47.14 (3) if the lands or minerals and mineral rights covered by a lease are held by the state
47.15 in trust for the taxing districts, payments made under the lease shall be distributed annually
47.16 on the first day of September to the respective counties in which the lands lie, to be
47.17 apportioned among the taxing districts interested therein as follows: county, three-ninths;
47.18 town or city, two-ninths; and school district, four-ninths;

47.19 (4) if the lands or mineral rights covered by a lease became the absolute property of
47.20 the state under the provisions of chapter 84A, payments made under the lease shall be
47.21 distributed as follows: county containing the land from which the income was derived,
47.22 five-eighths; and general fund of the state, three-eighths; and

47.23 (5) except as provided under this section and except where the disposition of
47.24 payments may be otherwise directed by law, payments made under a lease shall be paid
47.25 into the general fund of the state.

47.26 Sec. 29. Minnesota Statutes 2006, section 97A.055, subdivision 4, is amended to read:

47.27 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year,
47.28 the commissioner shall submit to the legislative committees having jurisdiction over
47.29 appropriations and the environment and natural resources reports on each of the following:

47.30 (1) the amount of revenue from the following and purposes for which expenditures
47.31 were made:

47.32 (i) the small game license surcharge under section 97A.475, subdivision 4;

47.33 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision
47.34 5, clause (1);

47.35 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;

- 48.1 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); ~~and~~
48.2 (v) the turkey stamp under section 97A.475, subdivision 5, clause (3); and
48.3 (vi) the deer license surcharge under section 97A.475, subdivision 3a;
48.4 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and
48.5 (c), and the purposes for which these amounts were spent;
48.6 (3) money credited to the game and fish fund under this section and purposes for
48.7 which expenditures were made from the fund;
48.8 (4) outcome goals for the expenditures from the game and fish fund; and
48.9 (5) summary and comments of citizen oversight committee reviews under
48.10 subdivision 4b.

48.11 (b) The report must include the commissioner's recommendations, if any, for
48.12 changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

48.13 Sec. 30. Minnesota Statutes 2006, section 97A.065, is amended by adding a
48.14 subdivision to read:

48.15 Subd. 6. **Deer license surcharge.** The surcharge collected under section 97A.475,
48.16 subdivision 3a, shall be deposited in a special revenue account and is appropriated to
48.17 the commissioner for deer management, including for grants or payments to agencies,
48.18 organizations, or individuals for assisting with the cost of processing deer taken for
48.19 population management purposes for venison donation programs. None of the additional
48.20 license fees shall be transferred to any other agency for administration of programs other
48.21 than venison donation. If any money transferred by the commissioner is not used for a
48.22 venison donation program, it shall be returned to the commissioner.

48.23 Sec. 31. Minnesota Statutes 2006, section 97A.133, is amended by adding a
48.24 subdivision to read:

48.25 Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

48.26 Sec. 32. Minnesota Statutes 2006, section 97A.475, is amended by adding a
48.27 subdivision to read:

48.28 Subd. 3a. **Deer license surcharge.** Fees for annual resident and nonresident licenses
48.29 to take deer by firearms or archery established under subdivisions 2, clauses (4), (5), (9),
48.30 and (11), and 3, clauses (2), (3), and (7), must be increased by a surcharge of \$1, except
48.31 as provided under section 97A.065, subdivision 6. An additional commission may not
48.32 be assessed on the surcharge and the following statement must be included in the annual
48.33 deer hunting regulations: "The \$1 deer license surcharge is being paid by hunters for deer

49.1 management, including assisting with the costs of processing deer donated for charitable
49.2 purposes."

49.3 Sec. 33. Minnesota Statutes 2006, section 97A.475, subdivision 7, is amended to read:

49.4 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued
49.5 to nonresidents, are:

49.6 (1) to take fish by angling, \$34;

49.7 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
49.8 \$24;

49.9 (3) to take fish by angling for a 72-hour period selected by the licensee, \$20;

49.10 (4) to take fish by angling for a combined license for a family for one or both parents
49.11 and dependent children under the age of 16, \$46;

49.12 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and

49.13 (6) to take fish by angling for a combined license for a married couple, limited to
49.14 14 consecutive days selected by one of the licensees, \$35.

49.15 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses
49.16 issued under paragraph (a), clause (5). An additional commission may not be assessed
49.17 on this surcharge.

49.18 **EFFECTIVE DATE.** This section is effective March 1, 2008.

49.19 Sec. 34. Minnesota Statutes 2006, section 97A.485, subdivision 7, is amended to read:

49.20 Subd. 7. **Electronic licensing system commission.** The commissioner shall retain
49.21 for the operation of the electronic licensing system the commission established under
49.22 section 84.027, subdivision 15, and issuing fees collected by the commissioner on all
49.23 license fees collected, excluding:

49.24 (1) the small game surcharge; ~~and~~

49.25 (2) the deer license surcharge; and

49.26 (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6,
49.27 clauses (1), (2), and (4), 7, 8, 12, and 13.

49.28 Sec. 35. **[97B.303] VENISON DONATIONS.**

49.29 An individual who legally takes a deer may donate the deer, for distribution to
49.30 charitable food assistance programs, to a meat processor that is licensed under chapter
49.31 28A. An individual donating a deer must supply the processor with the tag number under
49.32 which the deer was taken.

50.1 Sec. 36. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

50.2 Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the
50.3 commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2.
50.4 ~~Permits shall be issued without a fee.~~ The commissioner shall charge a fee for the permit
50.5 that recovers the costs of issuing the permit and of monitoring the activities allowed by
50.6 the permit. Receipts collected from this fee shall be credited to the game and fish fund.
50.7 Notwithstanding section 16A.1283, the commissioner may, by written order published in
50.8 the State Register, establish contest permit fees. The fees are not subject to the rulemaking
50.9 provisions of chapter 14 and section 14.386 does not apply.

50.10 (b) If entry fees are over \$25 per person, or total prizes are valued at more than
50.11 \$25,000, and if the applicant has either:

50.12 (1) not previously conducted a fishing contest requiring a permit under this
50.13 subdivision; or

50.14 (2) ever failed to make required prize awards in a fishing contest conducted by
50.15 the applicant, the commissioner may require the applicant to furnish the commissioner
50.16 evidence of financial responsibility in the form of a surety bond or bank letter of credit in
50.17 the amount of \$25,000.

50.18 (c) The permit fee for any individual contest may not exceed the following amounts:

50.19 (1) \$120 for an open water contest not exceeding 100 participants and without
50.20 off-site weigh-in;

50.21 (2) \$400 for an open water contest with more than 100 participants and without
50.22 off-site weigh-in;

50.23 (3) \$500 for an open water contest not exceeding 100 participants with off-site
50.24 weigh-in;

50.25 (4) \$1,000 for an open water contest with more than 100 participants with off-site
50.26 weigh-in; or

50.27 (5) \$120 for an ice fishing contest with more than 150 participants.

50.28 Sec. 37. Minnesota Statutes 2006, section 103B.101, is amended by adding a
50.29 subdivision to read:

50.30 Subd. 12. **Authority to issue penalty orders.** The board may issue an order
50.31 requiring violations to be corrected and administratively assessing monetary penalties for
50.32 violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules
50.33 adopted under those chapters, and any standards, limitations, or conditions established
50.34 by the board.

50.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.

51.1 Sec. 38. [103B.102] LOCAL WATER MANAGEMENT ACCOUNTABILITY
51.2 AND OVERSIGHT.

51.3 Subdivision 1. Findings; improving accountability and oversight. The legislature
51.4 finds that a process is needed to monitor the performance and activities of local water
51.5 management entities. The process should be preemptive so that problems can be identified
51.6 early and systematically. Underperforming entities should be provided assistance and
51.7 direction for improving performance in a reasonable time frame.

51.8 Subd. 2. Definitions. For the purposes of this section, "local water management
51.9 entities" means watershed districts, soil and water conservation districts, metropolitan
51.10 water management organizations, and counties operating separately or jointly in their
51.11 role as local water management authorities under chapter 103B, 103C, 103D, or 103G
51.12 and chapter 114D.

51.13 Subd. 3. Evaluation and report. The Board of Water and Soil Resources shall
51.14 evaluate performance, financial, and activity information for each local water management
51.15 entity. The board shall evaluate the entities' progress in accomplishing their adopted
51.16 plans on a regular basis, but not less than once every five years. The board shall maintain
51.17 a summary of local water management entity performance on the board's Web site.
51.18 Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis
51.19 of local water management entity performance to the chairs of the house and senate
51.20 committees having jurisdiction over environment and natural resources policy.

51.21 Subd. 4. Corrective actions. (a) In addition to other authorities, the Board of Water
51.22 and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or
51.23 redirect grants and other funding if the local water management entity has not corrected
51.24 deficiencies as prescribed in a notice from the board within one year from the date of
51.25 the notice.

51.26 (b) The board may defer a decision on a termination petition filed under section
51.27 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation
51.28 under subdivision 3 or to communicate the results of the evaluation to petitioners or to
51.29 local and state government agencies.

51.30 Sec. 39. Minnesota Statutes 2006, section 103C.321, is amended by adding a
51.31 subdivision to read:

51.32 Subd. 6. Credit card use. The supervisors may authorize the use of a credit card
51.33 by any soil and water conservation district officer or employee otherwise authorized
51.34 to make a purchase on behalf of the soil and water conservation district. If a soil and
51.35 water conservation district officer or employee makes a purchase by credit card that is not

52.1 approved by the supervisors, the officer or employee is personally liable for the amount of
52.2 the purchase. A purchase by credit card must otherwise comply with all statutes, rules,
52.3 or soil and water conservation district policy applicable to soil and water conservation
52.4 district purchases.

52.5 Sec. 40. Minnesota Statutes 2006, section 103D.325, is amended by adding a
52.6 subdivision to read:

52.7 Subd. 4. **Credit card use.** The managers may authorize the use of a credit card
52.8 by any watershed district officer or employee otherwise authorized to make a purchase
52.9 on behalf of the watershed district. If a watershed district officer or employee makes a
52.10 purchase by credit card that is not approved by the managers, the officer or employee is
52.11 personally liable for the amount of the purchase. A purchase by credit card must otherwise
52.12 comply with all statutes, rules, or watershed district policy applicable to watershed district
52.13 purchases.

