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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 1237

March 2, 2009
Authored by Eken
The bill was read for the first time and referred to the Committee on Environment Policy and Oversight
March 16, 2009
Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Public Safety Policy and Oversight
March 19, 2009
Committee Recommendation and Adoption of Report:
To Pass as Amended and re-referred to the Committee on Civil Justice
March 25, 2009
Committee Recommendation and Adoption of Report:
To Pass and Read Second Time
March 26, 2009
By motion, re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to natural resources; modifying wild rice season; modifying certain
1.3 definitions; modifying state park permit requirements; modifying authority to
1.4 establish secondary units; eliminating liquor service at John A. Latsch State
1.5 Park; providing for establishment of boater waysides; modifying watercraft
1.6 operation requirements; providing for appeals and enforcement of certain
1.7 civil penalties; providing for taking wild animals to protect public safety;
1.8 modifying Board of Water and Soil Resources membership; modifying local
1.9 water program; modifying Reinvest in Minnesota Resources Law; modifying
1.10 certain easement authority; providing for notice of changes to public waters
1.11 inventory; modifying critical habitat plate eligibility; modifying cost-share
1.12 program; amending Minnesota Statutes 2008, sections 84.105; 84.66, subdivision
1.13 2; 84.92, subdivision 8; 85.053, subdivision 3; 85.054, by adding subdivisions;
1.14 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision
1.15 1; 86B.311, by adding a subdivision; 97A.321; 103B.101, subdivisions 1, 2;
1.16 103B.3369, subdivision 5; 103F.505; 103F.511, subdivisions 5, 8a, by adding
1.17 a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1;
1.18 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296,
1.19 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.20 97B; repealing Minnesota Statutes 2008, sections 85.0505, subdivision 2;
1.21 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts
1.22 8400.3000; 8400.3030, subparts 1, 2, 3a, 4, 5, 6, 6a, 9, 10, 10a, 10b, 11, 11a,
1.23 14, 15, 17, 17a, 17b, 19, 20, 20a, 20b, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31a,
1.24 32, 33, 33a, 33b, 36, 36a, 39a, 39b, 39c, 40, 42, 42a, 43, 43a, 44, 45, 46, 47a,
1.25 48; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210;
1.26 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390;
1.27 8400.3400; 8400.3460; 8400.3500; 8400.3530, subparts 1, 2, 2a; 8400.3560;
1.28 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800;
1.29 8400.3830; 8400.3870; 8400.3930, subparts 1, 2, 3.

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

1.31 Section 1. Minnesota Statutes 2008, section 84.105, is amended to read:

1.32 84.105 WILD RICE SEASON.

1.33 Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

2.1 Sec. 2. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

2.2 Subd. 2. **Definitions.** For the purpose of this section, the following terms have
2.3 the meanings given:

2.4 (1) "forest land" has the meaning given under section 89.001, subdivision 4;

2.5 (2) "forest resources" has the meaning given under section 89.001, subdivision 8;

2.6 (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

2.7 (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~
2.8 8b; and

2.9 (5) "working forest land" means land that provides a broad range of goods and
2.10 services, including forest products, recreation, fish and wildlife habitat, clean air and
2.11 water, and carbon sequestration.

2.12 Sec. 3. Minnesota Statutes 2008, section 84.92, subdivision 8, is amended to read:

2.13 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a
2.14 motorized flotation-tired vehicle of not less than three low pressure tires, but not more
2.15 than six tires, that is limited in engine displacement of less than ~~800~~ 900 cubic centimeters
2.16 and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

2.17 Sec. 4. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

2.18 Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall
2.19 prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who
2.20 own more than one motor vehicle and who request ~~a second~~ the permit for ~~the second~~
2.21 ~~vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner~~
2.22 ~~may issue an applicant only one second-vehicle permit.~~

2.23 Sec. 5. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
2.24 to read:

2.25 Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee
2.26 may not be charged for motor vehicle entry or parking at the parking lot located adjacent
2.27 to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

2.28 Sec. 6. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
2.29 to read:

2.30 Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not
2.31 required and a fee may not be charged for motor vehicle entry or parking at Greenleaf
2.32 Lake State Recreation Area.

