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## State of Minnesota

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## HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 888

02/06/2017 Authored by Fabian and Heintzeman  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance  
03/27/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means  
03/28/2017 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time  
03/30/2017 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; creating accounts; providing for

1.4 disposition of certain receipts; modifying grant, contract, and lease provisions;

1.5 modifying water safety provisions; modifying provisions to take, possess, and

1.6 transport wildlife; modifying duties and authority; providing for no net gain of

1.7 state lands; modifying buffer requirements; modifying wetland provisions;

1.8 modifying invasive species provisions; modifying off-highway vehicle provisions;

1.9 modifying permit and license requirements; modifying Petroleum Tank Release

1.10 Cleanup Act; extending ban on open air swine basins; modifying environmental

1.11 review; modifying Environmental Quality Board; requiring reports; requiring

1.12 rulemaking; amending Minnesota Statutes 2016, sections 84.01, by adding a

1.13 subdivision; 84.027, subdivisions 14a, 14b, by adding subdivisions; 84.788,

1.14 subdivision 2; 84.793, subdivision 1; 84.82, subdivision 2; 84.925, subdivision 1;

1.15 84.9256, subdivisions 1, 2; 84.946, subdivision 2, by adding a subdivision; 84.992,

1.16 subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04, subdivision 1; 84D.05,

1.17 subdivision 1; 84D.108, subdivision 2a, by adding a subdivision; 84D.11, by adding

1.18 a subdivision; 85.052, subdivision 1; 85.054, by adding a subdivision; 85.055,

1.19 subdivision 1; 85.22, subdivision 2a; 85.32, subdivision 1; 86B.313, subdivision

1.20 1; 86B.511; 86B.701, subdivision 3; 88.01, subdivision 28; 88.523; 89.39; 90.01,

1.21 subdivisions 8, 12, by adding a subdivision; 90.041, subdivision 2; 90.051; 90.101,

1.22 subdivision 2; 90.14; 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252;

1.23 93.47, subdivision 4; 93.481, subdivision 2; 93.50; 94.343, subdivision 9; 94.344,

1.24 subdivision 9; 97A.015, subdivisions 39, 43, 45, 52, 53; 97A.045, subdivision 10;

1.25 97A.075, subdivision 1; 97A.137, subdivision 5; 97A.201, subdivision 2, by adding

1.26 a subdivision; 97A.301, subdivision 1; 97A.338; 97A.420, subdivision 1; 97A.421,

1.27 subdivision 2a; 97B.031, subdivision 6; 97B.516; 97B.655, subdivision 1; 97C.401,

1.28 subdivision 2; 97C.501, subdivision 1; 97C.701, by adding a subdivision; 103B.101,

1.29 subdivision 12a; 103F.411, subdivision 1; 103F.48, subdivisions 1, 3, 7; 103G.005,

1.30 subdivisions 10b, 10h, by adding a subdivision; 103G.222, subdivisions 1, 3;

1.31 103G.2242, subdivision 2; 103G.2372, subdivision 1; 103G.271, subdivisions 1,

1.32 6, 6a, 7, by adding a subdivision; 103G.287, subdivisions 1, 4; 103G.411; 114D.25,

1.33 by adding a subdivision; 115B.41, subdivision 1; 115B.421; 115C.021, subdivision

1.34 1, by adding a subdivision; 116.03, subdivision 2b, by adding subdivisions; 116.07,

1.35 subdivision 4d, by adding subdivisions; 116.0714; 116C.03, subdivision 2; 116C.04,

1.36 subdivision 2; 116D.04, subdivisions 2a, 10; 116D.045, subdivision 1; 160.06;

1.37 168.1295, subdivision 1; 296A.18, subdivision 6a; Laws 2013, chapter 114, article

1.38 4, section 105; Laws 2015, First Special Session chapter 4, article 4, section 136;

1.39 Laws 2016, chapter 189, article 3, sections 6; 26; 46; proposing coding for new

law in Minnesota Statutes, chapters 15; 85; 93; 97B; 115; 115B; repealing Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5; 97C.701, subdivisions 1a, 6; 97C.705; 97C.711; 116C.04, subdivisions 3, 4; Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts 1, 4, 5; 6258.0800; 6258.0900.

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

## ARTICLE 1

### ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

#### Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2018" and "2019" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are effective the day following final enactment.

#### APPROPRIATIONS

#### Available for the Year

#### Ending June 30

2018

2019

#### Sec. 2. POLLUTION CONTROL AGENCY

Subdivision 1. <u>Total Appropriation</u>	\$	<u>97,016,000</u>	\$	<u>92,666,000</u>
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#### Appropriations by Fund

	<u>2018</u>	<u>2019</u>
<u>General</u>	<u>3,297,000</u>	<u>2,997,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>78,210,000</u>	<u>78,160,000</u>
<u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>
<u>Closed Landfill</u>		
<u>Investment</u>	<u>4,000,000</u>	<u>-0-</u>

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

3.1 The commissioner must present the agency's  
 3.2 biennial budget for fiscal years 2020 and 2021  
 3.3 to the legislature in a transparent way by  
 3.4 agency division, including the proposed  
 3.5 budget bill and presentations of the budget to  
 3.6 committees and divisions with jurisdiction  
 3.7 over the agency's budget.

3.8 **Subd. 2. Environmental Analysis and Outcomes** 12,547,000 12,497,000

3.9	<u>Appropriations by Fund</u>		
3.10		<u>2018</u>	<u>2019</u>
3.11	<u>Environmental</u>	<u>12,366,000</u>	<u>12,316,000</u>
3.12	<u>Remediation</u>	<u>181,000</u>	<u>181,000</u>

3.13 (a) \$88,000 the first year and \$88,000 the  
 3.14 second year are from the environmental fund  
 3.15 for:

3.16 (1) a municipal liaison to assist municipalities  
 3.17 in implementing and participating in the  
 3.18 water-quality standards rulemaking process  
 3.19 and navigating the NPDES/SDS permitting  
 3.20 process;

3.21 (2) enhanced economic analysis in the  
 3.22 water-quality standards rulemaking process,  
 3.23 including more-specific analysis and  
 3.24 identification of cost-effective permitting;

3.25 (3) developing statewide economic analyses  
 3.26 and templates to reduce the amount of  
 3.27 information and time required for  
 3.28 municipalities to apply for variances from  
 3.29 water-quality standards; and

3.30 (4) coordinating with the Public Facilities  
 3.31 Authority to identify and advocate for the  
 3.32 resources needed for municipalities to achieve  
 3.33 permit requirements.

4.1 (b) \$204,000 the first year and \$204,000 the  
4.2 second year are from the environmental fund  
4.3 for a monitoring program under Minnesota  
4.4 Statutes, section 116.454.

4.5 (c) \$346,000 the first year and \$346,000 the  
4.6 second year are from the environmental fund  
4.7 for monitoring ambient air for hazardous  
4.8 pollutants.

4.9 (d) \$90,000 the first year and \$90,000 the  
4.10 second year are from the environmental fund  
4.11 for duties related to harmful chemicals in  
4.12 children's products under Minnesota Statutes,  
4.13 sections 116.9401 to 116.9407. Of this  
4.14 amount, \$57,000 each year is transferred to  
4.15 the commissioner of health.

4.16 (e) \$109,000 the first year and \$109,000 the  
4.17 second year are from the environmental fund  
4.18 for registration of wastewater laboratories.

4.19 (f) \$913,000 the first year and \$913,000 the  
4.20 second year are from the environmental fund  
4.21 to continue perfluorochemical biomonitoring  
4.22 in eastern-metropolitan communities, as  
4.23 recommended by the Environmental Health  
4.24 Tracking and Biomonitoring Advisory Panel,  
4.25 and address other environmental health risks,  
4.26 including air quality. The communities must  
4.27 include Hmong and other immigrant farming  
4.28 communities. Of this amount, up to \$677,000  
4.29 the first year and \$677,000 the second year  
4.30 are for transfer to the Department of Health.

4.31 (g) \$100,000 the first year and \$50,000 the  
4.32 second year are from the environmental fund  
4.33 for impaired waters listing procedures required  
4.34 under this act.

5.1	<u>Subd. 3. <b>Industrial</b></u>	<u>13,509,000</u>	<u>13,508,000</u>
5.2	<u>Appropriations by Fund</u>		
5.3	<u>2018</u>	<u>2019</u>	
5.4	<u>Environmental</u>	<u>12,979,000</u>	<u>12,978,000</u>
5.5	<u>Remediation</u>	<u>530,000</u>	<u>530,000</u>
5.6	<u>\$530,000 the first year and \$530,000 the</u>		
5.7	<u>second year are from the remediation fund for</u>		
5.8	<u>the leaking underground storage tank program</u>		
5.9	<u>to investigate, clean up, and prevent future</u>		
5.10	<u>releases from underground petroleum storage</u>		
5.11	<u>tanks and to the petroleum remediation</u>		
5.12	<u>program for vapor assessment and</u>		
5.13	<u>remediation. These same annual amounts are</u>		
5.14	<u>transferred from the petroleum tank fund to</u>		
5.15	<u>the remediation fund.</u>		
5.16	<u>Subd. 4. <b>Municipal</b></u>	<u>6,625,000</u>	<u>6,624,000</u>
5.17	<u>(a) \$162,000 the first year and \$162,000 the</u>		
5.18	<u>second year are from the environmental fund</u>		
5.19	<u>for:</u>		
5.20	<u>(1) a municipal liaison to assist municipalities</u>		
5.21	<u>in implementing and participating in the</u>		
5.22	<u>water-quality standards rulemaking process</u>		
5.23	<u>and navigating the NPDES/SDS permitting</u>		
5.24	<u>process;</u>		
5.25	<u>(2) enhanced economic analysis in the</u>		
5.26	<u>water-quality standards rulemaking process,</u>		
5.27	<u>including more specific analysis and</u>		
5.28	<u>identification of cost-effective permitting;</u>		
5.29	<u>(3) development of statewide economic</u>		
5.30	<u>analyses and templates to reduce the amount</u>		
5.31	<u>of information and time required for</u>		
5.32	<u>municipalities to apply for variances from</u>		
5.33	<u>water quality standards; and</u>		

6.1 (4) coordinating with the Public Facilities  
6.2 Authority to identify and advocate for the  
6.3 resources needed for municipalities to achieve  
6.4 permit requirements.

6.5 (b) \$50,000 the first year and \$50,000 the  
6.6 second year are from the environmental fund  
6.7 for transfer to the Office of Administrative  
6.8 Hearings to establish sanitary districts.

6.9 (c) \$615,000 the first year and \$614,000 the  
6.10 second year are from the environmental fund  
6.11 for subsurface sewage treatment system  
6.12 (SSTS) program administration and  
6.13 community technical assistance and education,  
6.14 including grants and technical assistance to  
6.15 communities for water-quality protection. Of  
6.16 this amount, \$129,000 each year is for  
6.17 assistance to counties through grants for SSTS  
6.18 program administration. A county receiving  
6.19 a grant from this appropriation must submit  
6.20 the results achieved with the grant to the  
6.21 commissioner as part of its annual SSTS  
6.22 report. Any unexpended balance in the first  
6.23 year does not cancel but is available in the  
6.24 second year.

6.25 (d) \$639,000 the first year and \$640,000 the  
6.26 second year are from the environmental fund  
6.27 to address the need for continued increased  
6.28 activity in the areas of new technology review,  
6.29 technical assistance for local governments,  
6.30 and enforcement under Minnesota Statutes,  
6.31 sections 115.55 to 115.58, and to complete the  
6.32 requirements of Laws 2003, chapter 128,  
6.33 article 1, section 165.

6.34 (e) Notwithstanding Minnesota Statutes,  
6.35 section 16A.28, the appropriations

7.1 encumbered on or before June 30, 2019, as  
7.2 grants or contracts for subsurface sewage  
7.3 treatment systems, surface water and  
7.4 groundwater assessments, storm water, and  
7.5 water-quality protection in this subdivision  
7.6 are available until June 30, 2022.

7.7 **Subd. 5. Operations** 5,839,000 5,540,000

7.8 Appropriations by Fund

7.9	<u>2018</u>	<u>2019</u>
7.10 <u>General</u>	<u>300,000</u>	
7.11 <u>Environmental</u>	<u>4,775,000</u>	<u>4,775,000</u>
7.12 <u>Remediation</u>	<u>764,000</u>	<u>765,000</u>

7.13 (a) \$174,000 the first year and \$174,000 the  
7.14 second year are from the remediation fund for  
7.15 purposes of the leaking underground storage  
7.16 tank program to investigate, clean up, and  
7.17 prevent future releases from underground  
7.18 petroleum storage tanks, and to the petroleum  
7.19 remediation program for vapor assessment  
7.20 and remediation. These same annual amounts  
7.21 are transferred from the petroleum tank fund  
7.22 to the remediation fund.

7.23 (b) \$400,000 the first year and \$400,000 the  
7.24 second year are from the environmental fund  
7.25 to develop and maintain systems to support  
7.26 permitting and regulatory business processes  
7.27 and agency data.

7.28 (c) \$500,000 the first year and \$500,000 the  
7.29 second year are from the environmental fund  
7.30 for permitting efficiency and updating rules  
7.31 to reflect guidelines, bulletins, criterion,  
7.32 manual standards, interpretive statements, or  
7.33 similar pronouncements used in permits.

7.34 (d) \$300,000 the first year is for a grant to the  
7.35 Metropolitan Council under Minnesota

8.1     Statutes, section 116.195, for wastewater

8.2     infrastructure to support waste to biofuel

8.3     development.

8.4     Subd. 6. **Remediation** 14,645,000 10,644,000

8.5             Appropriations by Fund

8.6                     2018             2019

8.7     General             216,000             216,000

8.8     Environmental             688,000             688,000

8.9     Remediation             9,741,000             9,740,000

8.10    Closed Landfill

8.11    Investment             4,000,000             -0-

8.12    (a) All money for environmental response,

8.13    compensation, and compliance in the

8.14    remediation fund not otherwise appropriated

8.15    is appropriated to the commissioners of the

8.16    Pollution Control Agency and agriculture for

8.17    purposes of Minnesota Statutes, section

8.18    115B.20, subdivision 2, clauses (1), (2), (3),

8.19    (6), and (7). At the beginning of each fiscal

8.20    year, the two commissioners shall jointly

8.21    submit an annual spending plan to the

8.22    commissioner of management and budget that

8.23    maximizes the use of resources and

8.24    appropriately allocates the money between the

8.25    two departments. This appropriation is

8.26    available until June 30, 2019.

8.27    (b) \$216,000 the first year and \$216,000 the

8.28    second year are from the general fund and

8.29    \$216,000 the first year and \$216,000 the

8.30    second year are from the environmental fund

8.31    to manage contaminated sediment projects at

8.32    multiple sites identified in the St. Louis River

8.33    remedial action plan to restore water quality

8.34    in the St. Louis River Area of Concern. This

8.35    amount is added to the base for fiscal year

8.36    2020 only.



9.1 (c) \$3,521,000 the first year and \$3,520,000  
9.2 the second year are from the remediation fund  
9.3 for purposes of the leaking underground  
9.4 storage tank program to investigate, clean up,  
9.5 and prevent future releases from underground  
9.6 petroleum storage tanks, and to the petroleum  
9.7 remediation program for purposes of vapor  
9.8 assessment and remediation. These same  
9.9 annual amounts are transferred from the  
9.10 petroleum tank fund to the remediation fund.

9.11 (d) \$252,000 the first year and \$252,000 the  
9.12 second year are from the remediation fund for  
9.13 transfer to the commissioner of health for  
9.14 private water-supply monitoring and health  
9.15 assessment costs in areas contaminated by  
9.16 unpermitted mixed municipal solid waste  
9.17 disposal facilities and drinking water  
9.18 advisories and public information activities  
9.19 for areas contaminated by hazardous releases.

9.20 (e) Notwithstanding Minnesota Statutes,  
9.21 section 115B.421, \$4,000,000 the first year is  
9.22 from the closed landfill investment fund for  
9.23 remedial investigations, feasibility studies,  
9.24 engineering, and cleanup-related activities for  
9.25 purposes of indemnification agreements and  
9.26 environmental response actions at a qualified  
9.27 facility under Minnesota Statutes, section  
9.28 115B.431. By January 15, 2018, the  
9.29 commissioner must submit a status report to  
9.30 the chairs and ranking minority members of  
9.31 the house of representatives and senate  
9.32 committees and divisions with jurisdiction  
9.33 over the environment and natural resources.  
9.34 This is a onetime appropriation and is  
9.35 available until June 30, 2019.

10.1	<b><u>Subd. 7. Resource Management and Assistance</u></b>	<u>33,617,000</u>	<u>33,619,000</u>
10.2	<u>Appropriations by Fund</u>		
10.3	<u>2018</u>	<u>2019</u>	
10.4	<u>State Government</u>		
10.5	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
10.6	<u>Environmental</u>	<u>33,542,000</u>	<u>33,544,000</u>
10.7	<u>(a) Up to \$150,000 the first year and \$150,000</u>		
10.8	<u>the second year may be transferred from the</u>		
10.9	<u>environmental fund to the small business</u>		
10.10	<u>environmental improvement loan account</u>		
10.11	<u>established in Minnesota Statutes, section</u>		
10.12	<u>116.993.</u>		
10.13	<u>(b) \$1,000,000 the first year and \$1,000,000</u>		
10.14	<u>the second year are from the environmental</u>		
10.15	<u>fund for competitive recycling grants under</u>		
10.16	<u>Minnesota Statutes, section 115A.565. This</u>		
10.17	<u>appropriation is available until June 30, 2021.</u>		
10.18	<u>Any unencumbered grant and loan balances</u>		
10.19	<u>in the first year do not cancel but are available</u>		
10.20	<u>for grants and loans in the second year.</u>		
10.21	<u>(c) \$693,000 the first year and \$693,000 the</u>		
10.22	<u>second year are from the environmental fund</u>		
10.23	<u>for emission reduction activities and grants to</u>		
10.24	<u>small businesses and other nonpoint emission</u>		
10.25	<u>reduction efforts.</u>		
10.26	<u>(d) \$19,750,000 the first year and \$19,750,000</u>		
10.27	<u>the second year are from the environmental</u>		
10.28	<u>fund for SCORE block grants to counties.</u>		
10.29	<u>(e) \$119,000 the first year and \$119,000 the</u>		
10.30	<u>second year are from the environmental fund</u>		
10.31	<u>for environmental assistance grants or loans</u>		
10.32	<u>under Minnesota Statutes, section 115A.0716.</u>		
10.33	<u>Any unencumbered grant and loan balances</u>		
10.34	<u>in the first year do not cancel but are available</u>		
10.35	<u>for grants and loans in the second year.</u>		

11.1 (f) \$68,000 the first year and \$69,000 the  
 11.2 second year are from the environmental fund  
 11.3 for subsurface sewage treatment system  
 11.4 (SSTS) program administration and  
 11.5 community technical assistance and education,  
 11.6 including grants and technical assistance to  
 11.7 communities for water-quality protection.

11.8 (g) \$125,000 the first year and \$126,000 the  
 11.9 second year are from the environmental fund  
 11.10 to address the need for continued increased  
 11.11 activity in the areas of new technology review,  
 11.12 technical assistance for local governments,  
 11.13 and enforcement under Minnesota Statutes,  
 11.14 sections 115.55 to 115.58, and to complete the  
 11.15 requirements of Laws 2003, chapter 128,  
 11.16 article 1, section 165.

11.17 (h) All money deposited in the environmental  
 11.18 fund for the metropolitan solid waste landfill  
 11.19 fee in accordance with Minnesota Statutes,  
 11.20 section 473.843, and not otherwise  
 11.21 appropriated, is appropriated for the purposes  
 11.22 of Minnesota Statutes, section 473.844.

11.23 (i) Notwithstanding Minnesota Statutes,  
 11.24 section 16A.28, the appropriations  
 11.25 encumbered on or before June 30, 2019, as  
 11.26 contracts or grants for environmental  
 11.27 assistance awarded under Minnesota Statutes,  
 11.28 section 115A.0716; technical and research  
 11.29 assistance under Minnesota Statutes, section  
 11.30 115A.152; technical assistance under  
 11.31 Minnesota Statutes, section 115A.52; and  
 11.32 pollution prevention assistance under  
 11.33 Minnesota Statutes, section 115D.04, are  
 11.34 available until June 30, 2021.

11.35 Subd. 8. **Watershed**

9,220,000

9,220,000

12.1 Appropriations by Fund

12.2	<u>2018</u>	<u>2019</u>
12.3 <u>General</u>	<u>1,959,000</u>	<u>1,959,000</u>
12.4 <u>Environmental</u>	<u>7,043,000</u>	<u>7,043,000</u>
12.5 <u>Remediation</u>	<u>218,000</u>	<u>218,000</u>

12.6 (a) \$1,959,000 the first year and \$1,959,000

12.7 the second year are for grants to delegated

12.8 counties to administer the county feedlot

12.9 program under Minnesota Statutes, section

12.10 116.0711, subdivisions 2 and 3. Money

12.11 remaining after the first year is available for

12.12 the second year.