52.14 Sec. 41. Minnesota Statutes 2006, section 103E.021, subdivision 1, is amended to read:

52.15 Subdivision 1. **Spoil banks must be spread and ~~grass planted~~ permanent**
52.16 **vegetation established.** In any proceeding to establish, construct, improve, or do any
52.17 work affecting a public drainage system under any law that appoints viewers to assess
52.18 benefits and damages, the authority having jurisdiction over the proceeding shall order
52.19 spoil banks to be spread consistent with the plan and function of the drainage system. The
52.20 authority shall order that permanent grass, other than a noxious weed, be planted on
52.21 ~~the banks~~ ditch side slopes and on a strip that a permanent strip of perennial vegetation
52.22 approved by the drainage authority be established on each side of the ditch. Preference
52.23 should be given to planting native species of a local ecotype. The approved perennial
52.24 vegetation shall not impede future maintenance of the ditch. The permanent strips of
52.25 perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge
52.26 of the constructed channel resulting from the proceeding, or to the crown of the leveled
52.27 spoil bank, whichever is the greater, ~~on each side of the top edge of the channel of the~~
52.28 ditch; except for an action by a drainage authority that results only in a redetermination of
52.29 benefits and damages, for which the required width shall be 16-1/2 feet. Drainage system
52.30 rights-of-way for the acreage and additional property required for the ~~planting~~ permanent
52.31 strips must be acquired by the authority having jurisdiction.

52.32 Sec. 42. Minnesota Statutes 2006, section 103E.021, subdivision 2, is amended to read:

53.1 Subd. 2. **Reseeding and harvesting grass perennial vegetation.** The authority
53.2 having jurisdiction over the repair and maintenance of the drainage system shall supervise
53.3 all necessary reseeded. The permanent grass strips of perennial vegetation must be
53.4 maintained in the same manner as other drainage system repairs. Harvest of the grass
53.5 vegetation from the grass permanent strip in a manner not harmful to the grass vegetation
53.6 or the drainage system is the privilege of the fee owner or assigns. The county drainage
53.7 inspector shall establish rules for the fee owner and assigns to harvest the grass vegetation.

53.8 Sec. 43. Minnesota Statutes 2006, section 103E.021, subdivision 3, is amended to read:

53.9 Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than
53.10 those required for the maintenance of a permanent growth of grass perennial vegetation,
53.11 are not permitted on any portion of the property acquired for planting perennial vegetation.

53.12 Sec. 44. Minnesota Statutes 2006, section 103E.021, is amended by adding a
53.13 subdivision to read:

53.14 Subd. 6. **Incremental implementation of vegetated ditch buffer strips and side**
53.15 **inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment
53.16 of viewers and redetermination of benefits and damages, a drainage authority may
53.17 implement permanent buffer strips of perennial vegetation approved by the drainage
53.18 authority or side inlet controls, or both, adjacent to a public drainage ditch, where
53.19 necessary to control erosion and sedimentation, improve water quality, or maintain the
53.20 efficiency of the drainage system. Preference should be given to planting native species of
53.21 a local ecotype. The approved perennial vegetation shall not impede future maintenance
53.22 of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width
53.23 measured outward from the top edge of the existing constructed channel. Drainage system
53.24 rights-of-way for the acreage and additional property required for the permanent strips
53.25 must be acquired by the authority having jurisdiction.

53.26 (b) A project under this subdivision shall be implemented as a repair according to
53.27 section 103E.705, except that the drainage authority may appoint an engineer to examine
53.28 the drainage system and prepare an engineer's repair report for the project.

53.29 (c) Damages shall be determined by the drainage authority, or viewers, appointed by
53.30 the drainage authority, according to section 103E.315, subdivision 8. A damages statement
53.31 shall be prepared, including an explanation of how the damages were determined for each
53.32 property affected by the project, and filed with the auditor or watershed district. Within 30
53.33 days after the damages statement is filed, the auditor or watershed district shall prepare
53.34 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2),

54.1 (6), (7), and (8), and mail a copy of the property owner's report and damages statement to
54.2 each owner of property affected by the proposed project.

54.3 (d) After a damages statement is filed, the drainage authority shall set a time, by
54.4 order, not more than 30 days after the date of the order, for a hearing on the project. At
54.5 least ten days before the hearing, the auditor or watershed district shall give notice by mail
54.6 of the time and location of the hearing to the owners of property and political subdivisions
54.7 likely to be affected by the project.

54.8 (e) The drainage authority shall make findings and order the repairs to be made if
54.9 the drainage authority determines from the evidence presented at the hearing and by the
54.10 viewers and engineer, if appointed, that the repairs are necessary for the drainage system
54.11 and the costs of the repairs are within the limitations of section 103E.705.

54.12 **Sec. 45. [103E.067] DITCH BUFFER STRIP ANNUAL REPORTING.**

54.13 The drainage authority shall annually submit a report to the Board of Water and Soil
54.14 Resources for the calendar year including:

- 54.15 (1) the number and types of actions for which viewers were appointed;
54.16 (2) the number of miles of buffer strips established according to section 103E.021;
54.17 (3) the number of drainage system inspections conducted; and
54.18 (4) the number of violations of section 103E.021 identified and enforcement actions
54.19 taken.

54.20 **Sec. 46. Minnesota Statutes 2006, section 103E.315, subdivision 8, is amended to read:**

54.21 **Subd. 8. Extent of damages.** Damages to be paid may include:

- 54.22 (1) the fair market value of the property required for the channel of an open ditch
54.23 and the permanent ~~grass~~ strip of perennial vegetation under section 103E.021;
54.24 (2) the diminished value of a farm due to severing a field by an open ditch;
54.25 (3) loss of crop production during drainage project construction; ~~and~~
54.26 (4) the diminished productivity or land value from increased overflow; and
54.27 (5) costs to restore a perennial vegetative cover or structural practice existing
54.28 under a federal or state conservation program adjacent to the permanent drainage system
54.29 right-of-way and damaged by the drainage project.

54.30 **Sec. 47. Minnesota Statutes 2006, section 103E.321, subdivision 1, is amended to read:**

54.31 **Subdivision 1. Requirements.** The viewers' report must show, in tabular form,
54.32 for each lot, 40-acre tract, and fraction of a lot or tract under separate ownership that
54.33 is benefited or damaged:

- 55.1 (1) a description of the lot or tract, under separate ownership, that is benefited or
55.2 damaged;
- 55.3 (2) the names of the owners as they appear on the current tax records of the county
55.4 and their addresses;
- 55.5 (3) the number of acres in each tract or lot;
- 55.6 (4) the number and value of acres added to a tract or lot by the proposed drainage of
55.7 public waters;
- 55.8 (5) the damage, if any, to riparian rights;
- 55.9 (6) the damages paid for the permanent ~~grass~~ strip of perennial vegetation under
55.10 section 103E.021;
- 55.11 (7) the total number and value of acres added to a tract or lot by the proposed
55.12 drainage of public waters, wetlands, and other areas not currently being cultivated;
- 55.13 (8) the number of acres and amount of benefits being assessed for drainage of areas
55.14 which before the drainage benefits could be realized would require a public waters work
55.15 permit to work in public waters under section 103G.245 to excavate or fill a navigable
55.16 water body under United States Code, title 33, section 403, or a permit to discharge into
55.17 waters of the United States under United States Code, title 33, section 1344;
- 55.18 (9) the number of acres and amount of benefits being assessed for drainage of areas
55.19 that would be considered conversion of a wetland under United States Code, title 16,
55.20 section 3821, if the area was placed in agricultural production;
- 55.21 (10) the amount of right-of-way acreage required; and
- 55.22 (11) the amount that each tract or lot will be benefited or damaged.

55.23 Sec. 48. Minnesota Statutes 2006, section 103E.701, is amended by adding a
55.24 subdivision to read:

55.25 Subd. 7. **Restoration; disturbance or destruction by repair.** If a drainage system
55.26 repair disturbs or destroys a perennial vegetative cover or structural practice existing
55.27 under a federal or state conservation program adjacent to the permanent drainage system
55.28 right-of-way, the practice must be restored according to the applicable practice plan or
55.29 as determined by the drainage authority, if a practice plan is not available. Restoration
55.30 costs shall be paid by the drainage system.

55.31 Sec. 49. Minnesota Statutes 2006, section 103E.705, subdivision 1, is amended to read:

55.32 Subdivision 1. **Inspection.** After the construction of a drainage system has been
55.33 completed, the drainage authority shall maintain the drainage system that is located in its
55.34 jurisdiction, including ~~grass~~ the permanent strips of perennial vegetation under section

56.1 103E.021, and provide the repairs necessary to make the drainage system efficient. The
56.2 drainage authority shall have the drainage system inspected on a regular basis by an
56.3 inspection committee of the drainage authority or a drainage inspector appointed by the
56.4 drainage authority. Open drainage ditches shall be inspected at a minimum of every five
56.5 years when no violation of section 103E.021 is found and annually when a violation of
56.6 section 103E.021 is found, until one year after the violation is corrected.

56.7 Sec. 50. Minnesota Statutes 2006, section 103E.705, subdivision 2, is amended to read:

56.8 Subd. 2. **Grass Permanent strip of perennial vegetation inspection and**
56.9 **compliance notice.** (a) The drainage authority having jurisdiction over a drainage system
56.10 must inspect the drainage system for violations of section 103E.021. If an inspection
56.11 committee of the drainage authority or a drainage inspector determines that permanent
56.12 ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section
56.13 103E.021, a compliance notice must be sent to the property owner.

56.14 (b) The notice must state:

56.15 (1) the date the ditch was inspected;

56.16 (2) the persons making the inspection;

56.17 (3) that spoil banks are to be spread in a manner consistent with the plan and function
56.18 of the drainage system and that the drainage system has acquired a grass permanent strip
56.19 ~~16-1/2 feet in width or to the crown of the spoil bank, whichever is greater~~ of perennial
56.20 vegetation, according to section 103E.021;

56.21 (4) the violations of section 103E.021;

56.22 (5) the measures that must be taken by the property owner to comply with section
56.23 103E.021 and the date when the property must be in compliance; and

56.24 (6) that if the property owner does not comply by the date specified, the drainage
56.25 authority will perform the work necessary to bring the area into compliance with section
56.26 103E.021 and charge the cost of the work to the property owner.

56.27 (c) If a property owner does not bring an area into compliance with section 103E.021
56.28 as provided in the compliance notice, the inspection committee or drainage inspector
56.29 must notify the drainage authority.

56.30 (d) This subdivision applies to property acquired under section 103E.021.

56.31 Sec. 51. Minnesota Statutes 2006, section 103E.705, subdivision 3, is amended to read:

56.32 Subd. 3. **Drainage inspection report.** For each drainage system that the board
56.33 designates and requires the drainage inspector to examine, the drainage inspector shall
56.34 make a drainage inspection report in writing to the board after examining a drainage

57.1 system, designating portions that need repair or maintenance of ~~grass~~ the permanent
57.2 strips of perennial vegetation and the location and nature of the repair or maintenance.
57.3 The board shall consider the drainage inspection report at its next meeting and may repair
57.4 all or any part of the drainage system as provided under this chapter. The ~~grass~~ permanent
57.5 strips of perennial vegetation must be maintained in compliance with section 103E.021.