3.1 Sec. 7. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 17. **School-sanctioned activities.** A state park permit is not required and a
3.4 fee may not be charged for vehicles transporting K-12 students engaged in school district
3.5 sanctioned activities at state parks.

3.6 Sec. 8. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision
3.7 to read:

3.8 Subd. 15. **State boater wayside.** (a) Boater waysides may be established to provide
3.9 for public use.

3.10 (b) No unit shall be authorized as a state boater wayside unless its proposed location
3.11 substantially satisfies the following criteria:

3.12 (1) contains resources that are desirable for use by boaters;

3.13 (2) is accessible by persons traveling by boat, canoe, or kayak; and

3.14 (3) may be near, associated with, or located within a unit of the outdoor recreation
3.15 system under this section.

3.16 (c) State boater waysides shall be administered by the commissioner of natural
3.17 resources in a manner that is consistent with the purpose of this subdivision. Facilities
3.18 for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be
3.19 provided when the commissioner determines that these activities are justifiable and
3.20 compatible with the resources and the natural environment.

3.21 Sec. 9. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

3.22 Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor
3.23 recreation system may be authorized wholly or partially within the boundaries of another
3.24 unit only when the authorization is consistent with the purposes and objectives of the
3.25 respective units. ~~and only in the instances permitted below:~~

3.26 ~~(a) The following units may be authorized wholly or partially within a state park:~~
3.27 ~~historic site, scientific and natural area, wilderness area, wild, scenic, and recreational~~
3.28 ~~river, trail, rest area, aquatic management area, and water access site.~~

3.29 ~~(b) The following units may be authorized wholly or partially within a state~~
3.30 ~~recreation area: historic site, scientific and natural area, wild, scenic, and recreational river,~~
3.31 ~~trail, rest area, aquatic management area, wildlife management area, and water access site.~~

3.32 ~~(c) The following units may be authorized wholly or partially within a state forest:~~
3.33 ~~state park, state recreation area, historic site, wildlife management area, scientific and~~

4.1 ~~natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic~~
 4.2 ~~management area, and water access site.~~

4.3 ~~(d) The following units may be authorized wholly or partially within a state historic~~
 4.4 ~~site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and~~
 4.5 ~~water access site.~~

4.6 ~~(e) The following units may be authorized wholly or partially within a state wildlife~~
 4.7 ~~management area: state water access site and aquatic management area.~~

4.8 ~~(f) The following units may be authorized wholly or partially within a state wild,~~
 4.9 ~~scenic, or recreational river: state park, historic site, scientific and natural area, wilderness~~
 4.10 ~~area, trail, rest area, aquatic management area, and water access site.~~

4.11 ~~(g) The following units may be authorized wholly or partially within a state rest~~
 4.12 ~~area: historic site, trail, wild, scenic, and recreational river, aquatic management area,~~
 4.13 ~~and water access site.~~

4.14 ~~(h) The following units may be authorized wholly or partially within an aquatic~~
 4.15 ~~management area: historic site, scientific and natural area, wild, scenic, and recreational~~
 4.16 ~~river, and water access site.~~

4.17 Sec. 10. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

4.18 Subdivision 1. **Master plan required.** No construction of new facilities or other
 4.19 development of an authorized unit, other than repairs and maintenance, shall commence
 4.20 until the managing agency has prepared and submitted to the commissioner of natural
 4.21 resources and the commissioner has reviewed, pursuant to this section, a master plan for
 4.22 administration of the unit in conformity with this section. No master plan is required for
 4.23 wildlife management areas that do not have resident managers, for water access sites, for
 4.24 aquatic management areas, ~~or~~ for rest areas, or for boater waysides.

4.25 Sec. 11. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision
 4.26 to read:

4.27 Subd. 6. **Law enforcement watercraft displaying emergency lights.** When
 4.28 approaching and passing a law enforcement watercraft with its emergency lights
 4.29 activated, the operator of a watercraft must safely move the watercraft away from the law
 4.30 enforcement watercraft and maintain a slow-no wake speed while within 150 feet of
 4.31 the law enforcement watercraft.