12.13 (b) \$207,000 the first year and \$207,000 the

12.14 second year are from the environmental fund

12.15 for the costs of implementing general

12.16 operating permits for feedlots over 1,000

12.17 animal units.

12.18 (c) \$118,000 the first year and \$118,000 the

12.19 second year are from the remediation fund for

12.20 purposes of the leaking underground storage

12.21 tank program to investigate, clean up, and

12.22 prevent future releases from underground

12.23 petroleum storage tanks, and to the petroleum

12.24 remediation program for vapor assessment

12.25 and remediation. These same annual amounts

12.26 are transferred from the petroleum tank fund

12.27 to the remediation fund.

12.28 Subd. 9. **Environmental Quality Board**

1,014,000

1,014,000

12.29 Appropriations by Fund

12.30	<u>2018</u>	<u>2019</u>
12.31 <u>General</u>	<u>822,000</u>	<u>822,000</u>
12.32 <u>Environmental</u>	<u>192,000</u>	<u>192,000</u>

12.33 (a) \$319,000 the first year and \$319,000 the

12.34 second year are from the general fund and

12.35 \$192,000 the first year and \$192,000 the

13.1 second year are from the environmental fund  
13.2 for Environmental Quality Board operations  
13.3 and support.

13.4 (b) \$503,000 the first year and \$503,000 the  
13.5 second year are from the general fund for the  
13.6 Environmental Quality Board to lead an  
13.7 interagency team to provide technical  
13.8 assistance regarding the mining, processing,  
13.9 and transporting of silica sand. Of this amount,  
13.10 up to \$75,000 each year may be transferred to  
13.11 the commissioner of natural resources to  
13.12 review the implementation of the rules adopted  
13.13 by the commissioner pursuant to Laws 2013,  
13.14 chapter 114, article 4, section 105, paragraph  
13.15 (b), pertaining to the reclamation of silica sand  
13.16 mines, to ensure that local government  
13.17 reclamation programs are implemented in a  
13.18 manner consistent with the rules.

13.19 Subd. 10. **Transfers**

13.20 (a) The commissioner shall transfer up to  
13.21 \$34,000,000 from the environmental fund to  
13.22 the remediation fund for the purposes of the  
13.23 remediation fund under Minnesota Statutes,  
13.24 section 116.155, subdivision 2.

13.25 (b) The commissioner shall transfer  
13.26 \$4,356,000 in fiscal year 2018 from the  
13.27 environmental fund in Minnesota Statutes,  
13.28 section 16A.531, to the commissioner of  
13.29 management and budget for deposit in the  
13.30 general fund.

13.31 Sec. 3. **NATURAL RESOURCES**

13.32 Subdivision 1. **Total Appropriation**                    \$    273,845,000 \$    273,398,000

13.33                    Appropriations by Fund

13.34                                    2018                    2019

14.1	<u>General</u>	<u>80,230,000</u>	<u>80,063,000</u>
14.2	<u>Natural Resources</u>	<u>95,453,000</u>	<u>95,203,000</u>
14.3	<u>Game and Fish</u>	<u>97,862,000</u>	<u>97,832,000</u>
14.4	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
14.5	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

14.6 The amounts that may be spent for each  
14.7 purpose are specified in the following  
14.8 subdivisions.

14.9	<u>Subd. 2. <b>Land and Mineral Resources</b></u>		
14.10	<u><b>Management</b></u>	<u>5,646,000</u>	<u>5,646,000</u>

14.11	<u>Appropriations by Fund</u>		
14.12		<u>2018</u>	<u>2019</u>
14.13	<u>General</u>	<u>1,710,000</u>	<u>1,710,000</u>
14.14	<u>Natural Resources</u>	<u>3,392,000</u>	<u>3,392,000</u>
14.15	<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
14.16	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

14.17 (a) \$319,000 the first year and \$319,000 the  
14.18 second year are for environmental research  
14.19 relating to mine permitting, of which \$200,000  
14.20 each year is from the minerals management  
14.21 account and \$119,000 each year is from the  
14.22 general fund.

14.23 (b) \$2,815,000 the first year and \$2,815,000  
14.24 the second year are from the minerals  
14.25 management account in the natural resources  
14.26 fund for use as provided in Minnesota Statutes,  
14.27 section 93.2236, paragraph (c), for mineral  
14.28 resource management, projects to enhance  
14.29 future mineral income, and projects to promote  
14.30 new mineral resource opportunities.

14.31 (c) \$200,000 the first year and \$200,000 the  
14.32 second year are from the state forest suspense  
14.33 account in the permanent school fund to secure  
14.34 maximum long-term economic return from  
14.35 the school trust lands consistent with fiduciary

15.1 responsibilities and sound natural resources

15.2 conservation and management principles.

15.3 (d) \$125,000 the first year and \$125,000 the

15.4 second year are for conservation easement

15.5 stewardship.

15.6 Subd. 3. **Ecological and Water Resources**

32,520,000

32,353,000

15.7 Appropriations by Fund

15.8 2018 2019

15.9 General 17,213,000 17,046,000

15.10 Natural Resources 10,826,000 10,826,000

15.11 Game and Fish 4,481,000 4,481,000

15.12 (a) \$3,242,000 the first year and \$3,242,000

15.13 the second year are from the invasive species

15.14 account in the natural resources fund. Up to

15.15 \$500,000 each year is available for grants for

15.16 applied aquatic invasive species research.

15.17 (b) \$3,206,000 the first year and \$3,206,000

15.18 the second year are from the general fund for

15.19 management, public awareness, assessment

15.20 and monitoring research, and water access

15.21 inspection to prevent the spread of invasive

15.22 species; management of invasive plants in

15.23 public waters; and management of terrestrial

15.24 invasive species on state-administered lands.

15.25 (c) \$5,000,000 the first year and \$5,000,000

15.26 the second year are from the water

15.27 management account in the natural resources

15.28 fund for only the purposes specified in

15.29 Minnesota Statutes, section 103G.27,

15.30 subdivision 2.

15.31 (d) \$124,000 the first year and \$124,000 the

15.32 second year are for a grant to the Mississippi

15.33 Headwaters Board for up to 50 percent of the

15.34 cost of implementing the comprehensive plan

16.1 for the upper Mississippi within areas under  
16.2 the board's jurisdiction.

16.3 (e) \$10,000 the first year and \$10,000 the  
16.4 second year are for payment to the Leech Lake  
16.5 Band of Chippewa Indians to implement the  
16.6 band's portion of the comprehensive plan for  
16.7 the upper Mississippi.

16.8 (f) \$264,000 the first year and \$264,000 the  
16.9 second year are for grants for up to 50 percent  
16.10 of the cost of implementation of the Red River  
16.11 mediation agreement.

16.12 (g) \$2,018,000 the first year and \$2,018,000  
16.13 the second year are from the heritage  
16.14 enhancement account in the game and fish  
16.15 fund for only the purposes specified in  
16.16 Minnesota Statutes, section 297A.94,  
16.17 paragraph (e), clause (1).

16.18 (h) \$950,000 the first year and \$950,000 the  
16.19 second year are from the nongame wildlife  
16.20 management account in the natural resources  
16.21 fund for the purpose of nongame wildlife  
16.22 management. Notwithstanding Minnesota  
16.23 Statutes, section 290.431, \$100,000 the first  
16.24 year and \$100,000 the second year may be  
16.25 used for nongame wildlife information,  
16.26 education, and promotion.

16.27 (i) Notwithstanding Minnesota Statutes,  
16.28 section 84.943, \$13,000 the first year and  
16.29 \$13,000 the second year from the critical  
16.30 habitat private sector matching account may  
16.31 be used to publicize the critical habitat license  
16.32 plate match program.



- 17.1 (j) \$6,000,000 the first year and \$6,000,000  
17.2 the second year are from the general fund for  
17.3 the following activities:
- 17.4 (1) financial reimbursement and technical  
17.5 support to soil and water conservation districts  
17.6 or other local units of government for  
17.7 groundwater level monitoring;
- 17.8 (2) surface water monitoring and analysis,  
17.9 including installation of monitoring gauges;
- 17.10 (3) groundwater analysis to assist with water  
17.11 appropriation permitting decisions;
- 17.12 (4) permit application review incorporating  
17.13 surface water and groundwater technical  
17.14 analysis;
- 17.15 (5) precipitation data and analysis to improve  
17.16 the use of irrigation;
- 17.17 (6) information technology, including  
17.18 electronic permitting and integrated data  
17.19 systems; and
- 17.20 (7) compliance and monitoring.
- 17.21 (k) \$167,000 the first year is for a grant to the  
17.22 Koronis Lake Association for purposes of  
17.23 removing and preventing aquatic invasive  
17.24 species. This is a onetime appropriation and  
17.25 is available until June 30, 2022.
- 17.26 (l) \$250,000 the first year and \$250,000 the  
17.27 second year are from the water management  
17.28 account in the natural resources fund for  
17.29 economic impact analysis of groundwater  
17.30 management area and water appropriation  
17.31 permit plans required under Minnesota  
17.32 Statutes, sections 103G.271, subdivision 8,  
17.33 and 103G.287, subdivision 4.

18.1	<b><u>Subd. 4. Forest Management</u></b>	<u>45,781,000</u>	<u>45,281,000</u>
18.2	<u>Appropriations by Fund</u>		
18.3	<u>2018</u>	<u>2019</u>	
18.4	<u>General</u>	<u>28,350,000</u>	<u>28,350,000</u>
18.5	<u>Natural Resources</u>	<u>16,144,000</u>	<u>15,644,000</u>
18.6	<u>Game and Fish</u>	<u>1,287,000</u>	<u>1,287,000</u>
18.7	<u>(a) \$7,145,000 the first year and \$7,145,000</u>		
18.8	<u>the second year are for prevention,</u>		
18.9	<u>presuppression, and suppression costs of</u>		
18.10	<u>emergency firefighting and other costs</u>		
18.11	<u>incurred under Minnesota Statutes, section</u>		
18.12	<u>88.12. The amount necessary to pay for</u>		
18.13	<u>presuppression and suppression costs during</u>		
18.14	<u>the biennium is appropriated from the general</u>		
18.15	<u>fund. By January 15 of each year, the</u>		
18.16	<u>commissioner of natural resources shall submit</u>		
18.17	<u>a report to the chairs and ranking minority</u>		
18.18	<u>members of the house and senate committees</u>		
18.19	<u>and divisions having jurisdiction over</u>		
18.20	<u>environment and natural resources finance,</u>		
18.21	<u>identifying all firefighting costs incurred and</u>		
18.22	<u>reimbursements received in the prior fiscal</u>		
18.23	<u>year. These appropriations may not be</u>		
18.24	<u>transferred. Any reimbursement of firefighting</u>		
18.25	<u>expenditures made to the commissioner from</u>		
18.26	<u>any source other than federal mobilizations</u>		
18.27	<u>must be deposited into the general fund.</u>		
18.28	<u>(b) \$11,644,000 the first year and \$11,644,000</u>		
18.29	<u>the second year are from the forest</u>		
18.30	<u>management investment account in the natural</u>		
18.31	<u>resources fund for only the purposes specified</u>		
18.32	<u>in Minnesota Statutes, section 89.039,</u>		
18.33	<u>subdivision 2.</u>		
18.34	<u>(c) \$1,287,000 the first year and \$1,287,000</u>		
18.35	<u>the second year are from the heritage</u>		

- 19.1 enhancement account in the game and fish  
19.2 fund to advance ecological classification  
19.3 systems (ECS) scientific management tools  
19.4 for forest and invasive species management.
- 19.5 (d) \$780,000 the first year and \$780,000 the  
19.6 second year are for the Forest Resources  
19.7 Council to implement the Sustainable Forest  
19.8 Resources Act.
- 19.9 (e) \$500,000 the first year is from the forest  
19.10 management investment account in the natural  
19.11 resources fund for an analysis of a sustainable  
19.12 timber harvest level on  
19.13 department-administered lands. The  
19.14 appropriation is available until June 30, 2019.  
19.15 This appropriation is onetime.
- 19.16 (f) \$2,000,000 the first year and \$2,000,000  
19.17 the second year are from the forest  
19.18 management investment account in the natural  
19.19 resources fund for state forest reforestation.  
19.20 The base from the forest management  
19.21 investment account in the natural resources  
19.22 fund for fiscal year 2020 and later is  
19.23 \$1,250,000.
- 19.24 (g) \$2,000,000 the first year and \$2,000,000  
19.25 the second year are from the forest  
19.26 management investment account in the natural  
19.27 resources fund for the Next Generation Core  
19.28 Forestry data system. The appropriation is  
19.29 available until June 30, 2021. The base from  
19.30 the forest management investment account in  
19.31 the natural resources fund for fiscal year 2020  
19.32 and later is \$500,000.
- 19.33 (h) The base for the natural resources fund in  
19.34 fiscal year 2020 and later is \$13,394,000.

20.1	<b><u>Subd. 5. Parks and Trails Management</u></b>	<u>79,250,000</u>	<u>79,500,000</u>
20.2	<u>Appropriations by Fund</u>		
20.3	<u>2018</u>	<u>2019</u>	
20.4	<u>General</u>	<u>24,427,000</u>	<u>24,427,000</u>
20.5	<u>Natural Resources</u>	<u>52,550,000</u>	<u>52,800,000</u>
20.6	<u>Game and Fish</u>	<u>2,273,000</u>	<u>2,273,000</u>
20.7	<u>(a) \$1,075,000 the first year and \$1,075,000</u>		
20.8	<u>the second year are from the water recreation</u>		
20.9	<u>account in the natural resources fund for</u>		
20.10	<u>enhancing public water-access facilities.</u>		
20.11	<u>(b) \$5,990,000 the first year and \$5,990,000</u>		
20.12	<u>the second year are from the natural resources</u>		
20.13	<u>fund for state trail, park, and recreation area</u>		
20.14	<u>operations. This appropriation is from the</u>		
20.15	<u>revenue deposited in the natural resources fund</u>		
20.16	<u>under Minnesota Statutes, section 297A.94,</u>		
20.17	<u>paragraph (e), clause (2).</u>		
20.18	<u>(c) \$4,700,000 the first year and \$5,100,000</u>		
20.19	<u>the second year are from the state parks</u>		
20.20	<u>account in the natural resources fund for</u>		
20.21	<u>increased state park, state trail, and state</u>		
20.22	<u>recreation area operation and maintenance.</u>		
20.23	<u>(d) \$1,005,000 the first year and \$1,005,000</u>		
20.24	<u>the second year are from the natural resources</u>		
20.25	<u>fund for park and trail grants to local units of</u>		
20.26	<u>government on land to be maintained for at</u>		
20.27	<u>least 20 years for the purposes of the grants.</u>		
20.28	<u>This appropriation is from the revenue</u>		
20.29	<u>deposited in the natural resources fund under</u>		
20.30	<u>Minnesota Statutes, section 297A.94,</u>		
20.31	<u>paragraph (e), clause (4). Any unencumbered</u>		
20.32	<u>balance does not cancel at the end of the first</u>		
20.33	<u>year and is available for the second year.</u>		

- 21.1 (e) \$8,424,000 the first year and \$8,424,000  
21.2 the second year are from the snowmobile trails  
21.3 and enforcement account in the natural  
21.4 resources fund for the snowmobile  
21.5 grants-in-aid program. Any unencumbered  
21.6 balance does not cancel at the end of the first  
21.7 year and is available for the second year.
- 21.8 (f) \$1,685,000 the first year and \$1,685,000  
21.9 the second year are from the natural resources  
21.10 fund for the off-highway vehicle grants-in-aid  
21.11 program. Of this amount, \$1,210,000 each  
21.12 year is from the all-terrain vehicle account;  
21.13 \$150,000 each year is from the off-highway  
21.14 motorcycle account; and \$325,000 each year  
21.15 is from the off-road vehicle. Any  
21.16 unencumbered balance does not cancel at the  
21.17 end of the first year and is available for the  
21.18 second year.
- 21.19 (g) \$75,000 the first year and \$75,000 the  
21.20 second year are from the cross-country ski  
21.21 account in the natural resources fund for  
21.22 grooming and maintaining cross-country ski  
21.23 trails in state parks, trails, and recreation areas.
- 21.24 (h) \$250,000 the first year and \$250,000 the  
21.25 second year are from the state land and water  
21.26 conservation account in the natural resources  
21.27 fund for priorities established by the  
21.28 commissioner for eligible state projects and  
21.29 administrative and planning activities  
21.30 consistent with Minnesota Statutes, section  
21.31 84.0264, and the federal Land and Water  
21.32 Conservation Fund Act. Any unencumbered  
21.33 balance does not cancel at the end of the first  
21.34 year and is available for the second year.

22.1 (i) \$150,000 the first year is from the  
 22.2 all-terrain vehicle account in the natural  
 22.3 resources fund for a grant to the city of Orr to  
 22.4 predesign, design, and construct the Voyageur  
 22.5 all-terrain vehicle trail system, including:  
 22.6 (1) design of the alignment for phase I of the  
 22.7 Voyageur all-terrain vehicle trail system and  
 22.8 development of a preliminary phase II  
 22.9 alignment;  
 22.10 (2) completion of wetland delineation and  
 22.11 wetland permitting;  
 22.12 (3) completion of the engineering design and  
 22.13 cost estimates for a snowmobile and  
 22.14 off-highway vehicle bridge over the Vermilion  
 22.15 River to establish a trail connection; and  
 22.16 (4) completion of the master plan for the  
 22.17 Voyageur all-terrain vehicle trail system.  
 22.18 This is a onetime appropriation and is  
 22.19 available until June 30, 2020.

22.20 Subd. 6. **Fish and Wildlife Management** 67,561,000 67,531,000

22.21 Appropriations by Fund

22.22		<u>2018</u>	<u>2019</u>
22.23	<u>Natural Resources</u>	<u>1,912,000</u>	<u>1,912,000</u>
22.24	<u>Game and Fish</u>	<u>65,649,000</u>	<u>65,619,000</u>

22.25 (a) \$8,167,000 the first year and \$8,167,000  
 22.26 the second year are from the heritage  
 22.27 enhancement account in the game and fish  
 22.28 fund only for activities specified in Minnesota  
 22.29 Statutes, section 297A.94, paragraph (e),  
 22.30 clause (1). Notwithstanding Minnesota  
 22.31 Statutes, section 297A.94, five percent of this  
 22.32 appropriation may be used for expanding  
 22.33 hunter and angler recruitment and retention.

23.1 (b) \$30,000 the first year is from the heritage  
23.2 enhancement account in the game and fish  
23.3 fund for the commissioner of natural resources  
23.4 to contract with a private entity to search for  
23.5 a site to construct a world-class shooting range  
23.6 and club house for use by the Minnesota State  
23.7 High School League and for other regional,  
23.8 statewide, national, and international shooting  
23.9 events. The commissioner must provide public  
23.10 notice of the search, including making the  
23.11 public aware of the process through the  
23.12 Department of Natural Resources' media  
23.13 outlets, and solicit input on the location and  
23.14 building options for the facility. The siting  
23.15 search process must include a public process  
23.16 to determine if any business or individual is  
23.17 interested in donating land for the facility,  
23.18 anticipated to be at least 500 acres. The site  
23.19 search team must meet with interested third  
23.20 parties affected by or interested in the facility.  
23.21 The commissioner must submit a report with  
23.22 the results of the site search to the chairs and  
23.23 ranking minority members of the legislative  
23.24 committees and divisions with jurisdiction  
23.25 over environment and natural resources by  
23.26 March 1, 2018. This is a onetime  
23.27 appropriation.

23.28	<u>Subd. 7. <b>Enforcement</b></u>	<u>39,767,000</u>	<u>39,767,000</u>
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23.29	<u>Appropriations by Fund</u>		
23.30		<u>2018</u>	<u>2019</u>
23.31	<u>General</u>	<u>5,530,000</u>	<u>5,530,000</u>
23.32	<u>Natural Resources</u>	<u>10,309,000</u>	<u>10,309,000</u>
23.33	<u>Game and Fish</u>	<u>23,828,000</u>	<u>23,828,000</u>
23.34	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

23.35 (a) \$1,718,000 the first year and \$1,718,000  
23.36 the second year are from the general fund for

24.1 enforcement efforts to prevent the spread of  
24.2 aquatic invasive species.

24.3 (b) \$1,580,000 the first year and \$1,580,000  
24.4 the second year are from the heritage  
24.5 enhancement account in the game and fish  
24.6 fund for only the purposes specified in  
24.7 Minnesota Statutes, section 297A.94,  
24.8 paragraph (e), clause (1).

24.9 (c) \$1,082,000 the first year and \$1,082,000  
24.10 the second year are from the water recreation  
24.11 account in the natural resources fund for grants  
24.12 to counties for boat and water safety. Any  
24.13 unencumbered balance does not cancel at the  
24.14 end of the first year and is available for the  
24.15 second year.