57.6 Sec. 52. Minnesota Statutes 2006, section 103E.728, subdivision 2, is amended to read:

57.7 Subd. 2. **Additional assessment for agricultural practices on ~~grass~~ permanent**
57.8 **strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing,
57.9 charge an additional assessment on property that has agricultural practices on or otherwise
57.10 violates provisions related to the permanent ~~grass~~ strip of perennial vegetation acquired
57.11 under section 103E.021.

57.12 (b) The drainage authority may determine the cost of the repair per mile of open
57.13 ditch on the ditch system. Property that is in violation of the grass requirement shall be
57.14 assessed a cost of 20 percent of the repair cost per open ditch mile multiplied by the length
57.15 of open ditch in miles on the property in violation.

57.16 (c) After the amount of the additional assessment is determined and applied to the
57.17 repair cost, the balance of the repair cost may be apportioned pro rata as provided in
57.18 subdivision 1.

57.19 Sec. 53. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

57.20 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly
57.21 or partially, unless replaced by restoring or creating wetland areas of at least equal
57.22 public value under a replacement plan approved as provided in section 103G.2242, a
57.23 replacement plan under a local governmental unit's comprehensive wetland protection
57.24 and management plan approved by the board under section 103G.2243, or, if a permit to
57.25 mine is required under section 93.481, under a mining reclamation plan approved by the
57.26 commissioner under the permit to mine. Mining reclamation plans shall apply the same
57.27 principles and standards for replacing wetlands by restoration or creation of wetland areas
57.28 that are applicable to mitigation plans approved as provided in section 103G.2242. Public
57.29 value must be determined in accordance with section 103B.3355 or a comprehensive
57.30 wetland protection and management plan established under section 103G.2243. Sections
57.31 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently
57.32 flooded areas of types 3, 4, and 5 wetlands.

57.33 (b) Replacement must be guided by the following principles in descending order
57.34 of priority:

58.1 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
58.2 the wetland;

58.3 (2) minimizing the impact by limiting the degree or magnitude of the wetland
58.4 activity and its implementation;

58.5 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected
58.6 wetland environment;

58.7 (4) reducing or eliminating the impact over time by preservation and maintenance
58.8 operations during the life of the activity;

58.9 (5) compensating for the impact by restoring a wetland; and

58.10 (6) compensating for the impact by replacing or providing substitute wetland
58.11 resources or environments.

58.12 For a project involving the draining or filling of wetlands in an amount not exceeding
58.13 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
58.14 paragraph (a), the local government unit may make an on-site sequencing determination
58.15 without a written alternatives analysis from the applicant.

58.16 (c) If a wetland is located in a cultivated field, then replacement must be
58.17 accomplished through restoration only without regard to the priority order in paragraph
58.18 (b), provided that a deed restriction is placed on the altered wetland prohibiting
58.19 nonagricultural use for at least ten years.

58.20 (d) If a wetland is drained under section 103G.2241, subdivision 2, the local
58.21 government unit may require a deed restriction that prohibits nonagricultural use for at
58.22 least ten years unless the drained wetland is replaced as provided under this section. The
58.23 local government unit may require the deed restriction if it determines the wetland area
58.24 drained is at risk of conversion to a nonagricultural use within ten years based on the
58.25 zoning classification, proximity to a municipality or full service road, or other criteria as
58.26 determined by the local government unit.

58.27 (e) Restoration and replacement of wetlands must be accomplished in accordance
58.28 with the ecology of the landscape area affected and ponds that are created primarily to
58.29 fulfill stormwater management, and water quality treatment requirements may not be
58.30 used to satisfy replacement requirements under this chapter unless the design includes
58.31 pretreatment of runoff and the pond is functioning as a wetland.

58.32 (f) ~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland
58.33 located on nonagricultural land, replacement must be in the ratio of two acres of replaced
58.34 wetland for each acre of drained or filled wetland.

59.1 ~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a
59.2 greater than 80 percent area, replacement must be in the ratio of one acre of replaced
59.3 wetland for each acre of drained or filled wetland.

59.4 ~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement
59.5 plan are subject to the provisions of this section for any subsequent drainage or filling.

59.6 ~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been
59.7 restored from previously drained or filled wetlands, wetlands created by excavation in
59.8 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,
59.9 or wetlands created by dikes or dams associated with the restoration of previously drained
59.10 or filled wetlands may be used in a statewide banking program established in rules adopted
59.11 under section 103G.2242, subdivision 1. Modification or conversion of nondegraded
59.12 naturally occurring wetlands from one type to another are not eligible for enrollment in a
59.13 statewide wetlands bank.

59.14 ~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242,
59.15 subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop
59.16 wetland characteristics of soils, vegetation, and hydrology before recommending that the
59.17 wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has
59.18 reason to believe that the wetland characteristics may change substantially, the panel shall
59.19 postpone its recommendation until the wetland has stabilized.

59.20 ~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and
59.21 103G.2365 apply to the state and its departments and agencies.

59.22 ~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new
59.23 public transportation project, and for projects expanded solely for additional traffic
59.24 capacity, public transportation authorities may purchase credits from the board at the cost
59.25 to the board to establish credits. Proceeds from the sale of credits provided under this
59.26 paragraph are appropriated to the board for the purposes of this paragraph.

59.27 ~~(l)~~ (m) A replacement plan for wetlands is not required for individual projects that
59.28 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,
59.29 or replacement of a currently serviceable existing state, city, county, or town public road
59.30 necessary, as determined by the public transportation authority, to meet state or federal
59.31 design or safety standards or requirements, excluding new roads or roads expanded solely
59.32 for additional traffic capacity lanes. This paragraph only applies to authorities for public
59.33 transportation projects that:

59.34 (1) minimize the amount of wetland filling or draining associated with the project
59.35 and consider mitigating important site-specific wetland functions on-site;

60.1 (2) except as provided in clause (3), submit project-specific reports to the board, the
60.2 Technical Evaluation Panel, the commissioner of natural resources, and members of the
60.3 public requesting a copy at least 30 days prior to construction that indicate the location,
60.4 amount, and type of wetlands to be filled or drained by the project or, alternatively,
60.5 convene an annual meeting of the parties required to receive notice to review projects to
60.6 be commenced during the upcoming year; and

60.7 (3) for minor and emergency maintenance work impacting less than 10,000 square
60.8 feet, submit project-specific reports, within 30 days of commencing the activity, to the
60.9 board that indicate the location, amount, and type of wetlands that have been filled
60.10 or drained.

60.11 Those required to receive notice of public transportation projects may appeal
60.12 minimization, delineation, and on-site mitigation decisions made by the public
60.13 transportation authority to the board according to the provisions of section 103G.2242,
60.14 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation
60.15 decisions made by the public transportation authority and provide recommendations
60.16 regarding on-site mitigation if requested to do so by the local government unit, a
60.17 contiguous landowner, or a member of the Technical Evaluation Panel.

60.18 Except for state public transportation projects, for which the state Department of
60.19 Transportation is responsible, the board must replace the wetlands, and wetland areas of
60.20 public waters if authorized by the commissioner or a delegated authority, drained or filled
60.21 by public transportation projects on existing roads.

60.22 Public transportation authorities at their discretion may deviate from federal and
60.23 state design standards on existing road projects when practical and reasonable to avoid
60.24 wetland filling or draining, provided that public safety is not unreasonably compromised.
60.25 The local road authority and its officers and employees are exempt from liability for
60.26 any tort claim for injury to persons or property arising from travel on the highway and
60.27 related to the deviation from the design standards for construction or reconstruction under
60.28 this paragraph. This paragraph does not preclude an action for damages arising from
60.29 negligence in construction or maintenance on a highway.

60.30 ~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed
60.31 project has already affected the wetland, the local government unit may require the
60.32 landowner to replace the affected wetland at a ratio not to exceed twice the replacement
60.33 ratio otherwise required.

60.34 ~~(n)~~ (o) A local government unit may request the board to reclassify a county or
60.35 watershed on the basis of its percentage of presettlement wetlands remaining. After
60.36 receipt of satisfactory documentation from the local government, the board shall change

61.1 the classification of a county or watershed. If requested by the local government unit,
61.2 the board must assist in developing the documentation. Within 30 days of its action to
61.3 approve a change of wetland classifications, the board shall publish a notice of the change
61.4 in the Environmental Quality Board Monitor.

61.5 ~~(o)~~ (p) One hundred citizens who reside within the jurisdiction of the local
61.6 government unit may request the local government unit to reclassify a county or watershed
61.7 on the basis of its percentage of presettlement wetlands remaining. In support of their
61.8 petition, the citizens shall provide satisfactory documentation to the local government unit.
61.9 The local government unit shall consider the petition and forward the request to the board
61.10 under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

61.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.12 Sec. 54. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

61.13 Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow
61.14 this priority order:

61.15 (1) on site or in the same minor watershed as the affected wetland;

61.16 (2) in the same watershed as the affected wetland;

61.17 (3) in the same county as the affected wetland;

61.18 (4) for replacement by wetland banking, in the same wetland bank service area as
61.19 the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in
61.20 a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a
61.21 less than 50 percent area;

61.22 (5) for project specific replacement, in an adjacent watershed ~~or county~~ to the
61.23 affected wetland, or for replacement by wetland banking, in an adjacent wetland bank
61.24 service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to
61.25 80 percent area and impacts in a less than 50 percent area must be replaced in a less
61.26 than 50 percent area; and

61.27 ~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for~~
61.28 ~~public transportation projects, except that wetlands affected in less than 50 percent areas~~
61.29 ~~must be replaced in less than 50 percent areas, and wetlands affected in the seven-county~~
61.30 ~~metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or,~~
61.31 ~~(ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds~~
61.32 ~~that are wholly or partially within the seven-county metropolitan area, but at least one to~~
61.33 ~~one must be replaced within the seven-county metropolitan area.~~

61.34 (b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80
61.35 percent areas may follow the priority order under this paragraph: (1) by wetland banking

62.1 after evaluating on-site replacement and replacement within the watershed; (2) replaced
62.2 in an adjacent wetland bank service area if wetland bank credits are not reasonably
62.3 available in the same wetland bank service area as the affected wetland, as determined
62.4 by the local government unit or by a comprehensive inventory approved by the board;
62.5 and (3) statewide.

62.6 (c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county
62.7 metropolitan area must follow the priority order under this paragraph: (1) in the affected
62.8 county; (2) in another of the seven metropolitan counties; or (3) in one of the major
62.9 watersheds that are wholly or partially within the seven-county metropolitan area, but at
62.10 least one to one must be replaced within the seven-county metropolitan area.

62.11 (d) The exception in paragraph (a), clause ~~(5)~~ (6), does not apply to replacement
62.12 completed using wetland banking credits established by a person who submitted a
62.13 complete wetland banking application to a local government unit by April 1, 1996.