4.32 Sec. 12. Minnesota Statutes 2008, section 97A.321, is amended to read:

4.33 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

5.1 Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that
5.2 pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each
5.3 violation. The owner of a dog that kills a big game animal is subject to a civil penalty of
5.4 \$500 for each violation.

5.5 Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to
5.6 procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying
5.7 the commissioner in writing within 15 days after receipt of the citation. If a hearing
5.8 is not requested within the 15-day period, the civil penalty becomes a final order not
5.9 subject to further review.

5.10 Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according
5.11 to section 116.072, subdivisions 9 and 10.

5.12 Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the
5.13 commissioner within 30 days of issuance of the penalty notice and shall be deposited in
5.14 the game and fish fund.

5.15 **Sec. 13. [97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

5.16 A licensed peace officer may, at any time, take any protected wild animal that is
5.17 posing an immediate threat to public safety. A peace officer who destroys a protected wild
5.18 animal under this section must protect all evidence and report the taking to a conservation
5.19 officer as soon as practicable, but no later than 48 hours after the animal is destroyed.

5.20 **Sec. 14.** Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

5.21 **Subdivision 1. **Membership.**** The Board of Water and Soil Resources is composed
5.22 of ~~12~~ 15 appointed members knowledgeable of water and soil problems and conditions
5.23 within the state and five ex officio members.

5.24 **Sec. 15.** Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

5.25 **Subd. 2. **Voting members.**** (a) The members are:

5.26 (1) three county commissioners;

5.27 (2) three soil and water conservation district supervisors;

5.28 (3) three watershed district or watershed management organization representatives;

5.29 (4) three citizens who are not employed by, or the appointed or elected officials of,
5.30 a governmental office, board, or agency;

5.31 (5) one township officer;

5.32 (6) two elected city officials, one of whom must be from a city located in the
5.33 metropolitan area, as defined under section 473.121, subdivision 2;

6.1 ~~(5)~~ (7) the commissioner of agriculture;
6.2 ~~(6)~~ (8) the commissioner of health;
6.3 ~~(7)~~ (9) the commissioner of natural resources;
6.4 ~~(8)~~ (10) the commissioner of the Pollution Control Agency; and
6.5 ~~(9)~~ (11) the director of the University of Minnesota Extension Service.

6.6 (b) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), must be distributed across
6.7 the state with at least ~~three~~ four members but not more than ~~five~~ six members from the
6.8 metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the
6.9 current soil and water conservation administrative regions.

6.10 (c) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), are appointed by the governor.
6.11 In making the appointments, the governor may consider persons recommended by
6.12 the Association of Minnesota Counties, the Minnesota Association of Townships, the
6.13 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation
6.14 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an
6.15 association must contain at least three nominees for each position to be filled.

6.16 (d) The membership terms, compensation, removal of members and filling of
6.17 vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (6), are as provided
6.18 in section 15.0575.

6.19 Sec. 16. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to
6.20 read:

6.21 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies~~
6.22 provides a match utilizing a water implementation tax or other local source. A water
6.23 implementation tax that a county intends to use as a match to the base grant must be levied
6.24 at a rate, which shall be determined by the board. The minimum amount of the water
6.25 implementation tax shall be a tax rate times the adjusted net tax capacity of the county for
6.26 the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent,
6.27 that, when applied to the adjusted net tax capacity for all counties, raises the amount of
6.28 \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised
6.29 by ~~that levy~~ the local match. If the amount necessary to implement the local water plan for
6.30 the county is less than \$37,500, the amount of the base grant shall be the amount that,
6.31 when added to the ~~levy~~ match amount, equals the amount required to implement the plan.
6.32 For counties where the tax rate generates an amount equal to or greater than \$18,750, the
6.33 base grant shall be in an amount equal to \$18,750.