24.16 (d) \$315,000 the first year and \$315,000 the  
24.17 second year are from the snowmobile trails  
24.18 and enforcement account in the natural  
24.19 resources fund for grants to local law  
24.20 enforcement agencies for snowmobile  
24.21 enforcement activities. Any unencumbered  
24.22 balance does not cancel at the end of the first  
24.23 year and is available for the second year.

24.24 (e) \$250,000 the first year and \$250,000 the  
24.25 second year are from the all-terrain vehicle  
24.26 account for grants to qualifying organizations  
24.27 to assist in safety and environmental education  
24.28 and monitoring trails on public lands under  
24.29 Minnesota Statutes, section 84.9011. Grants  
24.30 issued under this paragraph must be issued  
24.31 through a formal agreement with the  
24.32 organization. By December 15 each year, an  
24.33 organization receiving a grant under this  
24.34 paragraph shall report to the commissioner  
24.35 with details on expenditures and outcomes



25.1 from the grant. Of this appropriation, \$25,000  
25.2 each year is for administration of these grants.  
25.3 Any unencumbered balance does not cancel  
25.4 at the end of the first year and is available for  
25.5 the second year.

25.6 (f) \$510,000 the first year and \$510,000 the  
25.7 second year are from the natural resources  
25.8 fund for grants to county law enforcement  
25.9 agencies for off-highway vehicle enforcement  
25.10 and public education activities based on  
25.11 off-highway vehicle use in the county. Of this  
25.12 amount, \$498,000 each year is from the  
25.13 all-terrain vehicle account; \$11,000 each year  
25.14 is from the off-highway motorcycle account;  
25.15 and \$1,000 each year is from the off-road  
25.16 vehicle account. The county enforcement  
25.17 agencies may use money received under this  
25.18 appropriation to make grants to other local  
25.19 enforcement agencies within the county that  
25.20 have a high concentration of off-highway  
25.21 vehicle use. Of this appropriation, \$25,000  
25.22 each year is for administration of these grants.  
25.23 Any unencumbered balance does not cancel  
25.24 at the end of the first year and is available for  
25.25 the second year.

25.26 The commissioner may hold a conservation  
25.27 officer academy if necessary.

25.28	<u>Subd. 8. <b>Operations Support</b></u>	<u>3,000,000</u>	<u>3,000,000</u>
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25.29 (a) \$2,500,000 the first year and \$2,500,000  
25.30 the second year are available for legal costs.  
25.31 Of these amounts, up to \$1,700,000 may be  
25.32 transferred to the Minnesota Pollution Control  
25.33 Agency. This is a onetime appropriation and  
25.34 is available until June 30, 2021.

26.1 (b) \$500,000 the first year and \$500,000 the  
 26.2 second year are for permitting efficiency and  
 26.3 updating rules to reflect guidelines, bulletins,  
 26.4 criterion, manual standards, interpretive  
 26.5 statements, or similar pronouncements used  
 26.6 in permits.

26.7 (c) The base for the general fund in fiscal year  
 26.8 2020 is \$500,000.

26.9	<u>Subd. 9. <b>Pass Through Funds</b></u>	<u>320,000</u>	<u>320,000</u>
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26.10	<u>Appropriations by Fund</u>		
26.11		<u>2018</u>	<u>2019</u>
26.12	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

26.13 \$320,000 the first year and \$320,000 the  
 26.14 second year are from the natural resources  
 26.15 fund for grants to be divided equally between  
 26.16 the city of St. Paul for the Como Park Zoo and  
 26.17 Conservatory and the city of Duluth for the  
 26.18 Duluth Zoo. This appropriation is from the  
 26.19 revenue deposited to the natural resources fund  
 26.20 under Minnesota Statutes, section 297A.94,  
 26.21 paragraph (e), clause (5).

26.22 Subd. 10. **Cancellation**

26.23 The remaining amount of the general fund  
 26.24 appropriation in Laws 2016, chapter 189,  
 26.25 article 3, section 3, subdivision 3, for a grant  
 26.26 to the Koronis Lake Association, estimated to  
 26.27 be \$167,000, is canceled on June 30, 2017.

26.28 This subdivision is effective the day following  
 26.29 final enactment.

26.30	<u>Sec. 4. <b>BOARD OF WATER AND SOIL</b></u>		
26.31	<u>RESOURCES</u>	<u>\$ 13,589,000</u>	<u>\$ 13,589,000</u>

26.32 (a) \$3,423,000 the first year and \$3,423,000  
 26.33 the second year are for natural resources block  
 26.34 grants to local governments. Grants must be

27.1 matched with a combination of local cash or  
27.2 in-kind contributions. The base grant portion  
27.3 related to water planning must be matched by  
27.4 an amount as specified by Minnesota Statutes,  
27.5 section 103B.3369. The board may reduce the  
27.6 amount of the natural resources block grant  
27.7 to a county by an amount equal to any  
27.8 reduction in the county's general services  
27.9 allocation to a soil and water conservation  
27.10 district from the county's previous year  
27.11 allocation when the board determines that the  
27.12 reduction was disproportionate.

27.13 (b) \$3,116,000 the first year and \$3,116,000  
27.14 the second year are for grants to soil and water  
27.15 conservation districts for the purposes of  
27.16 Minnesota Statutes, sections 103C.321 and  
27.17 103C.331, and for general purposes, nonpoint  
27.18 engineering, and implementation and  
27.19 stewardship of the reinvest in Minnesota  
27.20 reserve program. Expenditures may be made  
27.21 from these appropriations for supplies and  
27.22 services benefiting soil and water conservation  
27.23 districts. Any district receiving a payment  
27.24 under this paragraph shall maintain a Web  
27.25 page that publishes, at a minimum, its annual  
27.26 report, annual audit, annual budget, and  
27.27 meeting notices.

27.28 (c) \$1,560,000 the first year and \$1,560,000  
27.29 the second year are for the following  
27.30 cost-share programs:

27.31 (1) \$260,000 each year is for feedlot  
27.32 water-quality grants for feedlots under 300  
27.33 animal units and nutrient and manure  
27.34 management projects in watersheds where  
27.35 there are impaired waters;

28.1 (2) \$1,200,000 each year is for soil and water  
28.2 conservation district cost-sharing contracts for  
28.3 perennially vegetated riparian buffers, erosion  
28.4 control, water retention and treatment, and  
28.5 other high-priority conservation practices; and

28.6 (3) \$100,000 each year is for county  
28.7 cooperative weed management programs and  
28.8 to restore native plants in selected invasive  
28.9 species management sites.

28.10 (d) \$300,000 the first year is for improving  
28.11 the efficiency and effectiveness of Minnesota's  
28.12 wetland regulatory programs through  
28.13 continued examination of United States Clean  
28.14 Water Act section 404 assumption including  
28.15 negotiation of draft agreements with the  
28.16 United States Environmental Protection  
28.17 Agency and the United States Army Corps of  
28.18 Engineers, planning for an online permitting  
28.19 system, upgrading the existing wetland  
28.20 banking database, and developing an in-lieu  
28.21 fee wetland banking program as authorized  
28.22 by statute. This is a onetime appropriation.

28.23 (e) \$166,000 the first year and \$166,000 the  
28.24 second year are to provide technical assistance  
28.25 to local drainage management officials and  
28.26 for the costs of the Drainage Work Group.

28.27 (f) \$100,000 the first year and \$100,000 the  
28.28 second year are for a grant to the Red River  
28.29 Basin Commission for water quality and  
28.30 floodplain management, including  
28.31 administration of programs. This appropriation  
28.32 must be matched by nonstate funds. If the  
28.33 appropriation in either year is insufficient, the  
28.34 appropriation in the other year is available for  
28.35 it.

29.1 (g) \$140,000 the first year and \$140,000 the  
29.2 second year are for grants to Area II  
29.3 Minnesota River Basin Projects for floodplain  
29.4 management.

29.5 (h) \$125,000 the first year and \$125,000 the  
29.6 second year are for conservation easement  
29.7 stewardship.

29.8 (i) Notwithstanding Minnesota Statutes,  
29.9 section 103C.501, the board may shift  
29.10 cost-share funds in this section and may adjust  
29.11 the technical and administrative assistance  
29.12 portion of the grant funds to leverage federal  
29.13 or other nonstate funds or to address  
29.14 high-priority needs identified in local water  
29.15 management plans or comprehensive water  
29.16 management plans.

29.17 (j) The appropriations for grants in this section  
29.18 are available until expended. If an  
29.19 appropriation for grants in either year is  
29.20 insufficient, the appropriation in the other year  
29.21 is available for it.

29.22 (k) Notwithstanding Minnesota Statutes,  
29.23 section 16B.97, the appropriations for grants  
29.24 in this section are exempt from Department  
29.25 of Administration, Office of Grants  
29.26 Management Policy 08-10 Grant Monitoring.

29.27	Sec. 5. METROPOLITAN COUNCIL	\$	8,540,000	\$	8,540,000
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29.28 Appropriations by Fund

29.29		<u>2018</u>	<u>2019</u>
29.30	<u>General</u>	<u>2,870,000</u>	<u>2,870,000</u>
29.31	Natural Resources	5,670,000	5,670,000

29.32 (a) \$2,870,000 the first year and \$2,870,000  
29.33 the second year are for metropolitan area  
29.34 regional parks operation and maintenance

30.1 according to Minnesota Statutes, section  
 30.2 473.351.

30.3 (b) \$5,670,000 the first year and \$5,670,000  
 30.4 the second year are from the natural resources  
 30.5 fund for metropolitan area regional parks and  
 30.6 trails maintenance and operations. This  
 30.7 appropriation is from the revenue deposited  
 30.8 in the natural resources fund under Minnesota  
 30.9 Statutes, section 297A.94, paragraph (e),  
 30.10 clause (3).

30.11 **Sec. 6. CONSERVATION CORPS**  
 30.12 **MINNESOTA** \$ 945,000 \$ 945,000

30.13	<u>Appropriations by Fund</u>		
30.14		<u>2018</u>	<u>2019</u>
30.15	<u>General</u>	<u>455,000</u>	<u>455,000</u>
30.16	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

30.17 Conservation Corps Minnesota may receive  
 30.18 money appropriated from the natural resources  
 30.19 fund under this section only as provided in an  
 30.20 agreement with the commissioner of natural  
 30.21 resources.

30.22 **Sec. 7. ZOOLOGICAL BOARD** \$ 8,910,000 \$ 8,910,000

30.23	<u>Appropriations by Fund</u>		
30.24		<u>2018</u>	<u>2019</u>
30.25	<u>General</u>	<u>8,750,000</u>	<u>8,750,000</u>
30.26	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

30.27 \$160,000 the first year and \$160,000 the  
 30.28 second year are from the natural resources  
 30.29 fund from the revenue deposited under  
 30.30 Minnesota Statutes, section 297A.94,  
 30.31 paragraph (e), clause (5).

30.32 The base for the general fund in fiscal year  
 30.33 2020 and later is \$10,006,000.

31.1	Sec. 8. <b><u>SCIENCE MUSEUM</u></b>	<b><u>\$</u></b>	<b><u>1,079,000</u></b>	<b><u>\$</u></b>	<b><u>1,079,000</u></b>
31.2	Sec. 9. <b><u>ADMINISTRATION</u></b>	<b><u>\$</u></b>	<b><u>800,000</u></b>	<b><u>\$</u></b>	<b><u>300,000</u></b>
31.3	<u>(a) \$300,000 the first year and \$300,000 the</u>				
31.4	<u>second year are from the state forest suspense</u>				
31.5	<u>account in the permanent school fund for the</u>				
31.6	<u>school trust lands director. This appropriation</u>				
31.7	<u>is to be used for securing long-term economic</u>				
31.8	<u>return from the school trust lands consistent</u>				
31.9	<u>with fiduciary responsibilities and sound</u>				
31.10	<u>natural resources conservation and</u>				
31.11	<u>management principles.</u>				
31.12	<u>(b) \$500,000 the first year is from the state</u>				
31.13	<u>forest suspense account in the permanent</u>				
31.14	<u>school fund for the school trust lands director</u>				
31.15	<u>to initiate the private sale of surplus school</u>				
31.16	<u>trust lands identified according to Minnesota</u>				
31.17	<u>Statutes, section 92.82, paragraph (d),</u>				
31.18	<u>including but not limited to valuation</u>				
31.19	<u>expenses, legal fees, and transactional staff</u>				
31.20	<u>costs. This is a onetime appropriation and is</u>				
31.21	<u>available until June 30, 2019.</u>				
31.22	Sec. 10. <b><u>EXPLORE MINNESOTA TOURISM</u></b>	<b><u>\$</u></b>	<b><u>14,248,000</u></b>	<b><u>\$</u></b>	<b><u>14,248,000</u></b>
31.23	<u>(a) To develop maximum private sector</u>				
31.24	<u>involvement in tourism, \$500,000 the first</u>				
31.25	<u>year and \$500,000 the second year must be</u>				
31.26	<u>matched by Explore Minnesota Tourism from</u>				
31.27	<u>nonstate sources. Each \$1 of state incentive</u>				
31.28	<u>must be matched with \$6 of private sector</u>				
31.29	<u>funding. Cash match is defined as revenue to</u>				
31.30	<u>the state or documented cash expenditures</u>				
31.31	<u>directly expended to support Explore</u>				
31.32	<u>Minnesota Tourism programs. Up to one-half</u>				
31.33	<u>of the private sector contribution may be in</u>				

32.1 kind or soft match. The incentive in fiscal year  
32.2 2018 is based on fiscal year 2017 private  
32.3 sector contributions. The incentive in fiscal  
32.4 year 2019 is based on fiscal year 2018 private  
32.5 sector contributions. This incentive is ongoing.

32.6 (b) Funding for marketing grants is available  
32.7 either year of the biennium. Unexpended grant  
32.8 funds from the first year are available in the  
32.9 second year.

32.10 (c) \$100,000 each year is for a grant to the  
32.11 Northern Lights International Music Festival.

32.12 Sec. 11. Laws 2016, chapter 189, article 3, section 6, is amended to read:

32.13	<b>Sec. 6. ADMINISTRATION</b>	<b>\$</b>	<b>250,000</b>	<b>\$</b>	<b>-0-</b>
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32.14 \$250,000 the first year is from the state forest  
32.15 suspense account in the permanent school fund  
32.16 for the school trust lands director to initiate  
32.17 real estate development projects on school  
32.18 trust lands as determined by the school trust  
32.19 lands director. This is a onetime appropriation  
32.20 and is available until June 30, 2019.

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

## 32.22 ARTICLE 2

## 32.23 ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES

32.24 Section 1. **[15.0541] NO NET GAIN; COUNTIES.**

32.25 (a) A county located in whole or in part north of U.S. Highway 2 may file a no-net-gain  
32.26 of state lands policy, adopted by the county board, with the commissioner of natural  
32.27 resources. The policy must express the county's policy against the acquisition of additional  
32.28 land by the state in the county.

32.29 (b) When a state agency acquires private land in a county that has filed a no-net-gain of  
32.30 state lands policy under this section, the commissioner of natural resources, for lands acquired  
32.31 by the commissioner, or the commissioner of administration, for lands acquired by another  
32.32 state agency, must sell to a private individual or entity an equal or greater number of acres



33.1 of land in the county. The value of the land sold must be of at least substantially equal value  
33.2 of the lands acquired. Notwithstanding section 94.10, subdivision 2, if lands being offered  
33.3 for sale to comply with this section remain unsold after a public sale offering, the lands may  
33.4 be sold for less than the appraised value. Land sold under this paragraph must not be sold  
33.5 for less than 75 percent of the appraised value.

33.6 (c) For the purposes of this section, the following terms have the meanings given:

33.7 (1) "agency" has the meaning given under section 16B.01, subdivision 2, excluding the  
33.8 Department of Transportation and including the Minnesota State Colleges and Universities;  
33.9 and

33.10 (2) "substantially equal value" has the meaning given under section 94.343, subdivision  
33.11 3, paragraph (b).

33.12 Sec. 2. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision to  
33.13 read:

33.14 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
33.15 or outside counsel to render title opinions, represent the department in severed mineral  
33.16 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
33.17 to the contrary, represent the state in quiet title or title registration actions affecting land or  
33.18 interests in land administered by the commissioner.

33.19 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

33.20 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that  
33.21 environmental and resource management permits be issued or denied within 90 days for  
33.22 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.  
33.23 The commissioner of natural resources shall establish management systems designed to  
33.24 achieve the goal.

33.25 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
33.26 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit  
33.27 categories. The report is due August 1 each year. For permit applications that have not met  
33.28 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
33.29 for not meeting the goal, the commissioner shall separately identify delays caused by the  
33.30 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
33.31 level of public engagement. The report must specify the number of days from initial  
33.32 submission of the application to the day of determination that the application is complete.

The report must aggregate the data for the year and assess whether program or system changes are necessary to achieve the goal. The report must be posted on the department's Web site and submitted to the governor and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over natural resources policy and finance.

(c) The commissioner shall allow electronic submission of environmental review and permit documents to the department.

(d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If the commissioner determines that an application is incomplete, the notice to the applicant must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes, and advise the applicant on how the deficiencies can be remedied. If the commissioner determines that the application is complete, the notice must confirm the application's Tier 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2 permit, provide the permit applicant with a schedule for reviewing the permit application. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

(e) When public notice of a draft individual Tier 2 permit is required, the commissioner must issue the notice with the draft permit within 150 days of receiving a completed permit application unless the permit applicant and the commissioner mutually agree to a different date. Upon request of the permit applicant, the commissioner must provide a copy of the draft permit to the permit applicant and consider comments on the draft permit from the permit applicant before issuing the public notice.

Sec. 4. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct, reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of natural resources to construct, reconstruct, or modify a project or to operate a facility may offer to reimburse the department for the reasonable costs of staff time or consultant services needed to expedite the preapplication process and permit development process through the final decision on the permit, including the analysis of environmental review documents. The reimbursement shall be in addition to permit application fees imposed by law. When the commissioner determines that additional resources are needed to develop the permit application in an expedited manner, and that expediting the development is consistent with

35.1 permitting program priorities, the commissioner may accept the reimbursement. The  
35.2 commissioner must give the permit applicant an estimate of costs for the expedited service  
35.3 to be incurred by the commissioner. The estimate must include a brief description of the  
35.4 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each  
35.5 task. The proposer and the commissioner must enter into a written agreement detailing the  
35.6 estimated costs for the expedited service to be incurred by the department and any recourse  
35.7 available to the applicant if the department fails to comply with the schedule. The agreement  
35.8 must also identify staff anticipated to be assigned to the project and describe the  
35.9 commissioner's commitment to making assigned staff available for the project until the  
35.10 permit decision is made. The commissioner must not issue a permit until the applicant has  
35.11 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.  
35.12 Reimbursements accepted by the commissioner are appropriated to the commissioner for  
35.13 the purpose of developing the permit or analyzing environmental review documents.  
35.14 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of  
35.15 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,  
35.16 what conditions are included in a permit, or the application of state and federal statutes and  
35.17 rules governing permit determinations; and shall not affect final decisions regarding  
35.18 environmental review.

35.19 Sec. 5. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to  
35.20 read:

35.21 Subd. 14c. **Irrevocability, suspensions, or expiration of permits; environmental**  
35.22 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to  
35.23 appropriate money to the commissioner of natural resources for environmental review and  
35.24 permitting activities of the Department of Natural Resources:

35.25 (1) a permit granted by the commissioner may not be terminated or suspended for the  
35.26 term of the permit nor shall it expire without the consent of the permittee, except for breach  
35.27 or nonperformance of any condition of the permit by the permittee that is an imminent threat  
35.28 to impair or destroy the environment or injure the health, safety, or welfare of the citizens  
35.29 of the state; and

35.30 (2) environmental review and permit application work on environmental review and  
35.31 permits filed before July 1 of that year must not be suspended or terminated.

35.32 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the  
35.33 commissioner for the environmental review and permitting activities is enacted.

Sec. 6. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to read:

**Subd. 14d. Unadopted rules.** The commissioner of natural resources must not seek to implement in a permit or enforce a penalty based upon a department policy, guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement if the policy, guideline, bulletin, criterion, manual standard, interpretive standard, or pronouncement has not been adopted under the rulemaking process under chapter 14. In any proceeding under section 14.381, the commissioner has the burden of proving the action is not prohibited.

Sec. 7. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

**Subd. 2. Exemptions.** Registration is not required for off-highway motorcycles:

(1) owned and used by the United States, an Indian tribal government, the state, another state, or a political subdivision;

(2) registered in another state or country that have not been within this state for more than 30 consecutive days;

(3) registered under chapter 168, when operated on forest roads to gain access to a state forest campground;

(4) used exclusively in organized track racing events;

(5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident off-highway motorcycle state trail pass; ~~or~~

(6) operated by a person participating in an event for which the commissioner has issued a special use permit; or

(7) operated on boundary trails and registered in another state or country providing equal reciprocal registration or licensing exemptions for registrants of this state.