62.14 ~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement
62.15 opportunities are not available in siting priorities listed in paragraph (a), the applicant
62.16 may seek opportunities at the next level.

62.17 ~~(d)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally
62.18 beneficial replacement opportunities" are defined as opportunities that:

62.19 (1) take advantage of naturally occurring hydrogeomorphological conditions and
62.20 require minimal landscape alteration;

62.21 (2) have a high likelihood of becoming a functional wetland that will continue
62.22 in perpetuity;

62.23 (3) do not adversely affect other habitat types or ecological communities that are
62.24 important in maintaining the overall biological diversity of the area; and

62.25 (4) are available and capable of being done after taking into consideration cost,
62.26 existing technology, and logistics consistent with overall project purposes.

62.27 ~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in
62.28 wetland restoration shall collaborate to identify potential replacement opportunities within
62.29 their jurisdictional areas.

62.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

62.31 Sec. 55. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to
62.32 read:

62.33 Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is
62.34 not required for:

63.1 ~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop~~
63.2 ~~rotation seeding of pasture grass or legumes, or was required to be set aside to receive~~
63.3 ~~price support or other payments under United States Code, title 7, sections 1421 to 1469,~~
63.4 ~~in six of the last ten years prior to January 1, 1991;~~

63.5 ~~(2) activities in a wetland that is or has been enrolled in the federal conservation~~
63.6 ~~reserve program under United States Code, title 16, section 3831, that:~~

63.7 ~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was~~
63.8 ~~required to be set aside to receive price support or payment under United States Code,~~
63.9 ~~title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the~~
63.10 ~~program; and~~

63.11 ~~(ii) has not been restored with assistance from a public or private wetland restoration~~
63.12 ~~program;~~

63.13 ~~(3) activities in a wetland that has received a commenced drainage determination~~
63.14 ~~provided for by the federal Food Security Act of 1985, that was made to the county~~
63.15 ~~Agricultural Stabilization and Conservation Service office prior to September 19, 1988,~~
63.16 ~~and a ruling and any subsequent appeals or reviews have determined that drainage of the~~
63.17 ~~wetland had been commenced prior to December 23, 1985;~~

63.18 ~~(4) activities in a type 1 wetland on agricultural land, except for bottomland~~
63.19 ~~hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two~~
63.20 ~~acres in size and located on agricultural land;~~

63.21 (1) activities in a wetland conducted as part of normal farming practices. For
63.22 purposes of this clause, "normal farming practices" means farming, silvicultural, grazing,
63.23 and ranching activities such as plowing, seeding, cultivating, and harvesting for the
63.24 production of feed, food, fuel, fiber, and forest products, but does not include activities
63.25 that result in the draining or filling of wetlands in whole or part;

63.26 (2) soil and water conservation practices approved by the soil and water conservation
63.27 district, after review by the Technical Evaluation Panel;

63.28 ~~(5)~~ (3) aquaculture activities including pond excavation and construction and
63.29 maintenance of associated access roads and dikes authorized under, and conducted in
63.30 accordance with, a permit issued by the United States Army Corps of Engineers under
63.31 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but
63.32 not including construction or expansion of buildings; or

63.33 ~~(6)~~ (4) wild rice production activities, including necessary diking and other activities
63.34 authorized under a permit issued by the United States Army Corps of Engineers under
63.35 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

64.1 ~~(7) normal agricultural practices to control noxious or secondary weeds as defined~~
64.2 ~~by rule of the commissioner of agriculture, in accordance with applicable requirements~~
64.3 ~~under state and federal law, including established best management practices; and~~

64.4 ~~(8) agricultural activities in a wetland that is on agricultural land:~~

64.5 ~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of~~
64.6 ~~1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on~~
64.7 ~~January 1, 2000; or~~

64.8 ~~(ii) subject to subsequent federal farm program restrictions that meet minimum~~
64.9 ~~state standards under this chapter and sections 103A.202 and 103B.3355 and that have~~
64.10 ~~been approved by the Board of Water and Soil Resources, the commissioners of natural~~
64.11 ~~resources and agriculture, and the Pollution Control Agency.~~

64.12 ~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is~~
64.13 ~~eligible for easement participation for those acres not already compensated under a federal~~
64.14 ~~program.~~

64.15 ~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional~~
64.16 ~~acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when~~
64.17 ~~the additional acreage is part of a conservation plan approved by the local soil and water~~
64.18 ~~conservation district, the additional draining or filling is necessary for efficient operation~~
64.19 ~~of the farm, the hydrology of the larger wetland system is not adversely affected, and~~
64.20 ~~wetlands other than types 1, 2, and 6 are not drained or filled.~~

64.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.22 Sec. 56. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to
64.23 read:

64.24 Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage
64.25 system" means a drainage system as defined in section 103E.005, subdivision 12, and any
64.26 ditch or tile lawfully connected to the drainage system. If wetlands drained under this
64.27 subdivision are converted to uses prohibited under paragraph (b), clause (2), during the
64.28 ten-year period following drainage, the wetlands must be replaced according to section
64.29 103G.222.

64.30 (b) A replacement plan is not required for draining of type 1 wetlands, or up to five
64.31 acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed
64.32 drainage benefits for a public drainage system, provided that:

64.33 (1) during the 20-year period that ended January 1, 1992:

64.34 (i) there was an expenditure made from the drainage system account for the public
64.35 drainage system;

65.1 (ii) the public drainage system was repaired or maintained as approved by the
65.2 drainage authority; or

65.3 (iii) no repair or maintenance of the public drainage system was required under
65.4 section 103E.705, subdivision 1, as determined by the public drainage authority; and

65.5 (2) the wetlands are not drained for conversion to:

65.6 (i) platted lots;

65.7 (ii) planned unit, commercial, or industrial developments; or

65.8 (iii) any development with more than one residential unit per 40 acres.

65.9 ~~If wetlands drained under this paragraph are converted to uses prohibited under clause~~
65.10 ~~(2) during the ten-year period following drainage, the wetlands must be replaced under~~
65.11 ~~section 103G.222.~~

65.12 (c) A replacement plan is not required for draining or filling of wetlands, except for
65.13 draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years,
65.14 resulting from maintenance and repair of existing public drainage systems.

65.15 (d) A replacement plan is not required for draining or filling of wetlands, except
65.16 for draining wetlands that have been in existence for more than 25 years, resulting from
65.17 maintenance and repair of existing drainage systems other than public drainage systems.

65.18 ~~(e) A replacement plan is not required for draining or filling of wetlands resulting~~
65.19 ~~from activities conducted as part of a public drainage system improvement project that~~
65.20 ~~received final approval from the drainage authority before July 1, 1991, and after July 1,~~
65.21 ~~1986, if:~~

65.22 ~~(1) the approval remains valid;~~

65.23 ~~(2) the project remains active; and~~

65.24 ~~(3) no additional drainage will occur beyond that originally approved.~~

65.25 (e) A replacement plan is not required for draining agricultural land that: (1) was
65.26 planted with annually seeded crops before June 10, except for crops that are normally
65.27 planted after that date, in eight out of the ten most recent years prior to the impact; (2)
65.28 was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most
65.29 recent years prior to the impact; or (3) was enrolled in a state or federal land conservation
65.30 program and met the requirements of clause (1) or (2) before enrollment.

65.31 (f) The public drainage authority may, as part of the repair, install control structures,
65.32 realign the ditch, construct dikes along the ditch, or make other modifications as necessary
65.33 to prevent drainage of the wetland.

65.34 (g) Wetlands of all types that would be drained as a part of a public drainage repair
65.35 project are eligible for the permanent wetlands preserve under section 103F.516. The
65.36 board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have

66.1 been in existence for more than 25 years on public drainage systems and other wetlands
66.2 that have the greatest risk of drainage from a public drainage repair project.

66.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

66.4 Sec. 57. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to
66.5 read:

66.6 Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for:
66.7 ~~(1) activities exempted from federal regulation under United States Code, title 33,~~
66.8 ~~section 1344(f), as in effect on January 1, 1991;~~

66.9 ~~(2) activities authorized under, and conducted in accordance with, an applicable~~
66.10 ~~general permit issued by the United States Army Corps of Engineers under section 404~~
66.11 ~~of the federal Clean Water Act, United States Code, title 33, section 1344, except the~~
66.12 ~~nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a),~~
66.13 ~~clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on~~
66.14 ~~January 1, 1991; or~~

66.15 ~~(3) activities authorized under the federal Clean Water Act, section 404, or the~~
66.16 ~~Rivers and Harbors Act, section 10, regulations that meet minimum state standards~~
66.17 ~~under this chapter and sections 103A.202 and 103B.3355 and that have been approved~~
66.18 ~~by the Board of Water and Soil Resources, the commissioners of natural resources and~~
66.19 ~~agriculture, and the Pollution Control Agency.~~

66.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

66.21 Sec. 58. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to
66.22 read:

66.23 Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not
66.24 required for:

66.25 ~~(1) placement, maintenance, repair, enhancement, or replacement of utility or~~
66.26 ~~utility-type service if:~~

66.27 ~~(i) the impacts of the proposed project on the hydrologic and biological~~
66.28 ~~characteristics of the wetland have been avoided and minimized to the extent possible; and~~

66.29 ~~(ii) the proposed project significantly modifies or alters less than one-half acre of~~
66.30 ~~wetlands;~~

66.31 ~~(2) activities associated with routine maintenance of utility and pipeline~~
66.32 ~~rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

67.1 ~~(3) alteration of a wetland associated with the operation, maintenance, or repair of~~
67.2 ~~an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

67.3 ~~(4) emergency repair and normal maintenance and repair of existing public works;~~
67.4 ~~provided the activity does not result in additional intrusion of the public works into the~~
67.5 ~~wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

67.6 ~~(5) normal maintenance and minor repair of structures causing no additional~~
67.7 ~~intrusion of an existing structure into the wetland, and maintenance and repair of private~~
67.8 ~~crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

67.9 ~~(6) repair and updating of existing individual sewage treatment systems as necessary~~
67.10 ~~to comply with local, state, and federal regulations.~~

67.11 (1) new placement or maintenance, repair, enhancement, or replacement of existing
67.12 utility or utility-type service, including pipelines, if:

67.13 (i) the direct and indirect impacts of the proposed project have been avoided and
67.14 minimized to the extent possible; and

67.15 (ii) the proposed project significantly modifies or alters less than one-half acre of
67.16 wetlands;

67.17 (2) activities associated with operation, routine maintenance, or emergency repair of
67.18 existing utilities and public work structures, including pipelines, provided the activities
67.19 do not result in additional wetland intrusion or additional draining or filling of a wetland
67.20 either wholly or partially; or

67.21 (3) repair and updating of existing individual sewage treatment systems necessary to
67.22 comply with local, state, and federal regulations.