7.1 Sec. 17. Minnesota Statutes 2008, section 103F.505, is amended to read:

7.2 **103F.505 PURPOSE AND POLICY.**

7.3 It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal
7.4 agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to
7.5 ~~protect~~ enhance soil and water quality, minimize damage to flood-prone areas, sequester
7.6 carbon, and support native plant, fish, and wildlife ~~habitat~~ habitats. It is state policy to
7.7 encourage the restoration of wetlands and riparian lands and promote the retirement of
7.8 marginal, highly erodible land, particularly land adjacent to public waters, drainage
7.9 systems, wetlands, and locally designated priority waters, ~~from crop production and to~~
7.10 ~~reestablish a cover of perennial vegetation.~~

7.11 Sec. 18. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

7.12 Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that
7.13 has been altered by draining, dredging, filling, leveling, or other manipulation sufficient
7.14 to render the land suitable for agricultural crop production. ~~The alteration must have~~
7.15 ~~occurred before December 23, 1985, and must be a legal alteration as determined by the~~
7.16 ~~commissioner of natural resources.~~

7.17 Sec. 19. Minnesota Statutes 2008, section 103F.511, is amended by adding a
7.18 subdivision to read:

7.19 Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota
7.20 reserve program" means the program established under section 103F.515.

7.21 Sec. 20. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

7.22 Subd. ~~8a~~ 8b. **Riparian land.** "Riparian land" means lands adjacent to public
7.23 waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a~~
7.24 ~~comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

7.25 Sec. 21. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

7.26 Subdivision 1. **Establishment of program.** The board, in consultation with the
7.27 commissioner of agriculture and the commissioner of natural resources, shall establish
7.28 and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board
7.29 shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~
7.30 reinvest in Minnesota reserve program must be based on its enhancement potential for
7.31 fish and, wildlife ~~production~~, and native plant habitats, reducing erosion, and protecting
7.32 water quality.

- 8.1 Sec. 22. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:
- 8.2 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
- 8.3 Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c).
- 8.4 (b) Land is eligible if the land:
- 8.5 (1) is marginal agricultural land;
- 8.6 (2) is adjacent to marginal agricultural land and is either beneficial to resource
- 8.7 protection or necessary for efficient recording of the land description;
- 8.8 (3) consists of a drained wetland;
- 8.9 (4) is land that with a windbreak or water quality improvement practice would be
- 8.10 beneficial to resource protection;
- 8.11 (5) is land in a sensitive groundwater area;
- 8.12 (6) is riparian land;
- 8.13 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
- 8.14 four acres of cropland or one acre of noncropland for each acre of wetland restored;
- 8.15 (8) is a woodlot on agricultural land;
- 8.16 (9) is abandoned building site on agricultural land, provided that funds are not used
- 8.17 for compensation of the value of the buildings; or
- 8.18 (10) is land ~~on a hillside~~ used for pasture that is marginal in nature.
- 8.19 (c) Eligible land under paragraph (a) must:
- 8.20 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
- 8.21 for at least one year before the date of application;
- 8.22 (2) be at least five acres in size, except for a drained wetland area, riparian area,
- 8.23 windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the~~
- 8.24 ~~United States Agricultural Stabilization and Conservation Services~~;
- 8.25 (3) not be set aside, enrolled or diverted under another federal or state government
- 8.26 program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program
- 8.27 would provide additional conservation benefits or a longer term of enrollment than under
- 8.28 the current federal or state program; and
- 8.29 (4) have been in agricultural crop production for at least two of the last five
- 8.30 years before the date of application, ~~except~~ drained wetlands, riparian lands, woodlots,
- 8.31 abandoned building sites, environmentally sensitive areas, or land ~~on a hillside~~ used
- 8.32 for pasture.
- 8.33 ~~(d) In selecting drained wetlands for enrollment in the program, the highest priority~~
- 8.34 ~~must be given to wetlands with a cropping history during the period 1976 to 1985.~~
- 8.35 ~~(e)~~ (d) In selecting land for enrollment in the program, highest priority must be given
- 8.36 to permanent easements that are consistent with the purposes stated in section 103F.505.