Sec. 8. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

**Subdivision 1. Prohibitions on youthful operators.** (a) A person six years or older but less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

37.1 (c) A person under 12 years of age may not:

37.2 (1) make a direct crossing of a public road right-of-way;

37.3 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

37.4 (3) operate an off-highway motorcycle on public lands or waters unless accompanied

37.5 by a person 18 years of age or older or participating in an event for which the commissioner

37.6 has issued a special use permit.

37.7 (d) Except for public road rights-of-way of interstate highways, a person less than 16

37.8 years of age may make a direct crossing of a public road right-of-way of a trunk, county

37.9 state-aid, or county highway only if that person is accompanied by a person 18 years of age

37.10 or older who holds a valid driver's license.

37.11 (e) A person less than 16 years of age may operate an off-highway motorcycle on public

37.12 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if

37.13 that person is accompanied by a person 18 years of age or older who holds a valid driver's

37.14 license.

37.15 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate

37.16 an off-highway motorcycle on public lands or waters if the nonresident youth has in

37.17 possession evidence of completing an off-road safety course offered by the Motorcycle

37.18 Safety Foundation or another state as provided in section 84.791, subdivision 4.

37.19 Sec. 9. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

37.20 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or

37.21 reregistration shall be made to the commissioner or an authorized deputy registrar of motor

37.22 vehicles in a format prescribed by the commissioner and shall state the legal name and

37.23 address of every owner of the snowmobile.

37.24 (b) A person who purchases a snowmobile from a retail dealer shall make application

37.25 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary

37.26 21-day registration permit to each purchaser who applies to the dealer for registration. The

37.27 temporary permit must contain the dealer's identification number and phone number. Each

37.28 retail dealer shall submit completed registration and fees to the deputy registrar at least once

37.29 a week. No fee may be charged by a dealer to a purchaser for providing the temporary

37.30 permit.

37.31 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy

37.32 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number

or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration number must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary 21-day permit period. The registration is not valid unless signed by at least one owner.

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) ~~A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate or replacement registration card, and replacement decal and an issuing fee of \$7 is charged for each snowmobile registration and registration transfer issued by:

(1) ~~each snowmobile registered by the~~ a registrar or a deputy registrar and the additional fee shall be disposed of must be deposited in the manner provided in section 168.33, subdivision 2; or

(2) ~~each snowmobile registered by the commissioner and the additional fee shall~~ must be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 10. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program established.** (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course. A parent or guardian must be present at the hands-on training portion of the program for youth who are six through ten years of age.

(b) For the purpose of administering the program and to defray the expenses of training and certifying vehicle operators, the commissioner shall collect a fee from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for

licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. The commissioner shall incorporate a riding component in the safety education and training program.

Sec. 11. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928 and as provided under paragraph (j), a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,

county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least ~~14~~ six years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with side-by-side-style seating on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

(1) the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle with straddle-style seating; or

(2) the steering wheel and foot controls of a class 1 all-terrain vehicle with side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

(i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or state or grant-in-aid trails if:

(1) the nonresident youth has in possession evidence of completing an all-terrain safety course offered by the ATV Safety Institute or another state as provided in section 84.925, subdivision 3; and



41.1 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds  
41.2 a valid driver's license.

41.3 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain  
41.4 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted  
41.5 under section 84.928 if the person:

41.6 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;  
41.7 and

41.8 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

41.9 Sec. 12. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

41.10 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall  
41.11 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public  
41.12 waters, or on a public road right-of-way unless wearing a safety helmet approved by the  
41.13 commissioner of public safety.

41.14 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of  
41.15 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

41.16 Sec. 13. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

41.17 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a  
41.18 capital expenditure on a capital asset previously owned by the state, within the meaning of  
41.19 generally accepted accounting principles as applied to public expenditures. The commissioner  
41.20 of natural resources will consult with the commissioner of management and budget to the  
41.21 extent necessary to ensure this and will furnish the commissioner of management and budget  
41.22 a list of projects to be financed from the account in order of their priority. The legislature  
41.23 assumes that many projects for preservation and replacement of portions of existing capital  
41.24 assets will constitute betterments and capital improvements within the meaning of the  
41.25 Constitution and capital expenditures under generally accepted accounting principles, and  
41.26 will be financed more efficiently and economically under this section than by direct  
41.27 appropriations for specific projects.

41.28 (b) An appropriation for asset preservation must not be used to acquire land or to acquire  
41.29 or construct buildings or other facilities.

41.30 (c) Capital budget expenditures for natural resource asset preservation and replacement  
41.31 projects must be for one or more of the following types of capital projects that support the  
41.32 existing programmatic mission of the department: code compliance including health and

safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, or air quality improvement; building energy efficiency improvements using current best practices; building or infrastructure repairs necessary to preserve the interior and exterior of existing buildings; projects to remove life safety hazards such as building code violations or structural defects; or renovation of other existing improvements to land, including but not limited to trails and bridges.

(d) Up to ten percent of an appropriation awarded under this section may be used for design costs for projects eligible to be funded from this account in anticipation of future funding from the account.

Sec. 14. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to read:

Subd. 4. **Priorities; report.** The commissioner of natural resources must establish priorities for natural resource asset preservation and replacement projects. By January 15 each year, the commissioner must submit to the commissioner of management and budget a list of the projects that have been paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year.

Sec. 15. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

Subd. 3. **Training and mentoring.** The commissioner must develop and implement a training program that adequately prepares Minnesota Naturalist Corps members for the tasks assigned. Each corps member ~~shall be~~ is assigned ~~a state park~~ an interpretive naturalist as a mentor.

Sec. 16. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

Subd. 4. **Uniform ~~pateh~~ pin.** Uniforms worn by members of the Minnesota Naturalist Corps must have a ~~pateh~~ pin that includes the name of the Minnesota Naturalist Corps and information that the program is funded by the clean water, land, and legacy amendment to the Minnesota Constitution adopted by the voters in November 2008.

Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if the person:

(1) is a permanent resident of the state;

(2) is a participant in an approved college internship program ~~or has a postsecondary degree in a field related to natural resource~~ resources, cultural history, interpretation, or conservation related field; and

(3) has completed at least one year of postsecondary education.

Sec. 18. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible for unemployment benefits ~~if their services are excluded under section 268.035, subdivision 20,~~ and are not eligible for other benefits except workers' compensation. The corps members are not employees of the state within the meaning of section 43A.02, subdivision 21.

Sec. 19. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b), (c), or (d), and section 97C.341.

(b) In waters that are listed as infested waters, except those listed as infested with prohibited invasive species of fish or certifiable diseases of fish, as defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes as provided in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian watermilfoil, when the infested waters are listed solely because they contain Eurasian watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) In streams or rivers that are listed as infested waters, except those listed as infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by hook and line for noncommercial personal use is allowed as follows:

(1) fish taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river or stream is divided by barriers such as dams, the fish must be caught and used on the same section of the river or stream;

(2) fish taken under this paragraph may not be transported live from or off the water body;

44.1 (3) fish harvested under this paragraph may only be used in accordance with this section;

44.2 (4) any other use of wild animals used for bait from infested waters is prohibited;

44.3 (5) fish taken under this paragraph must meet all other size restrictions and requirements  
44.4 as established in rules; and

44.5 (6) all species listed under this paragraph shall be included in the person's daily limit as  
44.6 established in rules, if applicable.

44.7 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River  
44.8 downstream of the dam at Taylors Falls, including portions described as  
44.9 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items  
44.10 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for  
44.11 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

44.12 (1) nontarget species must immediately be returned to the water;

44.13 (2) gizzard shad taken under this paragraph must be used on the same body of water  
44.14 where caught and while still on that water body. Where the river is divided by barriers such  
44.15 as dams, the gizzard shad must be caught and used on the same section of the river;

44.16 (3) gizzard shad taken under this paragraph may not be transported off the water body;  
44.17 and

44.18 (4) gizzard shad harvested under this paragraph may only be used in accordance with  
44.19 this section.

44.20 This paragraph expires December 1, 2017.

44.21 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued  
44.22 under paragraph (b) may not be transported to, or used in, any waters other than waters  
44.23 specified in the permit.

44.24 (f) Bait intended for sale may not be held in infested water after taking and before sale,  
44.25 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

44.26 Sec. 20. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

44.27 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**  
44.28 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines  
44.29 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that  
44.30 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined  
44.31 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~

~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. Tagged gear must not be used in water bodies other than those specified in the license or permit. The permit may authorize department staff to remove tags after the gear is decontaminated. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.~~

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed solely because it contains Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water listed solely because it contains Eurasian watermilfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is listed as infested solely because it contains Eurasian watermilfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment before placing the equipment into waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of listed infested waters at the time that a license or permit is issued.

Sec. 21. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify nonnative species of aquatic plants and wild animals, including subspecies, genotypes, cultivars, hybrids, or genera of nonnative species, according to the following categories:

(1) prohibited invasive species, which may not be possessed, imported, purchased, sold, propagated, transported, or introduced except as provided in section 84D.05;

(2) regulated invasive species, which may not be introduced except as provided in section 84D.07;

(3) unlisted nonnative species, which are subject to the classification procedure in section 84D.06; and

46.1 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

46.2 Sec. 22. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

46.3 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell,  
46.4 propagate, transport, or introduce a prohibited invasive species, except:

46.5 (1) under a permit issued by the commissioner under section 84D.11;

46.6 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

46.7 (3) under a restricted species permit issued under section 17.457;

46.8 (4) when being transported to the department, or another destination as the commissioner  
46.9 may direct, in a sealed container for purposes of identifying the species or reporting the  
46.10 presence of the species;

46.11 (5) when being transported for disposal as part of a harvest or control activity when  
46.12 specifically authorized under a permit issued by the commissioner according to section  
46.13 103G.615, when being transported for disposal as specified under a commercial fishing  
46.14 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,  
46.15 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

46.16 (6) when being removed from watercraft and equipment, or caught while angling, and  
46.17 immediately returned to the water from which they came; ~~or~~

46.18 (7) when being transported from riparian property to a legal disposal site that is at least  
46.19 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited  
46.20 invasive species are in a covered commercial vehicle specifically designed and used for  
46.21 hauling trash; or

46.22 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

46.23 Sec. 23. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

46.24 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional  
46.25 permit to service providers to return to Lake Minnetonka water-related equipment with  
46.26 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.  
46.27 The permit must include verification and documentation requirements and any other  
46.28 conditions the commissioner deems necessary.

46.29 (b) Water-related equipment with zebra mussels attached may be returned only to Lake  
46.30 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted  
46.31 under subdivision 1.

(c) The service provider's place of business must be within the Lake Minnetonka Conservation District as established according to sections 103B.601 to 103B.645 or within a municipality immediately bordering the Lake Minnetonka Conservation District's boundaries.

(d) A service provider applying for a permit under this subdivision must, if approved for a permit and before the permit is valid, furnish a corporate surety bond in favor of the state for \$50,000 payable upon violation of this chapter while the service provider is acting under a permit issued according to this subdivision.

(e) This subdivision expires December 1, ~~2018~~ 2019.

Sec. 24. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision to read:

Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional targeted pilot study to include water-related equipment with zebra mussels attached for the Gull Narrows State Water Access Site, Government Point State Water Access Site, and Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures, and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business must be located in Cass or Crow Wing County.

(b) If an additional targeted pilot project for Gull Lake is implemented under this section, the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over natural resources required under Laws 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study recommendations and assessments.

(c) This subdivision expires December 1, 2019.

Sec. 25. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to read:

Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to departmental divisions for tagging bighead, black, grass, or silver carp for research or control. Under the permit, the carp may be released into the water body from which the carp was captured. This subdivision expires December 31, 2021.

48.1 Sec. 26. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

48.2 Golf carts may be operated on the golf course portion of Fort Ridgely State Park when  
48.3 the golf course is operated by a nonstate entity.

48.4 Sec. 27. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

48.5 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written  
48.6 order, provisions for the use of state parks for the following:

48.7 (1) special parking space for automobiles or other motor-driven vehicles in a state park  
48.8 or state recreation area;

48.9 (2) special parking spurs, campgrounds for automobiles, sites for tent camping, other  
48.10 types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces,  
48.11 for the use of the individual charged for the space or facility;

48.12 (3) improvement and maintenance of golf courses already established in state parks, and  
48.13 charging reasonable use fees; and

48.14 (4) providing water, sewer, and electric service to trailer or tent campsites and charging  
48.15 a reasonable use fee.

48.16 (b) Provisions established under paragraph (a) are exempt from section 16A.1283 and  
48.17 the rulemaking provisions of chapter 14. Section 14.386 does not apply.

48.18 (c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or  
48.19 building with furnishings for overnight use.

48.20 Sec. 28. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to  
48.21 read:

48.22 Subd. 19. **Fort Ridgely golf course.** A state park permit is not required and a fee may  
48.23 not be charged for motor vehicle entry or parking for persons using only the golf course  
48.24 portion of Fort Ridgely State Park when the golf course is operated by a nonstate entity.

48.25 Sec. 29. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

48.26 Subdivision 1. **Fees.** The fee for state park permits for:

48.27 (1) an annual use of state parks is ~~\$25~~ \$35;

48.28 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

48.29 (3) a state park permit valid for one day is ~~\$5~~ \$7;



49.1 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

49.2 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

49.3 (6) an employee's state park permit is without charge; and

49.4 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,  
49.5 paragraph (a), clauses (1) to (3), is \$12.

49.6 The fees specified in this subdivision include any sales tax required by state law.

49.7 Sec. 30. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

49.8 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state  
49.9 park items, tours at ~~Forestville-Mystery Cave State Park~~, interpretation programs, educational  
49.10 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be  
49.11 credited to the state parks working capital account. Receipts and expenses from Douglas  
49.12 Lodge shall be tracked separately within the account. Money in the account is annually  
49.13 appropriated for the purchase and payment of expenses attributable to items for resale or  
49.14 rental and operation of Douglas Lodge. Any excess receipts in this account are annually  
49.15 appropriated for state park management and interpretive programs.

49.16 Sec. 31. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

49.17 Subdivision 1. ~~Areas marked~~ **Designation.** (a) The commissioner of natural resources  
49.18 is authorized in cooperation with local units of government and private individuals and  
49.19 groups when feasible to ~~mark~~ designate and manage state water trails on the Lake Superior  
49.20 water trail under section 85.0155 and on the following rivers, which have historic,  
49.21 recreational, and scenic values: Little Fork, Big Fork, Minnesota, St. Croix, Snake,  
49.22 Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum,  
49.23 Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
49.24 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
49.25 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue  
49.26 Earth, Cedar, Shell Rock, ~~and~~ Vermilion in St. Louis County, North Fork of the Crow, and  
49.27 South Fork of the Crow Rivers, which have historic and scenic values, and to mark  
49.28 appropriately. The commissioner may map and sign points of interest, public water access  
49.29 sites, portages, camp sites, and ~~all~~ dams, rapids, waterfalls, ~~whirlpools~~, and other serious  
49.30 hazards that are dangerous to canoe, kayak, and watercraft travelers. The commissioner  
49.31 may maintain passageway for watercraft on state water trails.

50.1 (b) The commissioner must establish designation criteria and a process for designating  
50.2 water trails. The designation criteria and process established under this paragraph apply to  
50.3 water trails designated on water bodies added to paragraph (a) after the effective date of  
50.4 this act.

50.5 Sec. 32. **[85.47] SPECIAL USE PERMITS; FEES.**

50.6 Fees collected for special use permits to use state trails not on state forest, state park, or  
50.7 state recreation area lands and for use of state water access sites must be deposited in the  
50.8 natural resources fund.

50.9 Sec. 33. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

50.10 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws  
50.11 relating to watercraft, a person may not operate or permit the operation of a personal  
50.12 watercraft:

50.13 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~  
50.14 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the  
50.15 United States Coast Guard (USCG) and has a USCG label indicating it the flotation device  
50.16 either is approved for or does not prohibit use with personal watercraft or water skiing;

50.17 (2) between one hour before sunset and 9:30 a.m.;

50.18 (3) at greater than slow-no wake speed within 150 feet of:

50.19 (i) a shoreline;

50.20 (ii) a dock;

50.21 (iii) a swimmer;

50.22 (iv) a raft used for swimming or diving; or

50.23 (v) a moored, anchored, or nonmotorized watercraft;

50.24 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other  
50.25 device unless:

50.26 (i) an observer is on board; or

50.27 (ii) the personal watercraft is equipped with factory-installed or factory-specified  
50.28 accessory mirrors that give the operator a wide field of vision to the rear;

51.1 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,  
51.2 or personal flotation device of the operator, if the personal watercraft is equipped by the  
51.3 manufacturer with such a device;

51.4 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or  
51.5 tampered with so as to interfere with the return-to-idle system;

51.6 (7) to chase or harass wildlife;

51.7 (8) through emergent or floating vegetation at other than a slow-no wake speed;

51.8 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,  
51.9 including weaving through congested watercraft traffic, jumping the wake of another  
51.10 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing  
51.11 backwards;

51.12 (10) in any other manner that is not reasonable and prudent; or

51.13 (11) without a personal watercraft rules decal, issued by the commissioner, attached to  
51.14 the personal watercraft so as to be in full view of the operator.

51.15 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft  
51.16 to launch or land a person on water skis, a kneeboard, or similar device by the most direct  
51.17 route to open water.

51.18 Sec. 34. Minnesota Statutes 2016, section 86B.511, is amended to read:

51.19 **86B.511 LIGHTS.**

51.20 Subdivision 1. Navigation lights. Except as provided in section 169.541, a watercraft  
51.21 using the waters of this state, when underway or in use between sunset and sunrise, must  
51.22 carry and display the navigation lights prescribed by the commissioner for the watercraft.

51.23 Subd. 2. Other lights. (a) No person may operate a watercraft with lights that are not  
51.24 navigation lights required under subdivision 1, that are visible on the exterior of the  
51.25 watercraft, and that:

51.26 (1) interfere with the visibility of navigation lights; or

51.27 (2) are red, green, or blue.

51.28 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public  
51.29 safety activities may display an alternately flashing red and yellow light signal for  
51.30 identification. The lights must not interfere with the visibility of the navigation lights. No

52.1 special privilege is granted. Operators must not presume that the light or exigency gives  
52.2 them precedence or right-of-way.

52.3 (c) Notwithstanding paragraph (a), law enforcement may operate watercraft with lights  
52.4 that are flashing blue when engaged in law enforcement activities. The lights must not  
52.5 interfere with the visibility of the navigation lights.

52.6 Sec. 35. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

52.7 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures  
52.8 directly related to each appropriation's purpose made on or after January 1 of the fiscal year  
52.9 in which the grant is made or the date of work plan approval, whichever is later, are eligible  
52.10 for reimbursement unless otherwise provided.

52.11 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be  
52.12 determined by the commissioner on the basis of the following criteria:

52.13 (1) the number of watercraft using the waters wholly or partially within the county;

52.14 (2) the number of watercraft using particular bodies of water, wholly or partially within  
52.15 the county, in relation to the size of the body of water and the type, speed, and size of the  
52.16 watercraft utilizing the water body;

52.17 (3) the amount of water acreage wholly or partially within the county;

52.18 (4) the overall performance of the county in the area of boat and water safety;

52.19 (5) special considerations, such as volume of transient or nonresident watercraft use,  
52.20 number of rental watercraft, extremely large bodies of water wholly or partially in the  
52.21 county; or

52.22 (6) any other factor as determined by the commissioner.

52.23 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate  
52.24 surveys or studies, or utilize local surveys or studies to determine the criteria required in  
52.25 allocation funds.

52.26 Sec. 36. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

52.27 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,  
52.28 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats  
52.29 by an entity meeting certification requirements established by the commissioner for the  
52.30 purpose of managing vegetation. A prescribed burn that has exceeded its prescribed

53.1 boundaries and requires immediate suppression action by a local fire department or other  
53.2 agency with wildfire suppression responsibilities is considered a wildfire.

53.3 Sec. 37. Minnesota Statutes 2016, section 88.523, is amended to read:

53.4 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

53.5 Upon application of the owner, any auxiliary forest contract may be made subject to any  
53.6 provisions of law enacted subsequent to the execution of the contract and in force at the  
53.7 time of application, so far as not already applicable, with the approval of the county board  
53.8 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format  
53.9 prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by  
53.10 the commissioner in behalf of the state and by the owner. The supplemental agreement must  
53.11 be filed and recorded in like manner as the supplemental contract under section 88.49,  
53.12 subdivision 9, and takes effect upon filing and recording.