67.23 (b) For maintenance, repair, and replacement, the local government unit may issue
67.24 a seasonal or annual exemption certification or the utility may proceed without local
67.25 government unit certification if the utility is carrying out the work according to approved
67.26 best management practices. Work of an emergency nature may proceed as necessary
67.27 and any drain or fill activities shall be addressed with the local government unit after
67.28 the emergency work has been completed.

67.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

67.30 Sec. 59. Minnesota Statutes 2006, section 103G.2241, subdivision 9, is amended to
67.31 read:

67.32 Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a
67.33 replacement plan for wetlands is not required for draining or filling the following amounts
67.34 of wetlands as part of a project:

68.1 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
68.2 tamarack wetlands, outside of the shoreland wetland protection zone in a greater than
68.3 80 percent area;

68.4 (2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar
68.5 and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80
68.6 percent area;

68.7 (3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland
68.8 wetland protection zone in a less than 50 percent area;

68.9 (4) ~~400~~ 100 square feet of wetland types not listed in clauses (1) to (3) outside of
68.10 the building setback zone of the shoreland wetland protection zones in all counties; or

68.11 (5) 400 square feet of ~~type 1, 2, 3, 4, 5, 6, 7, or 8~~ wetland types listed in clauses (1)
68.12 to (3), in beyond the building setback zone, as defined in the local shoreland management

68.13 ordinance, but within the shoreland wetland protection zone, except that. In a greater

68.14 than 80 percent area, the local government unit may increase the de minimis amount
68.15 up to 1,000 square feet ~~in the shoreland protection zone in areas beyond the building~~

68.16 ~~setback~~ if the wetland is isolated and is determined to have no direct surficial connection

68.17 to the public water. To the extent that a local shoreland management ordinance is more

68.18 restrictive than this provision, the local shoreland ordinance applies; or

68.19 (6) up to 20 square feet of wetland, regardless of type or location.

68.20 (b) The amounts listed in paragraph (a), clauses (1) to ~~(5)~~ (6), may not be combined
68.21 on a project.

68.22 (c) This exemption no longer applies to a landowner's portion of a wetland when
68.23 the cumulative area drained or filled of the landowner's portion since January 1, 1992, is
68.24 the greatest of:

68.25 (1) the applicable area listed in paragraph (a), if the landowner owns the entire
68.26 wetland;

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

68.28 (3) 400 square feet.

68.29 (d) This exemption may not be combined with another exemption in this section on
68.30 a project.

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

68.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

68.33 Sec. 60. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to
68.34 read:

69.1 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland
69.2 under an exemption in subdivisions 1 to 10 shall ensure that:

69.3 (1) appropriate erosion control measures are taken to prevent sedimentation of
69.4 the water;

69.5 (2) the activity does not block fish passage in a watercourse; and

69.6 (3) the activity is conducted in compliance with all other applicable federal,
69.7 state, and local requirements, including best management practices and water resource
69.8 protection requirements established under chapter 103H.

69.9 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it
69.10 may be indicated as not exempt under another exemption.

69.11 (c) Persons proposing to conduct an exempt activity are encouraged to contact the
69.12 local government unit or the local government unit's designee for advice on minimizing
69.13 wetland impacts.

69.14 (d) The board shall develop rules that address the application and implementation
69.15 of exemptions and that provide for estimates and reporting of exempt wetland impacts,
69.16 including those in section 103G.2241, subdivisions 2, 6, and 9.

69.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

69.18 Sec. 61. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to
69.19 read:

69.20 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,
69.21 or type of a wetland shall be submitted to and determined by a Technical Evaluation
69.22 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of
69.23 a technical professional employee of the board, a technical professional employee of
69.24 the local soil and water conservation district or districts, a technical professional with
69.25 expertise in water resources management appointed by the local government unit, and
69.26 a technical professional employee of the Department of Natural Resources for projects
69.27 affecting public waters or wetlands adjacent to public waters. The panel shall use the
69.28 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),
69.29 including updates, supplementary guidance, and replacements, if any, "Wetlands of
69.30 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),
69.31 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979
69.32 edition). The panel shall provide the wetland determination and recommendations on
69.33 other technical matters to the local government unit that must approve a replacement
69.34 plan, wetland banking plan, exemption determination, no-loss determination, or wetland
69.35 boundary or type determination and may recommend approval or denial of the plan. The

70.1 authority must consider and include the decision of the Technical Evaluation Panel in their
70.2 approval or denial of a plan or determination.

70.3 (b) Persons conducting wetland or public waters boundary delineations or type
70.4 determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001,~~
70.5 ~~the board, in consultation with the Minnesota Association of Professional Soil Scientists,~~
70.6 ~~the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan~~
70.7 ~~for a professional wetland delineator certification program to the legislature. The board~~
70.8 may develop a professional wetland delineator certification program.

70.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

70.10 Sec. 62. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to
70.11 read:

70.12 Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply
70.13 for a wetland boundary or type determination from the local government unit. The
70.14 landowner applying for the determination is responsible for submitting proof necessary
70.15 to make the determination, including, but not limited to, wetland delineation field data,
70.16 observation well data, topographic mapping, survey mapping, and information regarding
70.17 soils, vegetation, hydrology, and groundwater both within and outside of the proposed
70.18 wetland boundary.

70.19 (b) A local government unit that receives an application under paragraph (a) may
70.20 seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if
70.21 necessary, expand the Technical Evaluation Panel. The local government unit may delegate
70.22 the decision authority for wetland boundary or type determinations ~~with the zoning~~
70.23 ~~administrator~~ to designated staff, or establish other procedures it considers appropriate.

70.24 (c) The local government unit decision must be made in compliance with section
70.25 15.99. Within ten calendar days of the decision, the local government unit decision must
70.26 be mailed to the landowner, members of the Technical Evaluation Panel, the watershed
70.27 district or watershed management organization, if one exists, and individual members of
70.28 the public who request a copy.

70.29 (d) Appeals of decisions made by designated local government staff must be made
70.30 to the local government unit. Notwithstanding any law to the contrary, a ruling on an
70.31 appeal must be made by the local government unit within 30 days from the date of the
70.32 filing of the appeal.

70.33 (e) The local government unit decision is valid for three years unless the Technical
70.34 Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation,
70.35 or soils of the area have been sufficient to alter the wetland boundary or type.

71.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

71.2 Sec. 63. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to
71.3 read:

71.4 Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking,
71.5 wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may
71.6 be obtained by mailing a petition and payment of a filing fee ~~of \$200~~, which shall be
71.7 retained by the board to defray administrative costs, to the board within 30 days after the
71.8 postmarked date of the mailing specified in subdivision 7. If appeal is not sought within
71.9 30 days, the decision becomes final. ~~The local government unit may require the petitioner~~
71.10 ~~to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500.~~ If the
71.11 petition for hearing is accepted, the amount posted must be returned to the petitioner.

71.12 Appeal may be made by:

- 71.13 (1) the wetland owner;
- 71.14 (2) any of those to whom notice is required to be mailed under subdivision 7; or
- 71.15 (3) 100 residents of the county in which a majority of the wetland is located.

71.16 (b) Within 30 days after receiving a petition, the board shall decide whether to
71.17 grant the petition and hear the appeal. The board shall grant the petition unless the board
71.18 finds that:

- 71.19 (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;
- 71.20 (2) the petitioner has not exhausted all local administrative remedies;
- 71.21 (3) expanded technical review is needed;
- 71.22 (4) the local government unit's record is not adequate; or
- 71.23 (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required
71.24 by the local government unit.

71.25 (c) In determining whether to grant the appeal, the board shall also consider the
71.26 size of the wetland, other factors in controversy, any patterns of similar acts by the local
71.27 government unit or petitioner, and the consequences of the delay resulting from the appeal.

71.28 (d) All appeals must be heard by the committee for dispute resolution of the board,
71.29 and a decision made within 60 days of filing the local government unit's record and the
71.30 written briefs submitted for the appeal. The decision must be served by mail on the parties
71.31 to the appeal, and is not subject to the provisions of chapter 14. A decision whether to
71.32 grant a petition for appeal and a decision on the merits of an appeal must be considered the
71.33 decision of an agency in a contested case for purposes of judicial review under sections
71.34 14.63 to 14.69.

72.1 (e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to
72.2 defray the administrative costs of appeals made to the board under this subdivision. Fees
72.3 established under this authority shall not exceed \$1,000. Establishment of the fee is not
72.4 subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

72.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

72.6 Sec. 64. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to
72.7 read:

72.8 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,
72.9 enhancement, or construction may be allowed for replacement unless specifically
72.10 designated for replacement and paid for by the individual or organization performing the
72.11 wetland restoration, enhancement, or construction, and is completed prior to any draining
72.12 or filling of the wetland.

72.13 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with
72.14 interest the individual or organization restoring, enhancing, or constructing the wetland.

72.15 (c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the
72.16 following actions, and others established in rule, that are consistent with criteria in rules
72.17 adopted by the board in conjunction with the commissioners of natural resources and
72.18 agriculture, are eligible for replacement credit as determined by the local government unit,
72.19 including enrollment in a statewide wetlands bank:

72.20 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland
72.21 on agricultural land that was planted with annually seeded crops, was in a crop rotation
72.22 seeding of pasture grasses or legumes, or was in a land retirement program during the
72.23 past ten years;

72.24 (2) buffer areas of permanent native, noninvasive vegetative cover established or
72.25 preserved on upland adjacent to replacement wetlands;

72.26 (3) wetlands restored for conservation purposes under terminated easements or
72.27 contracts; and

72.28 (4) water quality treatment ponds constructed to pretreat storm water runoff prior
72.29 to discharge to wetlands, public waters, or other water bodies, provided that the water
72.30 quality treatment ponds must be associated with an ongoing or proposed project that
72.31 will impact a wetland and replacement credit for the treatment ponds is based on the
72.32 replacement of wetland functions and on an approved stormwater management plan for
72.33 the local government.

73.1 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g),
73.2 the board may establish by rule different replacement ratios for restoration projects with
73.3 exceptional natural resource value.

73.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

73.5 Sec. 65. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to
73.6 read:

73.7 Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9
73.8 and 14 must be paid to the Board of Water and Soil Resources ~~and credited to the general~~
73.9 ~~fund~~ to be used for the purpose of administration of the wetland bank and to process
73.10 appeals under section 103G.2242, subdivision 9.