9.1 Sec. 23. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

9.2 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must
9.3 prohibit:

9.4 (1) alteration of wildlife habitat and other natural features, unless specifically
9.5 approved by the board;

9.6 (2) agricultural crop production and livestock grazing, unless specifically approved
9.7 by the board for ~~wildlife~~ conservation management purposes; and

9.8 ~~(3) grazing of livestock except, for agreements entered before the effective date of~~
9.9 ~~Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the~~
9.10 ~~board after consultation with the commissioner of natural resources, in the case of severe~~
9.11 ~~drought, or a local emergency declared under section 12.29; and~~

9.12 ~~(4)~~ (3) spraying with chemicals or mowing, except:

9.13 (i) as necessary to comply with noxious weed control laws ~~or~~;

9.14 (ii) for emergency control of pests necessary to protect public health; or

9.15 (iii) as approved by the board for conservation management purposes.

9.16 (b) A conservation easement is subject to the terms of the agreement provided in
9.17 subdivision 5.

9.18 (c) A conservation easement must allow repairs, improvements, and inspections
9.19 necessary to maintain public drainage systems provided the easement area is restored to
9.20 the condition required by the terms of the conservation easement.

9.21 Sec. 24. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

9.22 Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the
9.23 ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable
9.24 form with a landowner in which the landowner agrees:

9.25 (1) to convey to the state a conservation easement that is not subject to any prior
9.26 title, lien, or encumbrance;

9.27 (2) to seed the land subject to the conservation easement, as specified in the
9.28 agreement, to establish and maintain perennial cover of either a grass-legume mixture or
9.29 native grasses for the term of the easement, at seeding rates determined by the board; or
9.30 to plant trees or carry out other long-term capital improvements approved by the board
9.31 for soil and water conservation or wildlife management;

9.32 (3) to convey to the state a permanent easement for the wetland restoration;

9.33 (4) that other land supporting natural vegetation owned or leased as part of the
9.34 same farm operation at the time of application, if it supports natural vegetation ~~or~~ and

10.1 has not been used in agricultural crop production, will not be converted to agricultural
10.2 crop production or pasture; and

10.3 (5) that the easement duration may be lengthened through mutual agreement with
10.4 the board in consultation with the commissioners of agriculture and natural resources
10.5 if they determine that the changes effectuate the purpose of the program or facilitate
10.6 its administration.

10.7 Sec. 25. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

10.8 Subd. 6. **Payments for conservation easements and establishment of cover**
10.9 **conservation practices.** (a) The board ~~must make the following~~ shall establish rates
10.10 for payments to the landowner for the conservation easement and agreement: related
10.11 practices. The board shall consider market factors, including the township average
10.12 equalized estimated market value of property as established by the commissioner of
10.13 revenue at the time of easement application.

10.14 ~~(1) to establish the perennial cover or other improvements required by the agreement:~~

10.15 ~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost~~
10.16 ~~not to exceed \$125 per acre for limited duration easements and 100 percent of the total~~
10.17 ~~eligible cost not to exceed \$150 per acre for perpetual easements;~~

10.18 ~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed~~
10.19 ~~\$200 per acre for limited duration easements and 100 percent of the total eligible cost not~~
10.20 ~~to exceed \$300 per acre for perpetual easements; and~~

10.21 ~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600~~
10.22 ~~per acre;~~

10.23 ~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the~~
10.24 ~~total eligible cost not to exceed \$250 per acre for limited duration easements, and 100~~
10.25 ~~percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

10.26 ~~(3) for a permanent easement, 70 percent of the township average equalized~~
10.27 ~~estimated market value of agricultural property as established by the commissioner of~~
10.28 ~~revenue at the time of easement application;~~

10.29 ~~(4) for an easement of limited duration, 90 percent of the present value of the~~
10.30 ~~average of the accepted bids for the federal conservation reserve program, as contained in~~
10.31 ~~Public Law 99-198, in the relevant geographic area and on bids accepted at the time of~~
10.32 ~~easement application; or~~

10.33 ~~(5) an alternative payment system for easements based on cash rent or a similar~~
10.34 ~~system as may be determined by the board.~~

11.1 ~~(b) For hillside pasture conservation easements, the payments to the landowner in~~
 11.2 ~~paragraph (a) for the conservation easement and agreement must be reduced to reflect the~~
 11.3 ~~value of similar property.~~

11.4 ~~(e) (b)~~ The board may establish a payment system for flowage easements acquired
 11.5 under this section.