53.13 Sec. 38. Minnesota Statutes 2016, section 89.39, is amended to read:

53.14 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

53.15 Every individual, partnership, or private corporation to whom any planting stock is  
53.16 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must  
53.17 execute an agreement, upon a form in a format approved by the ~~attorney general~~  
53.18 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~  
53.19 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an  
53.20 agreement who ~~shall violate any provision thereof shall~~, violates the agreement is, in addition  
53.21 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three  
53.22 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees  
53.23 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for  
53.24 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty ~~shall be~~  
53.25 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil  
53.26 action brought in the name of the state by the attorney general.

53.27 Sec. 39. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to  
53.28 read:

53.29 Subd. 1a. **Affiliate.** "Affiliate" means a person that:

53.30 (1) controls, is controlled by, or is under common control with any other person including,  
53.31 without limitation, a partner, business entity with common ownership, or principal of any  
53.32 business entity or a subsidiary, parent company, or holding company of any person; or

54.1 (2) bids as a representative for another person.

54.2 Sec. 40. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

54.3 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who  
54.4 is the signatory of a permit to cut timber on state lands.

54.5 Sec. 41. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

54.6 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a  
54.7 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,  
54.8 and integrity requisite and necessary to perform according to the terms of a permit issued  
54.9 under this chapter; and is not currently debarred by ~~another~~ a government entity for any  
54.10 cause.

54.11 Sec. 42. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

54.12 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~  
54.13 ~~notification to the attorney general~~, upon terms the commissioner deems just, any claim of  
54.14 the state for casual and involuntary trespass upon state lands or timber; provided that no  
54.15 claim shall be settled for less than the full value of all timber or other materials taken in  
54.16 casual trespass or the full amount of all actual damage or loss suffered by the state as a  
54.17 result. Upon request, the commissioner shall advise the Executive Council of any information  
54.18 acquired by the commissioner concerning any trespass on state lands, giving all details and  
54.19 names of witnesses and all compromises and settlements made under this subdivision.

54.20 Sec. 43. Minnesota Statutes 2016, section 90.051, is amended to read:

54.21 **90.051 SUPERVISION OF SALES; BOND.**

54.22 The department employee delegated to supervise state timber appraisals and sales shall  
54.23 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum  
54.24 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

54.25 Sec. 44. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

54.26 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner  
54.27 shall compile a list containing a description of each tract of land upon which any timber to  
54.28 be offered is situated and a statement of the estimated quantity of timber and of the appraised  
54.29 price of each kind of timber thereon as shown by the report of the state appraiser. No  
54.30 description shall be added after the list is posted and no timber shall be sold from land not

described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants. At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet or conspicuously posted in the forest office or other public facility most accessible to potential bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to be published once not less than one week before the date of sale in a legal newspaper in the county or counties where the land is situated. The notice shall state the time and place of the sale and the location at which further information regarding the sale may be obtained. The commissioner may give other published or posted notice as the commissioner deems proper to reach prospective bidders.

Sec. 45. Minnesota Statutes 2016, section 90.14, is amended to read:

**90.14 AUCTION SALE PROCEDURE.**

(a) All state timber shall be offered and sold by the same unit of measurement as it was appraised. No tract shall be sold to any person other than the ~~purchaser~~ responsible bidder in whose name the bid was made. The commissioner may refuse to approve any and all bids received and cancel a sale of state timber for good and sufficient reasons.

(b) The purchaser at any sale of timber shall, immediately upon the approval of the bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the appraised value. In case any purchaser fails to make such payment, the purchaser shall be liable therefor to the state in a civil action, and the commissioner may reoffer the timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

(c) In lieu of the scaling of state timber required by this chapter, a purchaser of state timber may, at the time of payment by the purchaser to the commissioner of 15 percent of the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate of the volume of timber described in the permit, provided that the commissioner has expressly designated the availability of such option for that tract on the list of tracts available for sale as required under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate of the volume of timber described on the permit does not have recourse to the provisions of section 90.281.

(d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be awarded to the high bidder, who shall pay to the commissioner a down payment of 15

percent of the appraised value that must be received or postmarked within 14 days of the date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser is liable for the down payment to the state and the commissioner may offer the timber for sale to the next highest bidder as though no higher bid had been made.

(e) Except as otherwise provided by law, at the time the purchaser signs a permit issued under section 90.151, the commissioner shall require the purchaser to make a bid guarantee payment to the commissioner in an amount equal to 15 percent of the total purchase price of the permit less the down payment amount required by paragraph (b) for any bid increase in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not submitted with the signed permit, no harvesting may occur, the permit cancels, and the down payment for timber forfeits to the state. The bid guarantee payment forfeits to the state if the purchaser and successors in interest fail to execute an effective permit.

Sec. 46. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section 90.151, the commissioner may establish a registration system to verify the qualifications of a person or affiliate as a responsible bidder to purchase a timber permit. Any system implemented by the commissioner shall be limited in scope to only that information that is required for the efficient administration of the purchaser qualification requirements of this chapter. The registration system established under this subdivision is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 47. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner, by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut and remove the timber ~~therein~~ described in the permit as designated for cutting in the report of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be correctly dated and executed by the commissioner and signed by the purchaser. If a permit is not signed by the purchaser within 45 days from the date of purchase, the permit cancels and the down payment for timber required under section 90.14 forfeits to the state. The commissioner may grant an additional period for the purchaser to sign the permit, not to exceed ten business days, provided the purchaser pays a \$200 penalty fee.



(b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and removing all equipment and buildings. All cut timber, equipment, and buildings not removed from the land after expiration of the permit becomes the property of the state.

(c) The commissioner may grant ~~an additional period of~~ time not to exceed 240 days for ~~the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written request by the permit holder for good and sufficient reasons. The permit holder may combine in the written request under this paragraph the request for additional time under paragraph (b).

Sec. 48. Minnesota Statutes 2016, section 90.162, is amended to read:

**90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

In lieu of the security deposit equal to the value of all timber covered by the permit required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state of Minnesota equal to the purchase price for any designated cutting block identified on the permit before the date the purchaser enters upon the land to begin harvesting the timber on the designated cutting block.

Sec. 49. Minnesota Statutes 2016, section 90.252, is amended to read:

**90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES; FEES.**

Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling of the cut timber and the collection of the payment for the same can be consummated by the state. ~~Such an~~ The agreement shall must be approved as to form and content by the ~~attorney general~~ commissioner and ~~shall must~~ provide for a bond or cash in lieu of a bond and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling and payment collection procedure may be used for any state timber sale, except that no permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the scaling is supervised by a state scaler.

Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an agreement with the owner or operator of any weight scale inspected, tested, and approved under chapter 239 to provide weight measurements for the scaling of state timber according to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect the interests of the state. Except as otherwise provided by the commissioner, the cost of any agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit holder of any state timber permit so measured and the cost ~~shall~~ must be included in the statement of the amount due for the permit under section 90.181, subdivision 1.

Sec. 50. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

Subd. 4. **Administration and enforcement.** The commissioner shall administer and enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the commissioner may (1) conduct such investigations and inspections as the commissioner deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon any parts of the mining areas in connection with any such investigation and inspection without liability to the operator or landowner provided that reasonable prior notice of intention to do so shall have been given the operator or landowner; (3) conduct such research or enter into contracts related to mining areas and the reclamation thereof as may be necessary to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits that are approved by the commissioner under a permit to mine on or after July 1, 1991, and that are not otherwise deposited in a state wetland bank.

Sec. 51. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

Subd. 2. **Commissioner's review; hearing; burden of proof.** Within 120 days after receiving the an application, ~~or after receiving additional information requested, or after holding a hearing as provided in this section~~ the commissioner has deemed complete and filed, the commissioner shall grant the permit applied for, with or without modifications or conditions, or deny the application unless a contested case hearing is requested under section 93.483. ~~If written objections to the proposed application are filed with the commissioner within 30 days after the last publication required pursuant to this section or within seven days after publication in the case of an application to conduct lean ore stockpile removal, by any person owning property which will be affected by the proposed operation or by any federal, state, or local governmental agency having responsibilities affected by the proposed operations, a public hearing shall be held by the commissioner in the locality of the proposed~~

~~operations within 30 days of receipt of such written objections and after appropriate notice and publication of the date, time, and location of the hearing.~~ The commissioner's decision to grant the permit, with or without modifications, or deny the application constitutes a final order for purposes of section 93.50. The commissioner in granting a permit with or without modifications shall determine that the reclamation or restoration planned for the operation complies with lawful requirements and can be accomplished under available technology and that a proposed reclamation or restoration technique is practical and workable under available technology. The commissioner may hold public meetings on the application.

Sec. 52. **[93.483] CONTESTED CASE.**

**Subdivision 1. Petition for contested case hearing.** Any person owning property that is adjacent to the proposed operation or any federal, state, or local government having responsibilities affected by the proposed operation identified in the application for a permit to mine under section 93.481 may file a petition with the commissioner to hold a contested case hearing on the completed application. To be considered by the commissioner, a petition must be submitted in writing, must contain the information specified in subdivision 2, and must be submitted to the commissioner within 30 days after the application is deemed complete and filed. In addition, the commissioner may, on the commissioner's own motion, order a contested case hearing on the completed application.

**Subd. 2. Petition contents.** (a) A petition for a contested case hearing must include the following information:

(1) a statement of reasons or proposed findings supporting the commissioner's decision to hold a contested case hearing pursuant to the criteria in subdivision 3; and

(2) a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

(b) To the extent known by the petitioner, a petition for a contested case hearing may also include:

(1) a proposed list of prospective witnesses to be called, including experts, with a brief description of the proposed testimony or a summary of evidence to be presented at a contested case hearing;

(2) a proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and

(3) an estimate of time required for the petitioner to present the matter at a contested case hearing.

(c) A petitioner is not bound or limited to the witnesses, materials, or estimated time identified in the petition if the requested contested case is granted by the commissioner.

(d) Any person may serve timely responses to a petition for a contested case hearing. The commissioner shall establish deadlines for responses to be submitted.

Subd. 3. **Commissioner's decision to hold hearing.** The commissioner may grant the petition to hold a contested case hearing or order upon the commissioner's own motion that a contested case hearing be held if the commissioner finds that:

(1) there is a material issue of fact in dispute concerning the completed application before the commissioner;

(2) the commissioner has jurisdiction to make a determination on the disputed material issue of fact; and

(3) there is a reasonable basis underlying a disputed material issue of fact so that a contested case hearing would allow the introduction of information that would aid the commissioner in resolving the disputed facts in order to make a final decision on the completed application.

Subd. 4. **Hearing upon demand of applicant.** If the commissioner denies an application, the applicant may, within 30 days after receipt of the commissioner's order denying the application, file a demand for a contested case.

Subd. 5. **Scope of hearing.** If the commissioner decides to hold a contested case hearing, the commissioner shall identify the issues to be resolved and limit the scope and conduct of the hearing in accordance with applicable law, due process, and fundamental fairness. The commissioner may, before granting or ordering a contested case hearing, develop a proposed permit or permit conditions to inform the contested case. The contested case hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision by the commissioner to grant, with or without modifications or conditions, or deny the application after a contested case shall constitute a final order for purposes of section 93.50.

Subd. 6. **Consistency with administrative rules.** The commissioner shall construe the administrative procedures under Minnesota Rules, parts 6130.4800 and 6132.4000, in a manner that is consistent with this section. To the extent any provision of Minnesota Rules, parts 6130.4800 and 6132.4000, conflicts with this section, this section controls.

Sec. 53. Minnesota Statutes 2016, section 93.50, is amended to read:

**93.50 APPEAL.**

61.1 Any person aggrieved by any final order, ruling, or decision of the commissioner may  
61.2 ~~appeal~~ seek judicial review of such order, ruling, or decision ~~in the manner provided in~~  
61.3 ~~chapter 14~~ under sections 14.63 to 14.69.

61.4 Sec. 54. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

61.5 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land  
61.6 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~  
61.7 commissioner determines that the title to the land proposed to be conveyed to the state is  
61.8 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except  
61.9 reservations herein authorized. The commissioner may use title insurance to aid in the title  
61.10 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must  
61.11 submit an abstract of title and make and file with the commissioner an affidavit as to  
61.12 possession of the land, improvements, liens, and encumbrances thereon, and other matters  
61.13 affecting the title.

61.14 Sec. 55. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

61.15 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be  
61.16 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be  
61.17 approved by the county attorney in like manner as provided for approval by the ~~attorney~~  
61.18 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title  
61.19 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

61.20 Sec. 56. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

61.21 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~  
61.22 ~~animals;~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,  
61.23 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,  
61.24 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal  
61.25 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter  
61.26 6134, and wild animals that are protected by a restriction in the time or manner of taking,  
61.27 other than a restriction in the use of artificial lights, poison, or motor vehicles.

61.28 Sec. 57. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

61.29 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,  
61.30 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,  
61.31 threatened, or of special concern in Minnesota Rules, chapter 6134.

62.1 Sec. 58. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

62.2 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,  
62.3 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,  
62.4 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,  
62.5 wolverine, muskrat, mink, otter, and beaver.

62.6 Sec. 59. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

62.7 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~  
62.8 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,  
62.9 quail other than bobwhite quail, and mute swan.

62.10 Sec. 60. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

62.11 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals  
62.12 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,  
62.13 striped skunk, and unprotected birds, except any animal species listed as endangered,  
62.14 threatened, or of special concern in Minnesota Rules, chapter 6134.

62.15 Sec. 61. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

62.16 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~  
62.17 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities  
62.18 in other states and the United States government to provide for:

62.19 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents  
62.20 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result  
62.21 in license revocation in that jurisdiction;

62.22 (2) reporting convictions and license revocations of residents of signatory states for  
62.23 violations of game and fish laws of Minnesota to game and fish authorities in the  
62.24 nonresident's state of residence; and

62.25 (3) release upon signature without posting of bail for residents of signatory states accused  
62.26 of game and fish law violations in this state, providing for recovery, in the resident  
62.27 jurisdiction, of fines levied if the citation is not answered in this state.

62.28 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

Sec. 62. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and is appropriated to the commissioner for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and is appropriated to the commissioner for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended.

When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime fish and wildlife trust fund established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring account under subdivision 7.~~

**EFFECTIVE DATE.** This section is effective July 1 of the year following the year the wolf is delisted under the federal Endangered Species Act.

Sec. 63. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

Subd. 5. **Portable stands.** ~~Prior to the Saturday on or nearest September 16,~~ A portable stand may be left overnight in a wildlife management area by a person with a valid bear license ~~who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425~~ to take big game during the respective season. Any

person leaving a portable stand overnight under this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#" license identification number issued to the licensee. The tag must be affixed to the stand in a manner that it can be read from the ground and be made of a material sufficient to withstand weather conditions. A person leaving a portable stand overnight in a wildlife management area may not leave more than two portable stands in any one wildlife management area.

Sec. 64. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

Subd. 2. **Duty of ~~county attorneys and~~ peace officers.** ~~County attorneys and~~ All peace officers must enforce the game and fish laws.

Sec. 65. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision to read:

Subd. 3. **Prosecuting authority.** (a) County attorneys are the primary prosecuting authority for violations under section 97A.205, clause (5).

(b) Prosecution under paragraph (a) includes associated civil forfeiture actions provided by law. Thirty percent of the net proceeds from the sale of forfeited property under section 97A.225 is considered a cost of forfeiting the property and must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to the authority's operating fund or similar fund for prosecutorial purposes.

Sec. 66. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty of a misdemeanor if that person:

(1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the game and fish laws;

(2) aids or assists in committing the violation;

(3) knowingly shares in the proceeds of the violation;

(4) fails to perform a duty or comply with a requirement of the game and fish laws;

(5) knowingly makes a false statement related to an affidavit regarding a violation or requirement of the game and fish laws; or

(6) violates or attempts to violate a rule under the game and fish laws.



Sec. 67. Minnesota Statutes 2016, section 97A.338, is amended to read:

**97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

(a) A person who takes, possesses, or transports wild animals over the legal limit, in closed season, or without a valid license, when the restitution value of the wild animals is over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a violation under this section paragraph is a gross misdemeanor.

(b) If a wild animal involved in a gross overlimit violation is listed as a threatened or endangered wild animal, the penalty in paragraph (a) does not apply unless more than one animal is taken, possessed, or transported in violation of the game and fish laws.

Sec. 68. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the person may not use or obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6. If the license seized under this paragraph was for a big game animal, the license seizure applies to all licenses to take big game issued to the individual. If the license seized under this paragraph was for small game animals, the license seizure applies to all licenses to take small game issued to the individual.

(b) In addition to the license seizure under paragraph (a), if the restitution value of the wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other game and fish licenses held by the person shall be immediately seized. Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take wild animals covered by a license seized under this subdivision until an action is taken under subdivision 6.

Sec. 69. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for ten years after the date of conviction of a violation when the restitution value of the wild animals is \$2,000 or more.

(b) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a ~~period of~~ five years after the date of conviction of:

(1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more, but less than \$2,000; or

(2) a violation when the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under this subdivision.

~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a violation when the restitution value of the wild animals exceeds \$500 and is prohibited from taking the type of wild animals involved in the violation for a ~~period of~~ three years after the date of conviction of a violation.

~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2), ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire revocation period.

(e) If a wild animal involved in the conviction is listed as a threatened or endangered wild animal, the revocations under this subdivision do not apply unless more than one animal is taken, possessed, or transported in violation of the game and fish laws.

~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions under this subdivision.

Sec. 70. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

Subd. 6. ~~Scopes; age 60 or over.~~ A person ~~age 60 or over~~ may use a muzzleloader with a scope to take deer during the muzzleloader season. The scope may have magnification capabilities.

Sec. 71. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

The commissioner of natural resources shall not adopt rules further restricting the use of lead shot.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to rules adopted on or after that date.

Sec. 72. Minnesota Statutes 2016, section 97B.516, is amended to read:

**97B.516 ELK MANAGEMENT PLAN.**

(a) The commissioner of natural resources must adopt an elk management plan that:

(1) recognizes the value and uniqueness of elk;

(2) provides for integrated management of an elk population in harmony with the environment; and

(3) affords optimum recreational opportunities.

(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size of the herd, including adoption or implementation of an elk management plan designed to increase an elk herd, unless the commissioner of agriculture verifies that crop and fence damages paid under section 3.7371 and attributed to the herd have not increased for at least two years.

(c) At least 60 days prior to implementing a plan to increase an elk herd, the commissioners of natural resources and agriculture must hold a joint public meeting in the county where the elk herd to be increased is located. At the meeting, the commissioners must present evidence that crop and fence damages have not increased in the prior two years and must detail the practices that will be used to reduce elk conflicts with area landowners.

Sec. 73. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. **Owners and occupants may take certain animals.** A person or the person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit, hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person or the person's agent may take the animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed season or by poison. Raccoons may be taken under this subdivision with artificial lights during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

Sec. 74. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person may have no more than one walleye larger than 20 inches ~~and one northern pike larger than 30 inches~~ in possession. This subdivision does not apply to boundary waters.

~~(b) The restrictions in paragraph (a) do not apply to boundary waters.~~

Sec. 75. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A person must purchase a minnow retailer license for each minnow retail outlet operated, except as provided by subdivision 2, paragraph (d).

(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not required to obtain a minnow retailer's vehicle license:

(1) as provided in subdivision 3;

(2) if the minnow retailer is licensed as a resort under section 157.16, is transporting minnows purchased from a minnow dealer's place of business directly to the resort, possesses a detailed receipt including the date and time of purchase, and presents the receipt and minnows for inspection upon request; or

(3) if minnows are being transported by common carrier and information is provided that allows the commissioner to find out the location of the shipment in the state.

Sec. 76. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision to read:

Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person possessing a valid resident or nonresident angling license or a person not required to have an angling license to take fish may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand-picking only and may not be purchased or sold.

Sec. 77. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

Subd. 12a. **Authority to issue penalty orders.** (a) ~~A county or watershed district with jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations of the water resources riparian protection requirements under sections 103F.415, 103F.421, and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500 for noncompliance commencing on day one of the 11th month after the noncompliance notice was issued. The proceeds collected from an administrative penalty order issued under

69.1 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~  
69.2 ~~noncompliant site, or otherwise remitted to the Board of Water and Soil Resources.~~

69.3 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt  
69.4 a plan containing procedures for the issuance of administrative penalty orders ~~by local~~  
69.5 ~~governments and the board as authorized in this subdivision.~~ This plan, and any subsequent  
69.6 amendments, ~~will become~~ is effective 30 days after being published in the State Register.  
69.7 The initial plan must be published in the State Register no later than July 1, 2017.

69.8 (c) Administrative penalties may be reissued and appealed under paragraph (a) according  
69.9 to section 103F.48, subdivision 9.

69.10 Sec. 78. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

69.11 Subdivision 1. **Authority.** The Board of Water and Soil Resources, in consultation with  
69.12 counties, soil and water conservation districts, and other appropriate agencies, shall adopt  
69.13 a model ordinance and rules that serve as a guide for local governments that have adopted  
69.14 a soil loss ordinance to implement sections 103F.401 to 103F.455 and provide administrative  
69.15 procedures for the board for sections 103F.401 to 103F.455.