73.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

73.12 Sec. 66. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to
73.13 read:

73.14 Subd. 2. **Plan contents.** A comprehensive wetland protection and management
73.15 plan may:

73.16 (1) provide for classification of wetlands in the plan area based on:

73.17 (i) an inventory of wetlands in the plan area;

73.18 (ii) an assessment of the wetland functions listed in section 103B.3355, using a
73.19 methodology chosen by the Technical Evaluation Panel from one of the methodologies
73.20 established or approved by the board under that section; and

73.21 (iii) the resulting public values;

73.22 (2) vary application of the sequencing standards in section 103G.222, subdivision 1,
73.23 paragraph (b), for projects based on the classification and criteria set forth in the plan;

73.24 (3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs
73.25 ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific
73.26 wetland impacts provided there is no net loss of public values within the area subject to
73.27 the plan, and so long as:

73.28 (i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced
73.29 wetland for each acre of drained or filled wetland requiring replacement is met within
73.30 the area subject to the plan; and

73.31 (ii) in a less than 50 percent area, a minimum acreage requirement of two acres of
73.32 replaced wetland for each acre of drained or filled wetland requiring replacement is met

74.1 within the area subject to the plan, except that replacement for the amount above a 1:1
74.2 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

74.3 (4) in a greater than 80 percent area, allow replacement credit, based on the
74.4 classification and criteria set forth in the plan, for any project that increases the public
74.5 value of wetlands, including activities on adjacent upland acres; ~~and,~~

74.6 ~~(5) in a greater than 80 percent area, based on the classification and criteria set forth~~
74.7 ~~in the plan, expand the application of the exemptions in section 103G.2241, subdivision~~
74.8 ~~1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no~~
74.9 ~~net loss of wetland values.~~

74.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

74.11 Sec. 67. Minnesota Statutes 2006, section 103G.235, is amended to read:

74.12 **103G.235 RESTRICTIONS ON ACCESS TO PUBLIC WATERS WETLANDS.**

74.13 **Subdivision 1. Wetlands adjacent to roads.** To protect the public health or safety,
74.14 local units of government may by ordinance restrict public access to public waters
74.15 wetlands from municipality, county, or township roads that abut public waters wetlands.

74.16 **Subd. 2. Privately restored or created wetlands.** When a landowner creates a new
74.17 wetland or restores a formerly existing wetland on private land that is adjacent to public
74.18 land or a public road right-of-way, there is no public access to the created or restored
74.19 wetland if posted by the landowner.

74.20 Sec. 68. Minnesota Statutes 2006, section 103G.301, subdivision 2, is amended to read:

74.21 **Subd. 2. Permit application fees.** (a) A permit application fee to defray the costs of
74.22 receiving, recording, and processing the application must be paid for a permit authorized
74.23 under this chapter and for each request to amend or transfer an existing permit.

74.24 (b) The fee to apply for a permit to appropriate water by a nonpublic applicant or a
74.25 nonagricultural irrigation applicant must be assessed to recover the reasonable costs of
74.26 preparing and issuing the permit. Fees collected under this paragraph must be credited to
74.27 an account in the natural resources fund and are appropriated to the commissioner.

74.28 ~~(b)~~ (c) The fee to apply for a permit to appropriate water, other than a permit subject
74.29 to the fee under paragraph (b); a permit to construct or repair a dam that is subject to dam
74.30 safety inspection; or a state general permit or to apply for the state water bank program is
74.31 \$150. The application fee for a permit to work in public waters or to divert waters for
74.32 mining must be at least \$150, but not more than \$1,000, according to a schedule of fees
74.33 adopted under section 16A.1285.

75.1 Sec. 69. Minnesota Statutes 2006, section 115.55, subdivision 1, is amended to read:

75.2 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections
75.3 115.55 to 115.56.

75.4 (b) "Advisory committee" means the Advisory Committee on Individual Sewage
75.5 Treatment Systems established under the individual sewage treatment system rules. The
75.6 advisory committee must be appointed to ensure geographic representation of the state
75.7 and include elected public officials.

75.8 (c) "Applicable requirements" means:

75.9 (1) local ordinances that comply with the individual sewage treatment system rules,
75.10 as required in subdivision 2; or

75.11 (2) in areas not subject to the ordinances described in clause (1), the individual
75.12 sewage treatment system rules.

75.13 (d) "City" means a statutory or home rule charter city.

75.14 (e) "Commissioner" means the commissioner of the Pollution Control Agency.

75.15 (f) "Dwelling" means a building or place used or intended to be used by human
75.16 occupants as a single-family or two-family unit.

75.17 (g) "Individual sewage treatment system" or "system" means a sewage treatment
75.18 system, or part thereof, ~~servicing a dwelling, other establishment, or group thereof,~~ that
75.19 uses subsurface soil treatment and disposal, or a holding tank, servicing a dwelling, other
75.20 establishment, or a group thereof.

75.21 (h) "Individual sewage treatment system professional" means an inspector, installer,
75.22 site evaluator or designer, or pumper.

75.23 (i) "Individual sewage treatment system rules" means rules adopted by the agency
75.24 that establish minimum standards and criteria for the design, location, installation, use,
75.25 and maintenance of individual sewage treatment systems.

75.26 (j) "Inspector" means a person who inspects individual sewage treatment systems for
75.27 compliance with the applicable requirements.

75.28 (k) "Installer" means a person who constructs or repairs individual sewage treatment
75.29 systems.

75.30 (l) "Local unit of government" means a township, city, or county.

75.31 (m) "Performance-based system" means a system that is designed specifically for a
75.32 site and the environmental conditions on that site and designed to adequately protect the
75.33 public health and the environment and provide long-term performance. At a minimum, a
75.34 performance based system must ensure that applicable water quality standards are met in
75.35 both ground and surface water that ultimately receive the treated wastewater.

76.1 (n) "Pumper" means a person who maintains components of individual sewage
76.2 treatment systems including, but not limited to, septic, aerobic, and holding tanks.

76.3 ~~(n)~~ (o) "Seasonal dwelling" means a dwelling that is occupied or used for less than
76.4 180 days per year and less than 120 consecutive days.

76.5 ~~(o)~~ (p) "Septic system tank" means any covered receptacle designed, constructed,
76.6 and installed as part of an individual sewage treatment system.

76.7 ~~(p)~~ (q) "Site evaluator or designer" means a person who:

76.8 (1) investigates soils and site characteristics to determine suitability, limitations, and
76.9 sizing requirements; and

76.10 (2) designs individual sewage treatment systems.

76.11 ~~(q)~~ (r) "Straight-pipe system" means a sewage disposal system that includes toilet
76.12 waste and transports raw or partially settled sewage directly to a lake, a stream, a drainage
76.13 system, or ground surface.

76.14 Sec. 70. Minnesota Statutes 2006, section 115.55, subdivision 2, is amended to read:

76.15 Subd. 2. **Local ordinances.** (a) All counties ~~that did not adopt ordinances by~~
76.16 ~~May 7, 1994, or that do not have ordinances,~~ must adopt ordinances that comply with
76.17 revisions to the individual sewage treatment system rules by January 1, 1999, unless all
76.18 towns and cities in the county have adopted such ordinances within two years of the final
76.19 adoption by the agency. County ordinances must apply to all areas of the county other
76.20 than cities or towns that have adopted ordinances that comply with this section and are
76.21 as strict as the applicable county ordinances. ~~Any ordinance adopted by a local unit of~~
76.22 ~~government before May 7, 1994, to regulate individual sewage treatment systems must be~~
76.23 ~~in compliance with the individual sewage treatment system rules by January 1, 1998.~~

76.24 (b) A copy of each ordinance adopted under this subdivision must be submitted to
76.25 the commissioner upon adoption.

76.26 (c) A local unit of government must make available to the public upon request a
76.27 written list of any differences between its ordinances and rules adopted under this section.

76.28 Sec. 71. Minnesota Statutes 2006, section 115.55, subdivision 3, is amended to read:

76.29 Subd. 3. **Rules.** (a) The agency shall adopt rules containing minimum standards and
76.30 criteria for the design, location, installation, use, and maintenance of individual sewage
76.31 treatment systems. The rules must include:

76.32 (1) how the agency will ensure compliance under subdivision 2;

76.33 (2) how local units of government shall enforce ordinances under subdivision 2,
76.34 including requirements for permits and inspection programs;

77.1 (3) how the advisory committee will participate in review and implementation of
77.2 the rules;

77.3 (4) provisions for ~~alternative~~ nonstandard systems and performance-based systems;

77.4 (5) provisions for handling and disposal of effluent;

77.5 (6) provisions for system abandonment; and

77.6 (7) procedures for variances, including the consideration of variances based on cost
77.7 and variances that take into account proximity of a system to other systems.

77.8 (b) The agency shall consult with the advisory committee before adopting rules
77.9 under this subdivision.

77.10 (c) Notwithstanding the repeal of the agency rule under which the commissioner
77.11 has established a list of warrantied individual sewage treatment systems, the warranties
77.12 for all systems so listed as of the effective date of the repeal shall continue to be valid
77.13 for the remainder of the warranty period.

77.14 (d) The rules required in paragraph (a) must also address the following:

77.15 (1) a definition of redoximorphic features and other criteria that can be used by
77.16 system designers and inspectors;

77.17 (2) direction on the interpretation of observed soil features that may be
77.18 redoximorphic and their relation to zones of seasonal saturation; and

77.19 (3) procedures on how to resolve professional disagreements on seasonally saturated
77.20 soils.

77.21 These rules must be in place by March 31, 2006.

77.22 Sec. 72. Minnesota Statutes 2006, section 115.55, is amended by adding a subdivision
77.23 to read:

77.24 **Subd. 12. Advisory committee; county individual sewage treatment system**
77.25 **management plan.** (a) A county may adopt an individual sewage treatment system
77.26 management plan that describes how the county plans on carrying out individual sewage
77.27 treatment system needs. The commissioner of the Pollution Control Agency shall form an
77.28 advisory committee to determine what the plans should address. The advisory committee
77.29 shall be made up of representatives of the Association of Minnesota Counties, Pollution
77.30 Control Agency, Board of Water and Soil Resources, Department of Health, and other
77.31 public agencies or local units of government that have an interest in individual sewage
77.32 treatment systems.

77.33 (b) The advisory committee shall advise the agency on the standards, management,
77.34 monitoring, and reporting requirements for performance-based systems.

78.1 Sec. 73. Minnesota Statutes 2006, section 116C.92, is amended to read:

78.2 **116C.92 COORDINATION OF ACTIVITIES.**

78.3 Subdivision 1. State coordinating organization. The Environmental Quality Board
78.4 is designated the state coordinating organization for state and federal regulatory activities
78.5 relating to genetically engineered organisms.

78.6 Subd. 2. Notice of nationwide action. The board shall notify interested parties if a
78.7 permit to release genetically engineered wild rice is issued anywhere in the United States.

78.8 For purposes of this subdivision, "interested parties" means:

78.9 (1) the state's wild rice industry;

78.10 (2) the legislature;

78.11 (3) federally recognized tribes within Minnesota; and

78.12 (4) individuals who request to be notified.

