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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1727

March 16, 2009

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

April 7, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to natural resources; making wellhead protection areas eligible for the
1.3 reinvest in Minnesota reserve program; modifying conservation reserve program;
1.4 appropriating money; amending Minnesota Statutes 2008, section 103F.515,
1.5 subdivisions 2, 4.

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

1.7 Section 1. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to
1.8 read:

1.9 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
1.10 Minnesota reserve program if the land meets the requirements of paragraphs (b) and
1.11 (c) or paragraph (d).

1.12 (b) Land is eligible if the land:

1.13 (1) is marginal agricultural land;

1.14 (2) is adjacent to marginal agricultural land and is either beneficial to resource
1.15 protection or necessary for efficient recording of the land description;

1.16 (3) consists of a drained wetland;

1.17 (4) is land that with a windbreak or water quality improvement practice would be
1.18 beneficial to resource protection;

1.19 (5) is land in a sensitive groundwater area;

1.20 (6) is riparian land;

1.21 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
1.22 four acres of cropland or one acre of noncropland for each acre of wetland restored;

1.23 (8) is a woodlot on agricultural land;

1.24 (9) is abandoned building site on agricultural land, provided that funds are not used
1.25 for compensation of the value of the buildings; or

2.1 (10) is land ~~on a hillside~~ used for pasture that is marginal in nature.

2.2 (c) Eligible land under paragraph (a) must:

2.3 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
2.4 for at least one year before the date of application;

2.5 (2) be at least five acres in size, except for a drained wetland area, riparian area,
2.6 windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the~~
2.7 ~~United States Agricultural Stabilization and Conservation Services;~~

2.8 (3) not be set aside, enrolled or diverted under another federal or state government
2.9 program unless enrollment in the conservation reinvest in Minnesota reserve program
2.10 would provide additional conservation benefits or a longer term of enrollment than under
2.11 the current federal or state program; and

2.12 (4) have been in agricultural crop production for at least two of the last five
2.13 years before the date of application except drained wetlands, riparian lands, woodlots,
2.14 abandoned building sites, environmentally sensitive areas, or land on a hillside used
2.15 for pasture.

2.16 ~~(d) In selecting drained wetlands for enrollment in the program, the highest priority~~
2.17 ~~must be given to wetlands with a cropping history during the period 1976 to 1985.~~

2.18 (d) Land is eligible if the land is a wellhead protection area as defined under
2.19 section 103I.005, subdivision 24, and has a wellhead protection plan approved by the
2.20 commissioner of health.

2.21 (e) In selecting land for enrollment in the program, highest priority must be given to
2.22 permanent easements that are consistent with the purposes stated in section 103F.505.

2.23 Sec. 2. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

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

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

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

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

2.34 ~~(4)~~ (3) spraying with chemicals or mowing, except:

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

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

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

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

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

3.8 (d) Notwithstanding paragraph (a), the board must permit the harvest of native
3.9 grasses for use in seed production or bioenergy on wellhead protection lands eligible
3.10 under subdivision 2, paragraph (d).

3.11 Sec. 3. **APPROPRIATION.**

3.12 \$5,000,000 in fiscal year 2010 is appropriated from the clean water fund to the
3.13 Board of Water and Soil Resources for conservation easements on eligible lands under
3.14 section 103F.515, subdivision 2, paragraph (d).