69.16 Sec. 79. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

69.17 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
69.18 the meanings given them.

69.19 (b) "Board" means the Board of Water and Soil Resources.

69.20 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants  
69.21 and noxious weeds, adjacent to all bodies of water within the state and that protects the  
69.22 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and  
69.23 protects or provides riparian corridors.

69.24 (d) "Buffer protection map" means buffer maps established and maintained by the  
69.25 commissioner of natural resources.

69.26 (e) "Commissioner" means the commissioner of natural resources.

69.27 (f) "Executive director" means the executive director of the Board of Water and Soil  
69.28 Resources.

69.29 (g) "Local water management authority" means a watershed district, metropolitan water  
69.30 management organization, or county operating separately or jointly in its role as local water  
69.31 management authority under chapter 103B or 103D.

(h) "Normal water level" means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

(i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term means public waters as used in this section applies to waters that are on the public waters inventory as provided in section 103G.201.~~

(j) "With jurisdiction" means a ~~board determination that the county or watershed district that has adopted a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101, subdivision 12a~~ that has notified the board.

Sec. 80. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

Subd. 3. **Water resources riparian protection requirements on public waters and public drainage systems.** (a) Except as provided in paragraph (b), landowners owning property adjacent to a water body identified and mapped on a buffer protection map must maintain a buffer to protect the state's water resources as follows:

(1) for all public waters that have a shoreland classification, the more restrictive of:

(i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation; or

(ii) the state shoreland standards and criteria adopted by the commissioner under section 103F.211; and

(2) for public drainage systems established under chapter 103E and public waters that do not have a shoreland classification, a 16.5-foot minimum width continuous buffer as provided in section 103E.021, subdivision 1. The buffer vegetation shall not impede future maintenance of the ditch.

(b) A landowner owning property adjacent to a water body identified in a buffer protection map and whose property is used for cultivation farming may meet the requirements under paragraph (a) by adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide or other practices approved by the board, that provide water quality protection comparable to the buffer protection for the water body that the property abuts. Included in these practices are retention ponds and alternative measures that prevent overland flow to the water resource.

71.1 (c) The width of a buffer on public waters must be measured from the top or crown of  
71.2 the bank. Where there is no defined bank, measurement must be from the edge of the normal  
71.3 water level. The width of the buffer on public drainage systems must be measured as provided  
71.4 in section 103E.021, subdivision 1.

71.5 (d) Upon request by a landowner or authorized agent or operator of a landowner, a  
71.6 technical professional employee or contractor of the soil and water conservation district or  
71.7 its delegate may issue a validation of compliance with the requirements of this subdivision.  
71.8 The soil and water conservation district validation may be appealed to the board as described  
71.9 in subdivision 9.

71.10 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)  
71.11 must be in place on or before:

71.12 ~~(1) November 1, 2017, for public waters; and~~

71.13 ~~(2) November 1, 2018, for public drainage systems.~~

71.14 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or  
71.15 operator of a landowner to participate in federal or state conservation programs, including  
71.16 enrolling or reenrolling in federal conservation programs.

71.17 Sec. 81. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

71.18 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines  
71.19 a landowner is not in compliance with this section and the landowner has declined state or  
71.20 federal assistance to pay 100 percent of the cost to establish buffers or other water-resource  
71.21 protection measures approved by the board, the district must notify the county or watershed  
71.22 district with jurisdiction over the noncompliant site and the board. The county or watershed  
71.23 district with jurisdiction or the board must provide the landowner with a list of corrective  
71.24 actions needed to come into compliance and a practical timeline to meet the requirements  
71.25 in this section. The county or watershed district with jurisdiction must provide a copy of  
71.26 the corrective action notice to the board.

71.27 (b) A county or watershed district exercising jurisdiction under this subdivision ~~and the~~  
71.28 ~~enforcement authority granted in section 103B.101, subdivision 12a~~, shall affirm their its  
71.29 jurisdiction and identify the ordinance, rule, or other official controls to carry out the  
71.30 compliance provisions of this section ~~and section 103B.101, subdivision 12a~~, by notice to  
71.31 the board ~~prior to March 31, 2017~~. A county or watershed district must provide notice to  
71.32 the board at least 60 days prior to the effective date of a subsequent decision on their  
71.33 jurisdiction.

(c) If the landowner does not comply with the list of actions and timeline provided, the county or watershed district may enforce this section ~~under the authority granted in section 103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official control of the county. Before exercising administrative penalty authority, a county or watershed district must adopt a plan consistent with the plan adopted by the board containing procedures for the issuance of administrative penalty orders and may issue orders beginning November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant site has not adopted a plan, rule, ordinance, or official control under this paragraph, the board must enforce this section under the authority granted in section 103B.101, subdivision 12a.

(d) If the county, watershed district, or board determines that sufficient steps have been taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

(e) An order issued under paragraph (c) may be appealed to the board as provided under subdivision 9.

(f) A corrective action is not required for conditions resulting from a flood or other act of nature.

(g) A landowner agent or operator of a landowner may not remove or willfully degrade a riparian buffer or water quality practice, wholly or partially, unless the agent or operator has obtained a signed statement from the property owner stating that the permission for the work has been granted by the unit of government authorized to approve the work in this section or that a buffer or water quality practice is not required as validated by the soil and water conservation district. Removal or willful degradation of a riparian buffer or water quality practice, wholly or partially, by an agent or operator is a separate and independent offense and may be subject to the corrective actions and penalties in this subdivision.

(h) A county or watershed district or the board must not enforce this section unless federal or state assistance is available to the landowner to pay 100 percent of the cost to establish buffers or other water-resource protection measures approved by the board.

Sec. 82. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision to read:

Subd. 8a. **Constructed management facilities for storm water.** "Constructed management facilities for storm water" means ponds, basins, holding tanks, cisterns, infiltration trenches and swales, or other best management practices that have been designed,



73.1 constructed, and operated to store or treat storm water in accordance with local, state, or  
 73.2 federal requirements.

73.3 Sec. 83. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

73.4 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a  
 73.5 county ~~or~~<sub>2</sub> watershed, or, for purposes of wetland replacement, bank service area where 80  
 73.6 percent or more of the presettlement wetland acreage is intact and:

73.7 (1) ten percent or more of the current total land area is wetland; or

73.8 (2) 50 percent or more of the current total land area is state or federal land.

73.9 Sec. 84. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

73.10 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county ~~or~~<sub>2</sub>  
 73.11 watershed, or, for purposes of wetland replacement, bank service area with less than 50  
 73.12 percent of the presettlement wetland acreage intact or any county ~~or~~<sub>2</sub> watershed, or bank  
 73.13 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

73.14 Sec. 85. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

73.15 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
 73.16 partially, unless replaced by actions that provide at least equal public value under a  
 73.17 replacement plan approved as provided in section 103G.2242, a replacement plan under a  
 73.18 local governmental unit's comprehensive wetland protection and management plan approved  
 73.19 by the board under section 103G.2243, or, if a permit to mine is required under section  
 73.20 93.481, under a mining reclamation plan approved by the commissioner under the permit  
 73.21 to mine. Project-specific wetland replacement plans submitted as part of a project for which  
 73.22 a permit to mine is required and approved by the commissioner on or after July 1, 1991,  
 73.23 may include surplus wetland credits to be allocated by the commissioner to offset future  
 73.24 mining-related wetland impacts under any permits to mine held by the permittee, the operator,  
 73.25 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an  
 73.26 assignment under section 93.481, subdivision 5. For project-specific wetland replacement  
 73.27 completed prior to wetland impacts authorized or conducted under a permit to mine within  
 73.28 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
 73.29 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
 73.30 plans shall apply the same principles and standards for replacing wetlands that are applicable  
 73.31 to mitigation plans approved as provided in section 103G.2242. The commissioner must  
 73.32 provide notice of an application for wetland replacement under a permit to mine to the

74.1 county in which the impact is proposed and the county in which a mitigation site is proposed.

74.2 Public value must be determined in accordance with section 103B.3355 or a comprehensive  
74.3 wetland protection and management plan established under section 103G.2243. Sections  
74.4 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently  
74.5 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

74.19 For a project involving the draining or filling of wetlands in an amount not exceeding  
74.20 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
74.21 paragraph (a), the local government unit may make an on-site sequencing determination  
74.22 without a written alternatives analysis from the applicant.

74.23 (c) If a wetland is located in a cultivated field, then replacement must be accomplished  
74.24 through restoration only without regard to the priority order in paragraph (b), provided that  
74.25 the altered wetland is not converted to a nonagricultural use for at least ten years.

74.26 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
74.27 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction  
74.28 that prohibits nonagricultural use for at least ten years. The local government unit may  
74.29 require the deed restriction if it determines the wetland area drained is at risk of conversion  
74.30 to a nonagricultural use within ten years based on the zoning classification, proximity to a  
74.31 municipality or full service road, or other criteria as determined by the local government  
74.32 unit.

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

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

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

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

(i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used for wetland replacement according to rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for wetland replacement.

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

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

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

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

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

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

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

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

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

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the

77.1 deviation from the design standards for construction or reconstruction under this paragraph.  
77.2 This paragraph does not preclude an action for damages arising from negligence in  
77.3 construction or maintenance on a highway.

77.4 (n) If a landowner seeks approval of a replacement plan after the proposed project has  
77.5 already affected the wetland, the local government unit may require the landowner to replace  
77.6 the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

77.7 (o) A local government unit may request the board to reclassify a county or watershed  
77.8 on the basis of its percentage of presettlement wetlands remaining. After receipt of  
77.9 satisfactory documentation from the local government, the board shall change the  
77.10 classification of a county or watershed. If requested by the local government unit, the board  
77.11 must assist in developing the documentation. Within 30 days of its action to approve a  
77.12 change of wetland classifications, the board shall publish a notice of the change in the  
77.13 Environmental Quality Board Monitor.

77.14 (p) One hundred citizens who reside within the jurisdiction of the local government unit  
77.15 may request the local government unit to reclassify a county or watershed on the basis of  
77.16 its percentage of presettlement wetlands remaining. In support of their petition, the citizens  
77.17 shall provide satisfactory documentation to the local government unit. The local government  
77.18 unit shall consider the petition and forward the request to the board under paragraph (o) or  
77.19 provide a reason why the petition is denied.

77.20 Sec. 86. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

77.21 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to 80 percent area must not be replaced in a~~  
77.22 replacement occurring outside of a greater than 80 percent area must not be replaced in a  
77.23 ~~50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a~~  
77.24 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland  
77.25 replacement must follow this priority order:

77.26 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

77.27 (2) in the same watershed as the impacted wetland;

77.28 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

77.29 (4) in another wetland bank service area.

77.30 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
77.31 complete wetland banking application submitted to a local government unit by April 1,

78.1 1996, may be used to replace wetland impacts resulting from public transportation projects  
78.2 statewide.

78.3 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement  
78.4 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under  
78.5 section 103G.2242, subdivision 1.

78.6 (d) When reasonable, practicable, and environmentally beneficial replacement  
78.7 opportunities are not available in siting priorities listed in paragraph (a), the applicant may  
78.8 seek opportunities at the next level.

78.9 (e) For the purposes of this section, "reasonable, practicable, and environmentally  
78.10 beneficial replacement opportunities" are defined as opportunities that:

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

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

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

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

78.19 (f) Regulatory agencies, local government units, and other entities involved in wetland  
78.20 restoration shall collaborate to identify potential replacement opportunities within their  
78.21 jurisdictional areas.

78.22 (g) The board must establish wetland replacement ratios and wetland bank service area  
78.23 priorities to implement the siting and targeting of wetland replacement and encourage the  
78.24 use of high priority areas for wetland replacement.

78.25 (h) Wetland replacement sites identified in accordance with the priority order for  
78.26 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
78.27 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
78.28 or 103G.2243 without further modification related to the priority order, notwithstanding  
78.29 availability of new mitigation sites or availability of credits after completion of an adequate  
78.30 environmental impact statement. Wetland replacement plan applications must be submitted  
78.31 within one year of the adequacy determination of the environmental impact statement to be  
78.32 eligible for approval under this paragraph.

79.1 Sec. 87. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

79.2 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type  
79.3 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an  
79.4 on-site inspection. The Technical Evaluation Panel shall be composed of a technical  
79.5 professional employee of the board, a technical professional employee of the local soil and  
79.6 water conservation district or districts, a technical professional with expertise in water  
79.7 resources management appointed by the local government unit, and a technical professional  
79.8 employee of the Department of Natural Resources for projects affecting public waters or  
79.9 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of  
79.10 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary  
79.11 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and  
79.12 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater  
79.13 Habitats of the United States" (1979 edition). The panel shall provide the wetland  
79.14 determination and recommendations on other technical matters to the local government unit  
79.15 that must approve a replacement plan, sequencing, exemption determination, no-loss  
79.16 determination, or wetland boundary or type determination and may recommend approval  
79.17 or denial of the plan. The authority must consider and include the decision of the Technical  
79.18 Evaluation Panel in their approval or denial of a plan or determination.

79.19 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland  
79.20 bank or management responsibility to sell or make recommendations in their official capacity  
79.21 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,  
79.22 to the Technical Evaluation Panel and the local government unit.

79.23 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type  
79.24 determinations are exempt from the requirements of chapter 326. The board may develop  
79.25 a professional wetland delineator certification program.

79.26 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating  
79.27 potential wetland replacement sites. The team must consist of members of the Technical  
79.28 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution  
79.29 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other  
79.30 organizations as determined by the board.

79.31 Sec. 88. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

79.32 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,  
79.33 conservation officers, and peace officers shall enforce laws preserving and protecting  
79.34 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,

80.1 a conservation officer, or a peace officer may issue a cease and desist order to stop any  
80.2 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

80.3 (b) In the order, or by separate order, the commissioner, conservation officer, or peace  
80.4 officer may require restoration or replacement of the wetland or public waters, as determined  
80.5 by the local soil and water conservation district for wetlands and the commissioner of natural  
80.6 resources for public waters. Restoration or replacement orders may be recorded or filed in  
80.7 the office of the county recorder or registrar of titles, as appropriate, in the county where  
80.8 the real property is located by the commissioner of natural resources, conservation officers,  
80.9 or peace officers as a deed restriction on the property that runs with the land and is binding  
80.10 on the owners, successors, and assigns until the conditions of the order are met or the order  
80.11 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee  
80.12 for any document filed under this section.

80.13 (c) If a court has ruled that there has not been a violation of the restoration or replacement  
80.14 order, an order may not be recorded or filed under this section.

80.15 (d) If an order was recorded before a court finding that there has not been a violation or  
80.16 an order was filed before the effective date of this section and the deed restriction would  
80.17 have been in violation of paragraph (c), the commissioner must remove the deed restriction  
80.18 if the owner of the property requests the commissioner to remove it. Within 30 days of  
80.19 receiving the request for removal from the owner, the commissioner must contact, in writing,  
80.20 the office of the county recorder or registrar of titles where the order is recorded or filed,  
80.21 along with all applicable fees, and have the order removed. Within 30 days of receiving  
80.22 notification from the office of the county recorder or registrar of titles that the order has  
80.23 been removed, the commissioner must inform the owner that the order has been removed  
80.24 and provide the owner with a copy of any documentation provided by the office of the  
80.25 county recorder or registrar of titles.

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

80.27 Sec. 89. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

80.28 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a  
80.29 person, partnership, or association, private or public corporation, county, municipality, or  
80.30 other political subdivision of the state may not appropriate or use waters of the state without  
80.31 a water-use permit from the commissioner.

80.32 (b) This section does not apply to the following water uses:



81.1 (1) use for a water supply by less than 25 persons for domestic purposes, except as  
81.2 required by the commissioner under section 103G.287, subdivision 4, paragraph (b);

81.3 (2) nonconsumptive diversion of a surface water of the state from its natural channel for  
81.4 the production of hydroelectric or hydromechanical power at structures that were in existence  
81.5 on and before July 1, 1937, or those that are regulated by the Federal Energy Regulatory  
81.6 Commission; or

81.7 (3) appropriation or use of storm water collected and used to reduce storm-water runoff  
81.8 volume, treat storm water, or sustain groundwater supplies when water is extracted from  
81.9 constructed management facilities for storm water.

81.10 (c) The commissioner may issue a state general permit for appropriation of water to a  
81.11 governmental subdivision or to the general public. The general permit may authorize more  
81.12 than one project and the appropriation or use of more than one source of water. Water-use  
81.13 permit processing fees and reports required under subdivision 6 and section 103G.281,  
81.14 subdivision 3, are required for each project or water source that is included under a general  
81.15 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

81.16 Sec. 90. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

81.17 Subd. 6. **Water-use permit processing fee.** (a) Except as described in paragraphs (b)  
81.18 to (g), a water-use permit processing fee must be prescribed by the commissioner in  
81.19 accordance with the schedule of fees in this subdivision for each water-use permit in force  
81.20 at any time during the year. Fees collected under this paragraph are credited to the water  
81.21 management account in the natural resources fund. The schedule is as follows, with the  
81.22 stated fee in each clause applied to the total amount appropriated:

81.23 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

81.24 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
81.25 than 100,000,000 gallons per year;

81.26 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than  
81.27 150,000,000 gallons per year;

81.28 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less  
81.29 than 200,000,000 gallons per year;

81.30 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than  
81.31 250,000,000 gallons per year;

82.1 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less  
82.2 than 300,000,000 gallons per year;

82.3 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than  
82.4 350,000,000 gallons per year;

82.5 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less  
82.6 than 400,000,000 gallons per year;

82.7 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than  
82.8 450,000,000 gallons per year;

82.9 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less  
82.10 than 500,000,000 gallons per year; and

82.11 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

82.12 (b) For once-through cooling systems, a water-use processing fee must be prescribed  
82.13 by the commissioner in accordance with the following schedule of fees for each water-use  
82.14 permit in force at any time during the year:

82.15 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

82.16 (2) for all other users, \$420 per 1,000,000 gallons.

82.17 (c) The fee is payable based on the amount of water appropriated during the year and,  
82.18 except as provided in paragraph (f), the minimum fee is \$100.

82.19 (d) For water-use processing fees other than once-through cooling systems:

82.20 (1) the fee for a city of the first class may not exceed \$250,000 per year;

82.21 (2) the fee for other entities for any permitted use may not exceed:

82.22 (i) \$60,000 per year for an entity holding three or fewer permits;

82.23 (ii) \$90,000 per year for an entity holding four or five permits; or

82.24 (iii) \$300,000 per year for an entity holding more than five permits;

82.25 (3) the fee for agricultural irrigation may not exceed \$750 per year;

82.26 (4) the fee for a municipality that furnishes electric service and cogenerates steam for  
82.27 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration  
82.28 of electricity and steam; ~~and~~

82.29 (5) the fee for a facility that temporarily diverts a water of the state from its natural  
82.30 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per

83.1 year. A permit for such a facility does not count toward the number of permits held by an  
83.2 entity as described in paragraph (d); and

83.3 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to  
83.4 prevent flood damage or to remove flood waters during a period of flooding, as determined  
83.5 by the commissioner.

83.6 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten  
83.7 percent per month calculated from the original due date must be imposed on the unpaid  
83.8 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee  
83.9 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal  
83.10 governmental agency holding a water appropriation permit.

83.11 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural  
83.12 land is \$20 for years in which:

83.13 (1) there is no appropriation of water under the permit; or

83.14 (2) the permit is suspended for more than seven consecutive days between May 1 and  
83.15 October 1.

83.16 (g) The commissioner shall waive the water-use permit fee for installations and projects  
83.17 that use storm water runoff or where public entities are diverting water to treat a water  
83.18 quality issue and returning the water to its source without using the water for any other  
83.19 purpose, unless the commissioner determines that the proposed use adversely affects surface  
83.20 water or groundwater.

83.21 (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph  
83.22 (a) shall be applied to the volume of water used in each of the months of June, July, and  
83.23 August that exceeds the volume of water used in January for municipal water use, irrigation  
83.24 of golf courses, and landscape irrigation. The surcharge for municipalities with more than  
83.25 one permit shall be determined based on the total appropriations from all permits that supply  
83.26 a common distribution system.

83.27 Sec. 91. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

83.28 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water  
83.29 without a required permit under subdivision 1 must pay the applicable water-use permit  
83.30 processing fee specified in subdivision 6 for the period during which the unpermitted  
83.31 appropriation occurred. The fees for unpermitted appropriations are required for the previous  
83.32 seven calendar years after being notified of the need for a permit. This fee is in addition to  
83.33 any other fee or penalty assessed. The commissioner may waive payment of fees for past

84.1 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph  
84.2 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of  
84.3 the state from its natural channel.

84.4 Sec. 92. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

84.5 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive  
84.6 owner of real property if the permittee conveys the real property where the source of water  
84.7 is located. The new owner must notify the commissioner immediately after the conveyance  
84.8 and request transfer of the permit. If notified, the commissioner must transfer the permit to  
84.9 the successive owner.