78.13 Sec. 74. Minnesota Statutes 2006, section 116C.94, subdivision 1, is amended to read:

78.14 Subdivision 1. **General authority.** (a) Except as provided in paragraph (b), the
78.15 board shall adopt rules consistent with sections 116C.91 to 116C.96 that require an
78.16 environmental assessment worksheet and otherwise comply with chapter 116D and rules
78.17 adopted under it for a proposed release and a permit for a release. The board may place
78.18 conditions on a permit and may deny, modify, suspend, or revoke a permit.

78.19 (b) The board shall adopt rules that require an environmental impact statement and
78.20 otherwise comply with chapter 116D and rules adopted under it for a proposed release and
78.21 a permit for a release of genetically engineered wild rice. The board may place conditions
78.22 on the permit and may deny, modify, suspend, or revoke the permit.

78.23 Sec. 75. Minnesota Statutes 2006, section 116C.97, subdivision 2, is amended to read:

78.24 Subd. 2. **Federal oversight.** (a) If the board determines, upon its own volition or at
78.25 the request of any person, that a federal program exists for regulating the release of certain
78.26 genetically engineered organisms and the federal oversight under the program is adequate
78.27 to protect human health or the environment, then any person may release such genetically
78.28 engineered organisms after obtaining the necessary federal approval and without obtaining
78.29 a state release permit or a significant environmental permit or complying with the other
78.30 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
78.31 to section 116C.94.

78.32 (b) If the board determines the federal program is adequate to meet only certain
78.33 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
78.34 to section 116C.94, the board may exempt such releases from those requirements.

79.1 (c) A person proposing a release for which a federal authorization is required may
 79.2 apply to the board for an exemption from the board's permit or to a state agency with a
 79.3 significant environmental permit for the proposed release for an exemption from the
 79.4 agency's permit. The proposer must file with the board or state agency a written request
 79.5 for exemption with a copy of the federal application and the information necessary to
 79.6 determine if there is a potential for significant environmental effects under chapter 116D
 79.7 and rules adopted under it. The board or state agency shall give public notice of the request
 79.8 in the first available issue of the EQB Monitor and shall provide an opportunity for public
 79.9 comment on the environmental review process consistent with chapter 116D and rules
 79.10 adopted under it. The board or state agency may grant the exemption if the board or state
 79.11 agency finds that the federal authorization issued is adequate to meet the requirements of
 79.12 chapter 116D and rules adopted under it and any other requirement of the board's or state
 79.13 agency's authority regarding the release of genetically engineered organisms. The board
 79.14 or state agency must grant or deny the exemption within 45 days after the receipt of the
 79.15 written request and the information required by the board or state agency.

79.16 (d) This subdivision does not apply to genetically engineered organisms for which
 79.17 an environmental impact statement is required under sections 116C.91 to 116C.96.

79.18 Sec. 76. Minnesota Statutes 2006, section 282.04, subdivision 1, is amended to read:

79.19 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor may
 79.20 sell timber upon any tract that may be approved by the natural resources commissioner.
 79.21 The sale of timber shall be made for cash at not less than the appraised value determined
 79.22 by the county board to the highest bidder after not less than one week's published notice
 79.23 in an official paper within the county. Any timber offered at the public sale and not sold
 79.24 may thereafter be sold at private sale by the county auditor at not less than the appraised
 79.25 value thereof, until the time as the county board may withdraw the timber from sale. The
 79.26 appraised value of the timber and the forestry practices to be followed in the cutting of
 79.27 said timber shall be approved by the commissioner of natural resources.

79.28 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be
 79.29 made in cash at the time of the timber sale, except in the case of oral or sealed bid auction
 79.30 sales, the down payment shall be no less than 15 percent of the appraised value, and the
 79.31 balance shall be paid prior to entry. In the case of auction sales that are partitioned and
 79.32 sold as a single sale with predetermined cutting blocks, the down payment shall be no less
 79.33 than 15 percent of the appraised price of the entire timber sale which may be held until the
 79.34 satisfactory completion of the sale or applied in whole or in part to the final cutting block.
 79.35 The value of each separate block must be paid in full before any cutting may begin in that

80.1 block. With the permission of the county contract administrator the purchaser may enter
 80.2 unpaid blocks and cut necessary timber incidental to developing logging roads as may
 80.3 be needed to log other blocks provided that no timber may be removed from an unpaid
 80.4 block until separately scaled and paid for. If payment is provided as specified in this
 80.5 paragraph as security under paragraph (a) and no cutting has taken place on the contract,
 80.6 the county auditor may credit the security provided, less any down payment required for
 80.7 an auction sale under this paragraph, to any other contract issued to the contract holder
 80.8 by the county under this chapter to which the contract holder requests in writing that it
 80.9 be credited, provided the request and transfer is made within the same calendar year as
 80.10 the security was received.

80.11 (c) The county board may ~~require final settlement on the basis of a scale of cut~~
 80.12 ~~products~~ sell any timber, including biomass, as appraised or scaled. Any parcels of land
 80.13 from which timber is to be sold by scale of cut products shall be so designated in the
 80.14 published notice of sale under paragraph (a), in which case the notice shall contain a
 80.15 description of the parcels, a statement of the estimated quantity of each species of timber,
 80.16 and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as
 80.17 the case may be. In those cases any bids offered over and above the appraised prices shall
 80.18 be by percentage, the percent bid to be added to the appraised price of each of the different
 80.19 species of timber advertised on the land. The purchaser of timber from the parcels shall
 80.20 pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of
 80.21 sale as estimated to be standing on the land, and in addition shall pay at the same rate for
 80.22 any additional amounts which the final scale shows to have been cut or was available for
 80.23 cutting on the land at the time of sale under the terms of the sale. Where the final scale
 80.24 of cut products shows that less timber was cut or was available for cutting under terms
 80.25 of the sale than was originally paid for, the excess payment shall be refunded from the
 80.26 forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the
 80.27 county board as in case of other claims against the county. No timber, except hardwood
 80.28 pulpwood, may be removed from the parcels of land or other designated landings until
 80.29 scaled by a person or persons designated by the county board and approved by the
 80.30 commissioner of natural resources. Landings other than the parcel of land from which
 80.31 timber is cut may be designated for scaling by the county board by written agreement
 80.32 with the purchaser of the timber. The county board may, by written agreement with the
 80.33 purchaser and with a consumer designated by the purchaser when the timber is sold by the
 80.34 county auditor, and with the approval of the commissioner of natural resources, accept the
 80.35 consumer's scale of cut products delivered at the consumer's landing. No timber shall be
 80.36 removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in

81.1 appraised valuation may be sold for not less than the full appraised value at private sale
 81.2 to individual persons without first publishing notice of sale or calling for bids, provided
 81.3 that in case of a sale involving a total appraised value of more than \$200 the sale shall be
 81.4 made subject to final settlement on the basis of a scale of cut products in the manner above
 81.5 provided and not more than two of the sales, directly or indirectly to any individual shall
 81.6 be in effect at one time.

81.7 (d) As directed by the county board, the county auditor may lease tax-forfeited land
 81.8 to individuals, corporations or organized subdivisions of the state at public or private sale,
 81.9 and at the prices and under the terms as the county board may prescribe, for use as cottage
 81.10 and camp sites and for agricultural purposes and for the purpose of taking and removing of
 81.11 hay, stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden
 81.12 sites and other temporary uses provided that no leases shall be for a period to exceed ten
 81.13 years; provided, further that any leases involving a consideration of more than \$12,000 per
 81.14 year, except to an organized subdivision of the state shall first be offered at public sale in
 81.15 the manner provided herein for sale of timber. Upon the sale of any leased land, it shall
 81.16 remain subject to the lease for not to exceed one year from the beginning of the term of the
 81.17 lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation
 81.18 shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be
 81.19 audited and allowed by the county board as in case of other claims against the county.

81.20 (e) As directed by the county board, the county auditor may lease tax-forfeited land
 81.21 to individuals, corporations, or organized subdivisions of the state at public or private sale,
 81.22 at the prices and under the terms as the county board may prescribe, for the purpose
 81.23 of taking and removing for use for road construction and other purposes tax-forfeited
 81.24 stockpiled iron-bearing material. The county auditor must determine that the material is
 81.25 needed and suitable for use in the construction or maintenance of a road, tailings basin,
 81.26 settling basin, dike, dam, bank fill, or other works on public or private property, and
 81.27 that the use would be in the best interests of the public. No lease shall exceed ten years.
 81.28 The use of a stockpile for these purposes must first be approved by the commissioner of
 81.29 natural resources. The request shall be deemed approved unless the requesting county
 81.30 is notified to the contrary by the commissioner of natural resources within six months
 81.31 after receipt of a request for approval for use of a stockpile. Once use of a stockpile has
 81.32 been approved, the county may continue to lease it for these purposes until approval is
 81.33 withdrawn by the commissioner of natural resources.

81.34 (f) The county auditor, with the approval of the county board is authorized to grant
 81.35 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean
 81.36 ores, tailings, or waste products from mines or ore milling plants, upon the conditions and

82.1 for the consideration and for the period of time, not exceeding 15 years, as the county
82.2 board may determine. The permits, licenses, or leases are subject to approval by the
82.3 commissioner of natural resources.

82.4 (g) Any person who removes any timber from tax-forfeited land before said
82.5 timber has been scaled and fully paid for as provided in this subdivision is guilty of a
82.6 misdemeanor.

82.7 (h) The county auditor may, with the approval of the county board, and without first
82.8 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal
82.9 of peat and for the production or removal of farm-grown closed-loop biomass as defined
82.10 in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited
82.11 lands upon the terms and conditions as the county board may prescribe. Any lease for
82.12 the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops
82.13 from tax-forfeited lands must first be reviewed and approved by the commissioner of
82.14 natural resources if the lease covers 320 or more acres. No lease for the removal of
82.15 peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by
82.16 the county auditor pursuant to this section without first holding a public hearing on the
82.17 auditor's intention to lease. One printed notice in a legal newspaper in the county at least
82.18 ten days before the hearing, and posted notice in the courthouse at least 20 days before
82.19 the hearing shall be given of the hearing.

82.20 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis
82.21 County auditor may, at the discretion of the county board, sell timber to the party who
82.22 bids the highest price for all the several kinds of timber, as provided for sales by the
82.23 commissioner of natural resources under section 90.14. Bids offered over and above the
82.24 appraised price need not be applied proportionately to the appraised price of each of
82.25 the different species of timber.

82.26 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the
82.27 county board and under terms set by the county board, the county auditor may accept an
82.28 irrevocable bank letter of credit in the amount equal to the amount otherwise determined
82.29 in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph,
82.30 at the written request of the purchaser, the county may periodically allow the bank letter
82.31 of credit to be reduced by an amount proportionate to the value of timber that has been
82.32 harvested and for which the county has received payment. The remaining amount of
82.33 the bank letter of credit after a reduction under this paragraph must not be less than 20
82.34 percent of the value of the timber purchased. If an irrevocable bank letter of credit or
82.35 cash deposit is provided for the down payment required in paragraph (b), and no cutting
82.36 of timber has taken place on the contract for which a letter of credit has been provided,

83.1 the county may allow the transfer of the letter of credit to any other contract issued to the
83.2 contract holder by the county under this chapter to which the contract holder requests in
83.3 writing that it be credited.