11.6 ~~(d) (c)~~ For wetland restoration projects involving more than one conservation
 11.7 easement, state payments for restoration costs may exceed the limits set forth in this section
 11.8 by the board for an individual easement provided the total payment for the restoration
 11.9 project does not exceed the amount payable for the total number of acres involved.

11.10 ~~(e) (d)~~ The board may use available nonstate funds to exceed the payment limits
 11.11 in this section.

11.12 Sec. 26. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

11.13 Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the
 11.14 board must share information and cooperate with the Department of Agriculture, the
 11.15 Department of Natural Resources, the Pollution Control Agency, the United States Fish
 11.16 and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil~~
 11.17 ~~Conservation Service~~ of the United States Department of Agriculture, the Minnesota
 11.18 Extension Service, the University of Minnesota, county boards, soil and water conservation
 11.19 districts, watershed districts, and interested private organizations and individuals.

11.20 Sec. 27. Minnesota Statutes 2008, section 103F.525, is amended to read:

11.21 **103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE**
 11.22 **CONSERVATION PROGRAMS.**

11.23 The board may supplement payments made under federal land retirement programs
 11.24 to the extent of available appropriations ~~other than bond proceeds~~. The supplemental
 11.25 payments must be used to establish perennial cover on land enrolled or increase payments
 11.26 for land enrollment in programs approved by the board, ~~including the federal conservation~~
 11.27 ~~reserve program and federal and state water bank program.~~

11.28 Sec. 28. Minnesota Statutes 2008, section 103F.526, is amended to read:

11.29 **103F.526 FOOD PLOTS IN WINDBREAKS.**

11.30 The board, ~~in cooperation with the commissioner of natural resources~~, may authorize
 11.31 wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under
 11.32 section 103F.515.

12.1 Sec. 29. Minnesota Statutes 2008, section 103F.531, is amended to read:

12.2 **103F.531 RULEMAKING.**

12.3 The board may adopt rules or policy to implement sections 103F.505 to 103F.531.
12.4 ~~The rules must include standards for tree planting so that planting does not conflict with~~
12.5 ~~existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

12.6 Sec. 30. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

12.7 Subd. 5. **Release and alteration of conservation easements.** Conservation
12.8 easements ~~existing under this section, as of April 30, 1992,~~ may be altered, released,
12.9 or terminated by the board ~~of Water and Soil Resources~~ after consultation with the
12.10 commissioners of agriculture and natural resources. The board may alter, release, or
12.11 terminate a conservation easement only if the board determines that the public interest and
12.12 general welfare are better served by the alteration, release, or termination.

12.13 Sec. 31. Minnesota Statutes 2008, section 103G.201, is amended to read:

12.14 **103G.201 PUBLIC WATERS INVENTORY.**

12.15 (a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each
12.16 county that shows the waters of this state that are designated as public waters under the
12.17 public waters inventory and classification procedures prescribed under Laws 1979, chapter
12.18 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters
12.19 inventory map for each county must be filed with maps and lists are revised according to
12.20 this section, the commissioner shall send a notification or a copy of the maps and lists
12.21 to the auditor of ~~the~~ each affected county.

12.22 (b) The commissioner is authorized to revise the list of public waters established
12.23 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
12.24 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
12.25 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
12.26 public waters wetlands as public waters if:

12.27 (1) they are assigned a shoreland management classification by the commissioner
12.28 under sections 103F.201 to 103F.221;

12.29 (2) they are classified as lacustrine wetlands or deepwater habitats according to
12.30 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,
12.31 et al., 1979 edition); or

12.32 (3) the state or federal government has become titleholder to any of the beds or
12.33 shores of the public waters wetlands, subsequent to the preparation of the public waters
12.34 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the

13.1 responsible state or federal agency declares that the water is necessary for the purposes
13.2 of the public ownership.