84.10 Sec. 93. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision  
84.11 to read:

84.12 Subd. 8. **Management plans; economic impacts.** Before requiring a change to a  
84.13 management plan for appropriating water, the commissioner must provide estimates of the  
84.14 economic impact of any new restriction or policy on existing and future groundwater users  
84.15 in the affected area.

84.16 Sec. 94. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

84.17 Subdivision 1. **Applications for groundwater appropriations; preliminary well**  
84.18 **construction approval.** (a) Groundwater use permit applications are not complete until the  
84.19 applicant has supplied:

84.20 (1) a water well record as required by section 103I.205, subdivision 9, information on  
84.21 the subsurface geologic formations penetrated by the well and the formation or aquifer that  
84.22 will serve as the water source, and geologic information from test holes drilled to locate the  
84.23 site of the production well;

84.24 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

84.25 (3) information on groundwater quality in terms of the measures of quality commonly  
84.26 specified for the proposed water use and details on water treatment necessary for the proposed  
84.27 use;

84.28 (4) the results of an aquifer test completed according to specifications approved by the  
84.29 commissioner. The test must be conducted at the maximum pumping rate requested in the  
84.30 application and for a length of time adequate to assess or predict impacts to other wells and  
84.31 surface water and groundwater resources. The permit applicant is responsible for all costs

85.1 related to the aquifer test, including the construction of groundwater and surface water  
85.2 monitoring installations, and water level readings before, during, and after the aquifer test;  
85.3 and

85.4 (5) the results of any assessments conducted by the commissioner under paragraph (c).

85.5 (b) The commissioner may waive an application requirement in this subdivision if the  
85.6 information provided with the application is adequate to determine whether the proposed  
85.7 appropriation and use of water is sustainable and will protect ecosystems, water quality,  
85.8 and the ability of future generations to meet their own needs.

85.9 (c) The commissioner shall provide an assessment of a proposed well needing a  
85.10 groundwater appropriation permit. The commissioner shall evaluate the information submitted  
85.11 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the  
85.12 anticipated appropriation request is likely to meet the applicable requirements of this chapter.  
85.13 If the appropriation request is likely to meet applicable requirements, the commissioner  
85.14 shall provide the person submitting the information with a letter providing preliminary  
85.15 approval to construct the well and the requirements, including test-well information, that  
85.16 will be needed to obtain the permit.

85.17 (d) The commissioner must provide an applicant denied a groundwater use permit or  
85.18 issued a groundwater use permit that is reduced or restricted from the original request with  
85.19 all information the commissioner used in making the determination, including hydrographs,  
85.20 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment  
85.21 calibration.

85.22 Sec. 95. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

85.23 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate  
85.24 groundwater management areas and limit total annual water appropriations and uses within  
85.25 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
85.26 quality, and the ability of future generations to meet their own needs. Water appropriations  
85.27 and uses within a designated management area must be consistent with a groundwater  
85.28 management area plan approved by the commissioner that addresses water conservation  
85.29 requirements and water allocation priorities established in section 103G.261. At least 30  
85.30 days prior to implementing or modifying a groundwater management area plan under this  
85.31 subdivision, the commissioner shall consult with the advisory team established in paragraph  
85.32 (c).

(b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota Rules, within designated groundwater management areas, the commissioner may require general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers serving less than 25 persons for domestic purposes. The commissioner may waive the requirements under section 103G.281 for general permits issued under this paragraph, and the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general permits issued under this paragraph.

(c) When designating a groundwater management area, the commissioner shall assemble an advisory team to assist in developing a groundwater management area plan for the area. The advisory team members shall be selected from public and private entities that have an interest in the water resources affected by the groundwater management area. A majority of the advisory team members shall be public and private entities that currently hold water-use permits for water appropriations from the affected water resources. The commissioner shall consult with the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Watershed Districts, and the Minnesota Association of Townships in appointing the local government representatives to the advisory team. The advisory team may also include representatives from the University of Minnesota, the Minnesota State Colleges and Universities, other institutions of higher learning in Minnesota, political subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and federal agencies.

(d) Before making a change under a groundwater management area plan, the commissioner must provide estimates of the economic effect of any new restriction or policy on existing and future groundwater users and local governments in the affected area. Strategies to address economic impacts must be included in any plan.

Sec. 96. Minnesota Statutes 2016, section 103G.411, is amended to read:

**103G.411 STIPULATION OF LOW-WATER MARK.**

If the state is a party in a civil action relating to the navigability or ownership of the bed of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval of the attorney general,~~ may agree by written stipulation with a riparian owner who is a party to the action on the location of the ordinary low-water mark on the riparian land of the party. After the stipulation is executed by all parties, it must be presented to the judge of the district court where the action is pending for approval. If the stipulation is approved, the judge shall make and enter an order providing that the final judgment when entered shall

87.1 conform to the location of the ordinary, low-water mark as provided for in the stipulation  
87.2 as it relates to the parties to the stipulation.

87.3 Sec. 97. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision  
87.4 to read:

87.5 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the  
87.6 Pollution Control Agency must allow at least 60 days for public comment after publishing  
87.7 the draft impaired-waters list required under the federal Clean Water Act. A person may  
87.8 petition the agency to hold a contested case hearing on the draft impaired-waters list. A  
87.9 valid basis for challenging an impairment determination includes, but is not limited to,  
87.10 agency reliance on data that do not reflect recent significant infrastructure investments and  
87.11 documented pollutant reductions.

87.12 Sec. 98. **[115.051] REVIEWING PROPOSED AGENCY ACTIONS.**

87.13 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

87.14 (b) "Local government unit" means a statutory or home rule charter city, a county, a  
87.15 local public utilities commission, a sanitary district, or an organization formed for the joint  
87.16 exercise of powers under section 471.59.

87.17 (c) "Proposed action" means an action that:

87.18 (1) is being considered by the commissioner of the Pollution Control Agency or has  
87.19 been undertaken by the commissioner but is not yet final; and

87.20 (2) would, once final, constitute:

87.21 (i) issuing, amending, modifying, or denying a water-quality standard under section  
87.22 115.44, a water-related permit that is not an industrial or mining permit, a total maximum  
87.23 daily load (TMDL) study, or a watershed restoration and protection strategy (WRAPS); or

87.24 (ii) another action or decision undertaken according to the commissioner's authority  
87.25 under this chapter or chapter 114D that is or would be eligible for a contested case hearing  
87.26 under chapter 14 or that would constitute rulemaking under chapter 14.

87.27 (d) "Requisite number" means five or more if the proposed action is rulemaking under  
87.28 chapter 14 or one or more if the proposed action is one that is or would be eligible for a  
87.29 contested case hearing under chapter 14.

(e) "Review petition" means a written petition of a local government unit adopted by resolution of the applicable governing body that describes the need for review by an expert review panel of the scientific basis of a proposed action that potentially affects the petitioner.

(f) "Review proceeding" means a proceeding under chapter 14 of the Office of Administrative Hearings to review a proposed action.

**Subd. 2. Review of scientific basis for proposed action.** In any review proceeding, the administrative law judge must examine the administrative record and, without deference to the commissioner of the Pollution Control Agency, independently determine from the record whether:

(1) the proposed action is based on reliable scientific data and analyses, as confirmed by publicly available peer-reviewed literature;

(2) every test, measurement, or model the commissioner relied on in support of the proposed action was used by the commissioner for the purpose for which the test, measurement, or model was designed, consistent with generally accepted and peer-reviewed scientific practice;

(3) the proposed action is consistent with the findings of any applicable external peer review panel the commissioner convened under section 115.035; and

(4) the proposed action is based on a demonstrated, significant causal relationship between the parameters of concern and the water-quality objective at issue, not the correlation alone. When a causal relationship may be confounded by other factors, the administrative law judge must determine whether the relevance and effect of those factors were assessed to ensure the predicted causal relationship is valid.

**Subd. 3. Effect of finding inadequate basis for proposed action.** If an administrative law judge determines that any of the conditions under subdivision 2, clauses (1) to (4), are not satisfied, then:

(1) if the proposed action was a proposed rule, the administrative law judge must find that the need for and reasonableness of the rule has not been established according to section 14.14, subdivision 2; and

(2) if the proposed action was before the Office of Administrative Hearings as part of a contested case hearing, the administrative law judge must include this finding in the report required by sections 14.48 to 14.56, which constitutes the final decision in the case.

**Subd. 4. Expert review panel; when required; composition.** The Office of Administrative Hearings must convene an expert review panel to review the scientific basis



of a proposed action when the office receives the requisite number of review petitions and finds, based on an independent review of the petitions, that the petitions demonstrate the existence of a material scientific dispute regarding the scientific validity of the proposed action. The Office of Administrative Hearings must issue an order granting or denying a petition within 30 days of receiving the petition. A review panel must consist of three independent experts with qualifications in the subject matter of the scientific dispute who are employed neither by the Pollution Control Agency nor by a petitioner to the proceeding and who are not directly or indirectly involved with the work conducted or contracted by the agency. The composition of the panel must be determined as follows:

(1) the commissioner of the Pollution Control Agency must select one expert satisfying the requirements of this subdivision;

(2) the petitioners must jointly select one expert satisfying the requirements of this subdivision; and

(3) the two experts selected under clauses (1) and (2) must mutually agree to a third expert satisfying the requirements of this subdivision. If the two experts cannot agree on a third expert, the Office of Administrative Hearings must make the appointment.

Subd. 5. **Conduct of expert review panel.** Upon granting a petition for independent expert review, the Office of Administrative Hearings must, as soon as practicable thereafter, issue an order establishing the independent expert review panel and identifying the independent experts selected according to subdivision 4. The order must include a statement of the specific scientific issues or questions in dispute to be submitted for review by the panel. The commissioner of the Pollution Control Agency and all petitioners must agree on the issues or questions in dispute to be submitted for review. If they cannot agree on one or more issues or questions, the Office of Administrative Hearings must determine the issues or questions to be submitted, giving substantial consideration to the questions raised in any petitions the office receives. The panel must review the scientific evidence relevant to those issues or questions as found in the petitions, the administrative record for the proposed action, and the results of any external peer review conducted according to section 115.035, in accordance with the guidance in the United States Environmental Protection Agency's Peer Review Handbook. The panel must submit a written opinion on the scientific validity of the commissioner's approach that is in controversy. If the panel finds deficiencies, the panel must recommend how the deficiencies can be corrected. The written opinion becomes part of the administrative record and must be submitted to the Office of Administrative Hearings. The office must send a copy of the opinion to the commissioner of the Pollution Control Agency, all petitioners, and the chairs and ranking minority members of the house

90.1 of representatives and senate committees having jurisdiction over environment and natural  
90.2 resources policy and finance.

90.3 Subd. 6. **Status of action pending review.** Once the Office of Administrative Hearings  
90.4 receives the requisite number of review petitions:

90.5 (1) the Office of Administrative Hearings must notify the commissioner of the Pollution  
90.6 Control Agency of this fact;

90.7 (2) the commissioner must not grant or deny a contested case petition filed by a local  
90.8 government unit on the proposed action that is the subject of the petition or otherwise  
90.9 proceed toward finalizing the proposed action until the Office of Administrative Hearings  
90.10 denies the petition for independent expert review or, if the petition is granted, the  
90.11 commissioner receives and considers the written opinion required under subdivision 5; and

90.12 (3) the Office of Administrative Hearings must not conduct the review required by  
90.13 subdivision 2 until the office receives the written opinion required under subdivision 5.

90.14 Subd. 7. **Chapter 14 requirements.** Nothing in this section shall be construed to abrogate  
90.15 or otherwise repeal any of the procedural requirements of chapter 14. Upon receiving a  
90.16 written opinion according to subdivision 5, the commissioner of the Pollution Control  
90.17 Agency and the Office of Administrative Hearings must make the opinion available to the  
90.18 public for review and continue to follow all applicable provisions of chapter 14, including  
90.19 public comment and hearing requirements.

90.20 Subd. 8. **Timing of review petition submission.** A review petition submitted to the  
90.21 Office of Administrative Hearings must be submitted within the period for filing a contested  
90.22 case petition or before expiration of the public comment period as noticed in the statement  
90.23 of intent to adopt the rule, as applicable.

90.24 Subd. 9. **Supplementing other law.** The duties and procedures in this section are  
90.25 supplementary and applicable to those set forth in section 14.091.

90.26 Sec. 99. **[115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED**  
90.27 **WASTEWATER TREATMENT FACILITIES.**

90.28 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have  
90.29 the meanings given:

90.30 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit  
90.31 or state disposal system (SDS) permit; and

(2) "permit applicant" means a person or entity submitting an application for a new permit or renewal, modification, or revocation of an existing permit for a publicly owned wastewater treatment facility.

**Subd. 2. Applicability.** This section applies to all draft permits and permits for publicly owned wastewater treatment facilities for which the commissioner of the Pollution Control Agency makes a preliminary determination whether to issue or deny.

**Subd. 3. Notice requirements.** The commissioner of the Pollution Control Agency must provide a permit applicant with a copy of the draft permit and any fact sheets required by agency rules at least 30 days before the distribution and public notice of the permit application and preliminary determination.

**Subd. 4. Public comment period.** The commissioner must prepare and issue a public notice of a completed application and the commissioner's preliminary determination as to whether the permit should be issued or denied. The public comment period must be at least 60 days for permit applications under this section.

Sec. 100. Minnesota Statutes 2016, section 115B.41, subdivision 1, is amended to read:

Subdivision 1. **Allocation and recovery of costs.** (a) ~~A person who~~ An owner or operator ~~that~~ is subject to the requirements in section 115B.40, subdivision 4 or 5, paragraph (b), is responsible for all environmental response costs incurred by the commissioner at or related to the facility until the date of notice of compliance under section 115B.40, subdivision 7. The commissioner may use any funds available for closure, postclosure care, and response action established by the owner or operator. If those funds are insufficient or if the owner or operator fails to assign rights to them to the commissioner, the commissioner may seek recovery of environmental response costs against the owner or operator in the county of Ramsey or in the county where the facility is located or where the owner or operator resides.

(b) In an action brought under this subdivision in which the commissioner prevails, the court shall award the commissioner reasonable attorney fees and other litigation expenses incurred by the commissioner to bring the action. All costs, fees, and expenses recovered under this subdivision must be deposited in the remediation fund established in section 116.155.

Sec. 101. Minnesota Statutes 2016, section 115B.421, is amended to read:

**115B.421 CLOSED LANDFILL INVESTMENT FUND.**

92.1 The closed landfill investment fund is established in the state treasury. The fund consists  
92.2 of money credited to the fund, and interest and other earnings on money in the fund.  
92.3 Beginning July 1, 2003, funds must be deposited as described in section 115B.445. The  
92.4 fund shall be managed to maximize long-term gain through the State Board of Investment.  
92.5 Money in the fund may be spent by the commissioner after fiscal year 2020 in accordance  
92.6 with sections 115B.39 to 115B.444, and for costs incurred under agreements with indemnified  
92.7 persons under section 115B.431.

92.8 Sec. 102. **[115B.431] INDEMNIFYING RESPONSIBLE PERSONS.**

92.9 Subdivision 1. **Indemnification.** In the case of a qualified facility as defined in section  
92.10 115B.39, subdivision 2, paragraph (l), clause (1), located in the city of Burnsville, when  
92.11 the owner or operator has received notice under section 115B.40, subdivision 3, and within  
92.12 15 years after receiving the notice has not entered into an agreement with the commissioner  
92.13 of the Pollution Control Agency, the commissioner must enter into an indemnification  
92.14 agreement with an eligible person under subdivision 2 who requests such indemnification,  
92.15 under which the commissioner indemnifies the eligible person and holds the eligible person  
92.16 harmless for:

92.17 (1) all legal responsibility liability or potential liability for environmental response costs  
92.18 and natural resources damages related to the qualified facility, including any and all liability  
92.19 and potential liability for legal and administrative costs and expenses incurred or to be  
92.20 incurred by the state or federal government or reimbursed by the state or federal government;

92.21 (2) all legal liability or potential liability under the federal Comprehensive Environmental  
92.22 Response, Compensation, and Liability Act related to the qualified facility including any  
92.23 and all liability and potential liability for costs incurred by the federal government in cleaning  
92.24 up the site and legal and administrative costs and expenses incurred or to be incurred by  
92.25 the state or federal government or reimbursed by the state or federal government; and

92.26 (3) all legal liability or potential liability that has been asserted, could have been asserted,  
92.27 or may be asserted in the future against the eligible person under state or federal law, common  
92.28 law, or other legal theory related to the qualified facility including any claim by any person  
92.29 or entity for contribution regarding any matters to which the indemnity applies.

92.30 Subd. 2. **Eligible persons.** (a) A person who is not an owner or operator of a qualified  
92.31 facility is eligible to enter into an indemnification agreement with the commissioner provided  
92.32 the person agrees to:

(1) waive all claims for environmental response costs related to the facility against all persons other than the owner or operator;

(2) provide the commissioner with a copy of all applicable comprehensive general liability insurance policies and other liability insurance policies relating to property damage, certificates, or other evidence of insurance coverage held during the life of the facility; and

(3) enter into a binding agreement with the commissioner to take any actions necessary to preserve the person's rights to payment or defense under insurance policies, cooperate with the commissioner in asserting the claims under the policies, and assign those rights under the policies related to environmental response costs.

(b) For purposes of this subdivision, "insurance" has the meaning given in section 60A.02, subdivision 3.

Subd. 3. **Recovery for illegal actions.** The indemnification of eligible persons under this section does not prevent the commissioner from recovering costs for illegal actions at qualified facilities as provided in section 115B.402.

Subd. 4. **Commissioner's duties.** (a) In consideration of the indemnitee's agreement to enter into an agreement under this section, the commissioner must not sue or take administrative action against the indemnitee, must agree to indemnify and hold the indemnitee harmless and defend the indemnitee against all claims or liability for state or federal environmental response actions at the qualified facility that is the subject of the agreement and claims made by a responsible person or group of responsible persons under state or federal law for payment of response costs and related costs at the qualified facility.

(b) To the extent allowed under applicable law, a person who enters into an indemnification agreement under this section is not liable for claims for contribution regarding matters addressed in the agreement. As a condition of the agreement, the person must waive the person's rights to seek contribution for any amounts paid on the person's behalf under the agreement. This section does not limit the state's ability to seek contribution on the person's behalf.

Sec. 103. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~ 5, a person is responsible for a release from a tank if the person is an owner or operator of the tank at any time during or after the release.

94.1 Sec. 104. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision  
94.2 to read:

94.3 Subd. 5. **Heating fuel oil vendor.** A heating fuel oil vendor is not a responsible person  
94.4 for a heating fuel oil release at a residential location if the release was caused solely by the  
94.5 failure of a tank owned by the homeowner.

94.6 Sec. 105. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

94.7 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
94.8 resource management permits be issued or denied within 90 days for Tier 1 permits or 150  
94.9 days for Tier 2 permits following submission of a permit application. The commissioner of  
94.10 the Pollution Control Agency shall establish management systems designed to achieve the  
94.11 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require  
94.12 individualized actions or public comment periods, and "Tier 2 permits" are permits that  
94.13 require individualized actions or public comment periods.

94.14 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
94.15 statistics on meeting the goal in paragraph (a) and the criteria for Tier 1 and Tier 2 by permit  
94.16 categories. The report is due August 1 each year. For permit applications that have not met  
94.17 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
94.18 for not meeting the goal, the commissioner shall separately identify delays caused by the  
94.19 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
94.20 level of public engagement. The report must specify the number of days from initial  
94.21 submission of the application to the day of determination that the application is complete.  
94.22 The report must aggregate the data for the year and assess whether program or system  
94.23 changes are necessary to achieve the goal. The report must be posted on the agency's Web  
94.24 site and submitted to the governor and the chairs and ranking minority members of the house  
94.25 of representatives and senate committees having jurisdiction over environment policy and  
94.26 finance.

94.27 (c) The commissioner shall allow electronic submission of environmental review and  
94.28 permit documents to the agency.

94.29 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
94.30 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~  
94.31 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If  
94.32 the commissioner determines that an application is incomplete, the notice to the applicant  
94.33 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
94.34 and advise the applicant on how the deficiencies can be remedied. If the commissioner

95.1 determines that the application is complete, the notice must confirm the application's Tier  
95.2 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2  
95.3 permit, provide the permit applicant with a schedule for reviewing the permit application.

95.4 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
95.5 agreement under chapter 446A.

95.6 (e) For purposes of this subdivision, "permit professional" means an individual not  
95.7 employed by the Pollution Control Agency who:

95.8 (1) has a professional license issued by the state of Minnesota in the subject area of the  
95.9 permit;

95.10 (2) has at least ten years of experience in the subject area of the permit; and

95.11 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency  
95.12 under agency rules and complies with all applicable requirements under chapter 326.