83.4 Sec. 77. Minnesota Statutes 2006, section 296A.18, subdivision 4, is amended to read:

83.5 Subd. 4. **All-terrain vehicle.** Approximately ~~0.15~~ 0.27 of one percent of all gasoline
83.6 received in or produced or brought into this state, except gasoline used for aviation
83.7 purposes, is being used for the operation of all-terrain vehicles in this state, and of the total
83.8 revenue derived from the imposition of the gasoline fuel tax, ~~0.15~~ 0.27 of one percent is
83.9 the amount of tax on fuel used in all-terrain vehicles operated in this state.

83.10 Sec. 78. Laws 2003, chapter 128, article 1, section 169, is amended to read:

83.11 Sec. 169. **CONTINUOUS TRAIL DESIGNATION.**

83.12 (a) The commissioner of natural resources shall locate, plan, design, map, construct,
83.13 designate, and sign a new trail for use by all-terrain vehicles and off-highway motorcycles
83.14 of not less than 70 continuous miles in length on any land owned by the state or in
83.15 cooperation with any county on land owned by that county or on a combination of any of
83.16 these lands. This new trail shall be ready for use by ~~April 1, 2007~~ June 30, 2009.

83.17 (b) All funding for this new trail shall come from the all-terrain vehicle dedicated
83.18 account and is appropriated each year as needed.

83.19 (c) This new trail shall have at least two areas of access complete with appropriate
83.20 parking for vehicles and trailers and enough room for loading and unloading all-terrain
83.21 vehicles. Some existing trails, that are strictly all-terrain vehicle trails, and are not
83.22 inventoried forest roads, may be incorporated into the design of this new all-terrain vehicle
83.23 trail. This new trail may be of a continuous loop design and shall provide for spurs to other
83.24 all-terrain vehicle trails as long as those spurs do not count toward the 70 continuous miles
83.25 of this new all-terrain vehicle trail. Four rest areas shall be provided along the way.

83.26 Sec. 79. Laws 2006, chapter 236, article 1, section 21, is amended to read:

83.27 Sec. 21. **EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE;**
83.28 **ITASCA COUNTY.**

83.29 (a) For the purpose of a land exchange for use in connection with a proposed
83.30 steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8,
83.31 subdivision 3, title examination and approval of the land described in paragraph (b)
83.32 shall be undertaken as a condition of exchange of the land for class B land, and shall be
83.33 governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions

84.1 of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes,
84.2 section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title
84.3 reports or title insurance commitments prepared or underwritten by a title insurer licensed
84.4 to conduct title insurance business in this state, regardless of whether abstracts were
84.5 created or updated in the preparation of the title reports or commitments. The opinion of
84.6 the county attorney, and approval by the attorney general, shall be based on those title
84.7 reports or commitments.

84.8 (b) The land subject to this section is located in Itasca County and is described as:

84.9 (1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township
84.10 56 North, Range 22 West;

84.11 (2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

84.12 (3) Section 30, Township 57 North, Range 22 West; and

84.13 (4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

84.14 (c) Riparian land given in exchange by Itasca County for the purpose of the steel
84.15 mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota
84.16 Statutes, section 94.342, subdivision 3.

84.17 (d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1,
84.18 and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell,
84.19 by private sale, any land received in exchange for the purpose of the steel mill referenced
84.20 in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The
84.21 sale must be in a form approved by the attorney general.

84.22 (e) Notwithstanding Minnesota Statutes, section 284.28, subdivision 8, or any other
84.23 law to the contrary, land acquired through an exchange under this section is exempt from
84.24 payment of three percent of the sales price required to be collected by the county auditor
84.25 at the time of sale for deposit in the state treasury.

84.26 Sec. 80. **ENDOCRINE DISRUPTOR REPORT.**

84.27 The commissioner of the Pollution Control Agency shall prepare a report on
84.28 strategies to prevent the entry of endocrine disruptors into waters of the state. The report
84.29 must include an estimate for each strategy of the proportion of endocrine disruptors that
84.30 are prevented from entering the waters of the state. The commissioner shall submit the
84.31 report to the house and senate committees having jurisdiction over environment and
84.32 natural resources policy and finance by January 15, 2008.

84.33 Sec. 81. **EASEMENT REPORT REQUIRED.**

85.1 By January 1, 2008, the commissioner of natural resources must report to the
85.2 house and senate committees with jurisdiction over environment and natural resources
85.3 finance with proposed minimum legal and conservation standards that could be applied
85.4 to conservation easements acquired with public money.

85.5 **Sec. 82. TAX-FORFEITED LANDS LEASE; ITASCA COUNTY.**

85.6 Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,
85.7 the Itasca County auditor may lease tax-forfeited land to Minnesota Steel for a period of
85.8 20 years, for use as a tailings basin and buffer area. A lease entered under this section
85.9 is renewable.

85.10 **Sec. 83. WILD RICE STUDY.**

85.11 By February 15, 2008, the commissioner of natural resources must prepare a study
85.12 for natural wild rice that includes:

- 85.13 (1) the current location and estimated acreage and area of natural stands;
85.14 (2) identified threats to natural stands, including, but not limited to, development
85.15 pressure, water levels, pollution, invasive species, and genetic strains; and
85.16 (3) recommendations to the house and senate committees with jurisdiction over
85.17 natural resources on protecting and increasing natural wild rice stands in the state.

85.18 In developing the study, the commissioner must contact and ask for comments
85.19 from the state's wild rice industry, the commissioner of agriculture, local officials with
85.20 significant areas of wild rice within their jurisdictions, tribal leaders within affected
85.21 federally recognized tribes, and interested citizens.

85.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

85.23 **Sec. 84. CONSTRUCTION.**

85.24 Nothing in sections 73, 74, 75, and 83 affects, alters, or modifies the authorities,
85.25 responsibilities, obligations, or powers of the state or any political subdivision thereof or
85.26 any federally recognized tribe.

85.27 **Sec. 85. SEPTIC BEST PRACTICES ASSISTANCE.**

85.28 The commissioner of the Pollution Control Agency shall establish a database of
85.29 best practices regarding the installation, management, and maintenance of individual
85.30 sewage treatment systems. The database must be made available to any interested public
85.31 or private party.

86.1 Sec. 86. **RULEMAKING.**

86.2 Within 90 days of the effective date of this section, the Board of Water and Soil
86.3 Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate
86.4 statute changes and to address the related wetland exemption provisions in Minnesota
86.5 Rules, parts 8420.0115 to 8420.0210, and the wetland replacement and banking provisions
86.6 in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the
86.7 rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes,
86.8 section 14.386, applies and the proposed rules must be submitted to the senate and house
86.9 committees having jurisdiction over environment and natural resources at least 30 days
86.10 prior to being published in the State Register. The amended rules are effective for two
86.11 years from the date of publication in the State Register unless they are superseded by
86.12 permanent rules.

86.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.14 Sec. 87. **VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.**

86.15 (a) The following area is established and designated as the Vermillion Highlands
86.16 Wildlife Management Area, subject to the special permitted uses authorized in this section:

86.17 The approximately 2,840 acres owned by the University of Minnesota lying within
86.18 the area legally described as approximately the southerly 3/4 of the Southwest 1/4 of
86.19 Section 1, the Southeast 1/4 of Section 2, the East 1/2 of Section 10, Section 11, the
86.20 West 1/2 of Section 12, Section 13, and Section 14, all in Township 114 North, Range
86.21 19 West, Dakota County.

86.22 (b) Notwithstanding Minnesota Statutes, section 86A.05, subdivision 8, paragraph

86.23 (c), permitted uses in the Vermillion Highlands Wildlife Management Area include:

86.24 (1) education, outreach, and agriculture with the intent to eventually phase out
86.25 agriculture leases and plant and restore native prairie;

86.26 (2) research by the University of Minnesota or other permitted researchers;

86.27 (3) hiking, hunting, fishing, trapping, and other compatible wildlife-related
86.28 recreation of a natural outdoors experience, without constructing new hard surface trails
86.29 or roads, and supporting management and improvements;

86.30 (4) designated trails for hiking, horseback riding, biking, and cross-country skiing
86.31 and necessary trailhead support with minimal impact on the permitted uses in clause (3);

86.32 (5) shooting sports facilities for sporting clays, skeet, trapshooting, and rifle and
86.33 pistol shooting, including sanctioned events and training for responsible handling and
86.34 use of firearms;

86.35 (6) grant-in-aid snowmobile trails; and

87.1 (7) leases for small-scale farms to market vegetable farming.

87.2 (c) With the concurrence of representatives of the University of Minnesota and
87.3 Dakota County, the commissioner of natural resources may, by posting or rule, restrict the
87.4 permitted uses as follows:

87.5 (1) temporarily close areas or trails, by posting at the access points, to facilitate
87.6 hunting. When temporarily closing trails under this clause, the commissioner shall avoid
87.7 closing all trail loops simultaneously whenever practical; or

87.8 (2) limit other permitted uses to accommodate hunting and trapping after providing
87.9 advance public notice. Research conducted by the university may not be limited unless
87.10 mutually agreed by the commissioner and the University of Minnesota.

87.11 (d) Road maintenance within the wildlife management area shall be minimized, with
87.12 the intent to abandon interior roads when no longer needed for traditional agriculture
87.13 purposes.

87.14 (e) Money collected on leases from lands within the wildlife management area
87.15 must be kept in a separate account and spent within the wildlife management area under
87.16 direction of the representatives listed in paragraph (c). \$200,000 of this money may be
87.17 transferred to the commissioner of natural resources for a master planning process and
87.18 resource inventory of the land identified in Minnesota Statutes, section 137.50, subdivision
87.19 6, in order to provide needed prairie and wetland restoration. The commissioner must work
87.20 with affected officials from the University of Minnesota and Dakota County to complete
87.21 these requirements and inform landowners and lessees about the planning process.

87.22 (f) Notwithstanding Minnesota Statutes, sections 97A.061 and 477A.11, the state
87.23 of Minnesota shall not provide payments in lieu of taxes for the lands described in
87.24 paragraph (a).

87.25 **Sec. 88. REPEALER.**

87.26 (a) Minnesota Statutes 2006, section 89A.11, is repealed.

87.27 (b) Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed.

87.28 **EFFECTIVE DATE.** Paragraph (a) of this section is effective July 1, 2007.

87.29 Paragraph (b) of this section is effective the day following final enactment.