13.3 (c) The commissioner must provide notice of the reclassification to the local
13.4 government unit, the county board, the watershed district, if one exists for the area, and
13.5 the soil and water conservation district. Within 60 days of receiving notice from the
13.6 commissioner, a party required to receive the notice may provide a resolution stating
13.7 objections to the reclassification. If the commissioner receives an objection from a party
13.8 required to receive the notice, the reclassification is not effective. If the commissioner does
13.9 not receive an objection from a party required to receive the notice, the reclassification
13.10 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
13.11 of the parties.

13.12 (d) The commissioner shall give priority to the reclassification of public waters
13.13 wetlands that are or have the potential to be affected by public works projects.

13.14 (e) The commissioner may revise the public waters inventory map and list of each
13.15 county:

13.16 (1) to reflect the changes authorized in paragraph (b); and

13.17 (2) as needed, to:

13.18 (i) correct errors in the original inventory;

13.19 (ii) add or subtract trout stream tributaries within sections that contain a designated
13.20 trout stream following written notice to the landowner;

13.21 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
13.22 50 acres and the shoreland has been zoned for residential development; and

13.23 (iv) add or subtract public waters that have been created or eliminated as a
13.24 requirement of a permit authorized by the commissioner under section 103G.245.

13.25 Sec. 32. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

13.26 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
13.27 issue critical habitat plates to an applicant who:

13.28 (1) is a registered owner of a passenger automobile, one-ton pickup truck or
13.29 recreational vehicle;

13.30 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

13.31 (3) pays the registration tax required under section 168.013;

13.32 (4) pays the fees required under this chapter;

13.33 (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private
13.34 sector matching account established in section 84.943; and

14.1 (6) complies with this chapter and rules governing registration of motor vehicles
14.2 and licensing of drivers.

14.3 (b) The critical habitat plate application must indicate that the annual contribution
14.4 specified under paragraph (a), clause (5), is a minimum contribution to receive the plate
14.5 and that the applicant may make an additional contribution to the account.

14.6 (c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a),
14.7 clause (1), ~~are~~ may be eligible only for special critical habitat license plates ~~for which the~~
14.8 ~~designs are selected under subdivision 2,~~ on or after January 1, ~~2006~~ 2012.

14.9 (d) Special critical habitat license plates, ~~the designs for which are selected under~~
14.10 ~~subdivision 2, on or after January 1, 2006,~~ may be personalized according to section
14.11 168.12, subdivision 2a, on or after January 1, 2012.

14.12 **Sec. 33. REVISOR'S INSTRUCTION.**

14.13 The revisor of statutes shall change the term "conservation reserve program" to
14.14 "reinvest in Minnesota reserve program" wherever it appears in Minnesota Statutes,
14.15 sections 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

14.16 **Sec. 34. REPEALER.**

14.17 (a) Minnesota Statutes 2008, sections 85.0505, subdivision 2; 103F.511, subdivision
14.18 4; and 103F.521, subdivision 2, are repealed.

14.19 (b) Minnesota Rules, parts 8400.3000; 8400.3030, subparts 1, 2, 3a, 4, 5, 6, 6a, 9,
14.20 10, 10a, 10b, 11, 11a, 14, 15, 17, 17a, 17b, 19, 20, 20a, 20b, 23, 24, 25, 26, 27, 28, 29, 30,
14.21 31, 31a, 32, 33, 33a, 33b, 36, 36a, 39a, 39b, 39c, 40, 42, 42a, 43, 43a, 44, 45, 46, 47a, and
14.22 48; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230;
14.23 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460;
14.24 8400.3500; 8400.3530, subparts 1, 2, and 2a; 8400.3560; 8400.3600; 8400.3610;
14.25 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; and 8400.3930,
14.26 subparts 1, 2, and 3, are repealed.