95.13 (f) Upon the agency's request, an applicant relying on a permit professional must  
95.14 participate in a meeting with the agency before submitting an application:

95.15 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at  
95.16 least the following:

95.17 (i) project description, including, but not limited to, scope of work, primary emissions  
95.18 points, discharge outfalls, and water intake points;

95.19 (ii) location of the project, including county, municipality, and location on the site;

95.20 (iii) business schedule for project completion; and

95.21 (iv) other information requested by the agency at least four weeks prior to the scheduled  
95.22 meeting; and

95.23 (2) during the preapplication meeting, the agency shall provide for the applicant at least  
95.24 the following:

95.25 (i) an overview of the permit review program;

95.26 (ii) a determination of which specific application or applications will be necessary to  
95.27 complete the project;

95.28 (iii) a statement notifying the applicant if the specific permit being sought requires a  
95.29 mandatory public hearing or comment period;

95.30 (iv) a review of the timetable established in the permit review program for the specific  
95.31 permit being sought; and

96.1 (v) a determination of what information must be included in the application, including  
96.2 a description of any required modeling or testing.

96.3 (g) The applicant may select a permit professional to undertake the preparation of the  
96.4 permit application and draft permit.

96.5 (h) If a preapplication meeting was held, the agency shall, within seven business days  
96.6 of receipt of an application, notify the applicant and submitting permit professional that the  
96.7 application is complete or is denied, specifying the deficiencies of the application.

96.8 (i) Upon receipt of notice that the application is complete, the permit professional shall  
96.9 submit to the agency a timetable for submitting a draft permit. The permit professional shall  
96.10 submit a draft permit on or before the date provided in the timetable. Within 60 days after  
96.11 the close of the public comment period, the commissioner shall notify the applicant whether  
96.12 the permit can be issued.

96.13 (j) Nothing in this section shall be construed to modify:

96.14 (1) any requirement of law that is necessary to retain federal delegation to or assumption  
96.15 by the state; or

96.16 (2) the authority to implement a federal law or program.

96.17 (k) The permit application and draft permit shall identify or include as an appendix all  
96.18 studies and other sources of information used to substantiate the analysis contained in the  
96.19 permit application and draft permit. The commissioner shall request additional studies, if  
96.20 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and  
96.21 information necessary for the commissioner to perform the commissioner's responsibility  
96.22 to review, modify, and determine the completeness of the application and approve the draft  
96.23 permit.

96.24 Sec. 106. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
96.25 to read:

96.26 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2  
96.27 permit is required, the commissioner must issue the notice with the draft permit within 150  
96.28 days of receiving a completed permit application unless the permit applicant and the  
96.29 commissioner mutually agree to a different date. Upon request of the permit applicant, the  
96.30 commissioner must provide a copy of the draft permit to the permit applicant and consider  
96.31 comments on the draft permit from the permit applicant before issuing the public notice.



97.1 Sec. 107. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
97.2 to read:

97.3 Subd. 8. **Clean Air Act settlement money.** "Clean Air Act settlement money" means  
97.4 money received by or required to be paid to the state as a result of litigation or settlements  
97.5 of alleged violations of the federal Clean Air Act, United States Code, title 42, section 7401  
97.6 et seq., or rules adopted thereunder, by an automobile manufacturer. Clean Air Act settlement  
97.7 money may not be spent until it is specifically appropriated by law.

97.8 Sec. 108. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

97.9 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
97.10 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
97.11 upon applications for agency permits and implementing and enforcing the conditions of the  
97.12 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
97.13 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
97.14 permitting, implementation, and enforcement. The agency may impose an additional  
97.15 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
97.16 of implementing and enforcing the conditions of a permit under the rules of the agency.  
97.17 Any money collected under this paragraph shall be deposited in the environmental fund.

97.18 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
97.19 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
97.20 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
97.21 facilities subject to a notification, permit, or license requirement under this chapter,  
97.22 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
97.23 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
97.24 indirect reasonable costs, including legal costs, required to develop and administer the  
97.25 notification, permit, or license program requirements of this chapter, subchapters I and V  
97.26 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
97.27 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
97.28 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
97.29 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
97.30 applicable regulations; responding to federal guidance; modeling, analyses, and  
97.31 demonstrations; preparing inventories and tracking emissions; and providing information  
97.32 to the public about these activities.

97.33 (c) The agency shall set fees that:

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds become unavailable. In addition, the commissioner shall use nonfee funds to the extent practical to match the grant funds so that the fee surcharge is minimized.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Permit applicants who wish to construct, reconstruct, or modify a facility project may offer to reimburse the agency for the reasonable costs of staff time or consultant services needed to expedite the preapplication process and permit development process through the final decision on the permit, including the analysis of environmental review documents. The reimbursement shall be in addition to permit application fees imposed by law. When

the agency determines that it needs additional resources to develop the permit application in an expedited manner, and that expediting the development is consistent with permitting program priorities, the agency may accept the reimbursement. The commissioner must give the applicant an estimate of costs to be incurred by the commissioner. The estimate must include a brief description of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for each task. The applicant and the commissioner must enter into a written agreement detailing the estimated costs for the expedited permit decision-making process to be incurred by the agency and any recourse available to the applicant if the agency fails to meet the schedule. The agreement must also identify staff anticipated to be assigned to the project and describe the commissioner's commitment to make assigned staff available for the project until the permit decision is made. The commissioner must not issue a permit until the applicant has paid all fees in full. The commissioner must refund any unobligated balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency for the purpose of developing the permit or analyzing environmental review documents. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit; shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations; and shall not affect final decisions regarding environmental review.

(g) The fees under this subdivision are exempt from section 16A.1285.

Sec. 109. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

**Subd. 13. Irrevocability, suspensions, or expiration of permits; environmental review.** If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of the Pollution Control Agency for environmental review and permitting activities of the agency:

(1) a permit granted by the commissioner may not be terminated or suspended for the term of the permit nor shall it expire without the consent of the permittee, except for breach or nonperformance of any condition of the permit by the permittee that is an imminent threat to impair or destroy the environment or injure the health, safety, or welfare of the citizens of the state; and

(2) environmental review and permit application work on environmental review and permits filed before July 1 of that year must not be suspended or terminated.

(b) Paragraph (a), clause (1), applies until legislation appropriating money to the commissioner for the environmental review and permitting activities is enacted.

Sec. 110. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

Subd. 14. **Unadopted rules.** The commissioner of the Pollution Control Agency must not seek to implement in a permit or enforce a penalty based upon an agency policy, guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement if the policy, guideline, bulletin, criterion, manual standard, interpretive standard, or pronouncement has not been adopted under the rulemaking process under chapter 14. In any proceeding under section 14.381, the commissioner has the burden of proving the action is not prohibited.

Sec. 111. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

Subd. 15. **Limitation regarding certain policies, guidelines, and other interpretive statements.** (a) The commissioner of the Pollution Control Agency must not seek to implement or enforce against any person a policy, guideline, or other interpretive statement that meets the definition of a rule under section 14.02, subdivision 4, if the policy, guideline, or other interpretive statement has not been adopted as a rule according to chapter 14. In any proceeding under chapter 14 challenging agency action prohibited by this subdivision, the reviewing authority must independently and without deference to the agency determine whether the agency violated this subdivision. The agency must overcome the presumption that the agency action may not be enforced as a rule.

(b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement into a statute, rule, or standard, the commissioner must follow the rulemaking process provided under chapter 14 to amend or revise the guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement.

Sec. 112. Minnesota Statutes 2016, section 116.0714, is amended to read:

**116.0714 NEW OPEN AIR SWINE BASINS.**

The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment

program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, ~~2017~~ 2022.

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

Sec. 113. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

Subd. 2. **Membership.** The members of the board are the commissioner of administration, the commissioner of commerce, the commissioner of the Pollution Control Agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of employment and economic development, the commissioner of transportation, and the chair of the Board of Water and Soil Resources, and a representative of the governor's office designated by the governor. The governor shall appoint ~~five~~ eight members from the general public to the board, one from each congressional district, subject to the advice and consent of the senate. ~~At least two of~~ The ~~five~~ public members must have knowledge of and be conversant in ~~water management issues in the state~~ environmental review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Sec. 114. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

Subd. 2. **Jurisdiction.** ~~(a) The board shall determine which environmental problems of interdepartmental concern to state government shall be considered by the board. The board shall initiate interdepartmental investigations into those matters that it determines are in need of study. Topics for investigation may include but need not be limited to future population and settlement patterns, air and water resources and quality, solid waste management, transportation and utility corridors, economically productive open space, energy policy and need, growth and development, and land use planning.~~

~~(b) The board shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.~~

~~(c) The board may review environmental rules and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, rules, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.~~

102.1 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~  
102.2 ~~relating to the environment and the board shall submit a report to the governor and the~~  
102.3 ~~legislature with comments on such major environmental proposals of state agencies.~~

102.4 Sec. 115. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

102.5 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
102.6 effects resulting from any major governmental action, the action shall be preceded by a  
102.7 detailed environmental impact statement prepared by the responsible governmental unit.  
102.8 The environmental impact statement shall be an analytical rather than an encyclopedic  
102.9 document which describes the proposed action in detail, analyzes its significant environmental  
102.10 impacts, discusses appropriate alternatives to the proposed action and their impacts, and  
102.11 explores methods by which adverse environmental impacts of an action could be mitigated.  
102.12 The environmental impact statement shall also analyze those economic, employment, and  
102.13 sociological effects that cannot be avoided should the action be implemented. To ensure its  
102.14 use in the decision-making process, the environmental impact statement shall be prepared  
102.15 as early as practical in the formulation of an action.

102.16 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental  
102.17 impact statements and for which environmental assessment worksheets shall be prepared  
102.18 as well as categories of actions for which no environmental review is required under this  
102.19 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the  
102.20 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),  
102.21 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
102.22 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
102.23 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or  
102.24 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
102.25 environmental assessment worksheets must be prepared. The responsible governmental unit  
102.26 for an ethanol plant or biobutanol facility project for which an environmental assessment  
102.27 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for  
102.28 supervising or approving the project as a whole.

102.29 (c) A mandatory environmental impact statement ~~shall~~ is not be required for a facility  
102.30 or plant located outside the seven-county metropolitan area that produces less than  
102.31 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
102.32 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
102.33 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
102.34 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that

103.1 only uses a cellulosic feedstock to produce chemical products for use by another facility as  
103.2 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted  
103.3 under this chapter.

103.4 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion  
103.5 of an environmental assessment worksheet by publishing the notice in at least one newspaper  
103.6 of general circulation in the geographic area where the project is proposed, by posting the  
103.7 notice on a Web site that has been designated as the official publication site for publication  
103.8 of proceedings, public notices, and summaries of a political subdivision in which the project  
103.9 is proposed, or in any other manner determined by the board and shall provide copies of  
103.10 the environmental assessment worksheet to the board and its member agencies. Comments  
103.11 on the need for an environmental impact statement may be submitted to the responsible  
103.12 governmental unit during a 30-day period following publication of the notice that an  
103.13 environmental assessment worksheet has been completed. The responsible governmental  
103.14 unit's decision on the need for an environmental impact statement shall be based on the  
103.15 environmental assessment worksheet and the comments received during the comment period,  
103.16 and shall be made within 15 days after the close of the comment period. The board's chair  
103.17 may extend the 15-day period by not more than 15 additional days upon the request of the  
103.18 responsible governmental unit.

103.19 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed  
103.20 action whenever material evidence accompanying a petition by not less than 100 individuals  
103.21 who reside or own property in the state, submitted before the proposed project has received  
103.22 final approval by the appropriate governmental units, demonstrates that, because of the  
103.23 nature or location of a proposed action, there may be potential for significant environmental  
103.24 effects. Petitions requesting the preparation of an environmental assessment worksheet shall  
103.25 be submitted to the board. The chair of the board shall determine the appropriate responsible  
103.26 governmental unit and forward the petition to it. A decision on the need for an environmental  
103.27 assessment worksheet shall be made by the responsible governmental unit within 15 days  
103.28 after the petition is received by the responsible governmental unit. The board's chair may  
103.29 extend the 15-day period by not more than 15 additional days upon request of the responsible  
103.30 governmental unit.

103.31 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part  
103.32 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
103.33 review under this chapter and rules of the board, if:

103.34 (1) the proposed action is:

104.1 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

104.2 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity  
104.3 of less than 1,000 animal units;

104.4 (2) the application for the animal feedlot facility includes a written commitment by the  
104.5 proposer to design, construct, and operate the facility in full compliance with Pollution  
104.6 Control Agency feedlot rules; and

104.7 (3) the county board holds a public meeting for citizen input at least ten business days  
104.8 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the  
104.9 animal feedlot facility unless another public meeting for citizen input has been held with  
104.10 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition  
104.11 to other exemptions provided under other law and rules of the board.

104.12 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require  
104.13 preparation of an environmental assessment worksheet by a responsible governmental unit  
104.14 selected by the board for any action where environmental review under this section has not  
104.15 been specifically provided for by rule or otherwise initiated.

104.16 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental  
104.17 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or  
104.18 location of the project, have the potential for significant environmental effects. The same  
104.19 process shall be utilized to determine the form, content, and level of detail of the statement  
104.20 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In  
104.21 addition, the permits ~~which~~ that will be required for the proposed action shall be identified  
104.22 during the scoping process. Further, the process shall identify those permits for which  
104.23 information will be developed concurrently with the environmental impact statement. The  
104.24 board shall provide in its rules for the expeditious completion of the scoping process. The  
104.25 determinations reached in the process shall be incorporated into the order requiring the  
104.26 preparation of an environmental impact statement.

104.27 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
104.28 and ensure coordination between state and federal environmental review and between  
104.29 environmental review and environmental permitting. Whenever practical, information  
104.30 needed by a governmental unit for making final decisions on permits or other actions required  
104.31 for a proposed project shall be developed in conjunction with the preparation of an  
104.32 environmental impact statement. When an environmental impact statement is prepared for  
104.33 a project requiring multiple permits for which two or more agencies' decision processes  
104.34 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before



105.1 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to  
105.2 the contrary, conduct the hearings in a single consolidated hearing process if requested by  
105.3 the proposer. All agencies having jurisdiction over a permit that is included in the  
105.4 consolidated hearing shall participate. The responsible governmental unit shall establish  
105.5 appropriate procedures for the consolidated hearing process, including procedures to ensure  
105.6 that the consolidated hearing process is consistent with the applicable requirements for each  
105.7 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest  
105.8 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
105.9 a permit identified in the draft environmental impact statement must accept and begin  
105.10 reviewing any permit application upon publication of the notice of preparation of the  
105.11 environmental impact statement.

105.12 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined  
105.13 within 280 days after notice of its preparation unless the time is extended by consent of the  
105.14 parties or by the governor for good cause. The responsible governmental unit shall determine  
105.15 the adequacy of an environmental impact statement, unless within 60 days after notice is  
105.16 published that an environmental impact statement will be prepared, the board chooses to  
105.17 determine the adequacy of an environmental impact statement. If an environmental impact  
105.18 statement is found to be inadequate, the responsible governmental unit shall have 60 days  
105.19 to prepare an adequate environmental impact statement.

105.20 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the  
105.21 responsible governmental unit a preliminary draft environmental impact statement under  
105.22 this section on that action for review, modification, and determination of completeness and  
105.23 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
105.24 statement prepared by the project proposer and submitted to the responsible governmental  
105.25 unit shall identify or include as an appendix all studies and other sources of information  
105.26 used to substantiate the analysis contained in the preliminary draft environmental impact  
105.27 statement. The responsible governmental unit shall require additional studies, if needed,  
105.28 and obtain from the project proposer all additional studies and information necessary for  
105.29 the responsible governmental unit to perform its responsibility to review, modify, and  
105.30 determine the completeness and adequacy of the environmental impact statement.

105.31 Sec. 116. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

105.32 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an  
105.33 environmental assessment worksheet, the need for an environmental impact statement, or  
105.34 the adequacy of an environmental impact statement is entitled to judicial review of the

106.1 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
106.2 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of  
106.3 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after  
106.4 the ~~party receives the final decision and order of the~~ responsible governmental unit provides  
106.5 notice of the decision as required by law. Proceedings for review under this section must  
106.6 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon  
106.7 the responsible governmental unit and by promptly filing the proof of service in the Office  
106.8 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by  
106.9 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the  
106.10 attorney general at the time of service. Copies of the writ must be served, personally or by  
106.11 certified mail, upon the responsible governmental unit and the project proposer. The filing  
106.12 of the writ of certiorari does not stay the enforcement of any other governmental action,  
106.13 provided that the responsible governmental unit may stay enforcement or the Court of  
106.14 Appeals may order a stay upon terms it deems proper. A bond may be required under section  
106.15 562.02 unless at the time of hearing on the application for the bond the petitioner-relator  
106.16 has shown that the claim is likely to succeed on the merits. The board may initiate judicial  
106.17 review of decisions referred to herein and the board or a project proposer may intervene as  
106.18 of right in any proceeding brought under this subdivision.

106.19 Sec. 117. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

106.20 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

106.21 (1) assess the proposer of a specific action for the responsible government unit's  
106.22 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.  
106.23 The costs shall must be determined by the responsible governmental unit pursuant according  
106.24 to the rules promulgated adopted by the board; and

106.25 (2) authorize a proposer of a specific action to prepare a draft environmental impact  
106.26 statement for that action for submission to and review, modification, and determination of  
106.27 completeness and adequacy by the responsible governmental unit.

106.28 Sec. 118. Minnesota Statutes 2016, section 160.06, is amended to read:

106.29 **160.06 TRAIL OR PORTAGE DEDICATION.**

106.30 Any trail or portage between public or navigable bodies of water or from public or  
106.31 navigable water to a public highway in this state ~~which~~ that has been in continued and  
106.32 uninterrupted use by the general public for 15 years or more as a trail or portage for the  
106.33 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or

107.1 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~  
107.2 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~  
107.3 to the same extent as public highways. The width of all trails and portages dedicated by  
107.4 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

107.5 Sec. 119. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

107.6 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall  
107.7 issue state parks and trails plates to an applicant who:

107.8 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup  
107.9 truck, or motorcycle;

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

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

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

107.13 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation  
107.14 account established in section 85.056; and

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

107.17 (b) The state parks and trails plate application must indicate that the contribution specified  
107.18 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the  
107.19 applicant may make an additional contribution to the account.

107.20 (c) State parks and trails plates may be personalized according to section 168.12,  
107.21 subdivision 2a.

107.22 Sec. 120. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

107.23 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts  
107.24 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution  
107.25 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.  
107.26 These amounts, together with interest and penalties for delinquency in payment, paid or  
107.27 collected pursuant to the provisions of this chapter, must be computed for each six-month  
107.28 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~  
107.29 April 1 following each six-month period.

108.1 Sec. 121. Laws 2013, chapter 114, article 4, section 105, is amended to read:

108.2 Sec. 105. **RULES; SILICA SAND.**

108.3 (a) The commissioner of the Pollution Control Agency ~~shall~~ may adopt rules pertaining  
108.4 to the control of particulate emissions from silica sand projects. The rulemaking is exempt  
108.5 from Minnesota Statutes, section 14.125.

108.6 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation  
108.7 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

108.8 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based  
108.9 value for silica sand.

108.10 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental  
108.11 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and  
108.12 processing to take into account the increased activity in the state and concerns over the size  
108.13 of specific operations. The Environmental Quality Board shall consider whether the  
108.14 requirements of Minnesota Statutes, section 116C.991, should remain part of the  
108.15 environmental review requirements for silica sand and whether the requirements should be  
108.16 different for different geographic areas of the state. The rulemaking is exempt from Minnesota  
108.17 Statutes, section 14.125.

108.18 Sec. 122. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended  
108.19 to read:

108.20 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

108.21 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
108.22 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
108.23 all independent research and publicly funded research and to include criteria for identifying  
108.24 waters and a list of waters subject to the standard, implementation of the wild rice water  
108.25 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
108.26 following, unless the permittee requests additional conditions:

108.27 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
108.28 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
108.29 rice, and in doing so shall be limited by the following conditions:

108.30 (i) the agency shall not require permittees to expend money for design or implementation  
108.31 of sulfate treatment technologies or other forms of sulfate mitigation; and

108.32 (ii) the agency may require sulfate minimization plans in permits; and

(2) the agency shall not list waters containing natural beds of wild rice as impaired for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313, until the rulemaking described in this paragraph takes effect.

(b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits issued or reissued after the effective date of this section as needed to include numeric permit limits based on the wild rice water quality standard.

(c) The commissioner shall complete the rulemaking described in paragraph (a) by January 15, ~~2018~~ 2019.

Sec. 123. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective May 1, 2017. Motorboats for rent, lease, or hire that are subject to inspection under Minnesota Statutes, section 86B.105, may use existing functioning carbon monoxide systems that are not marine rated until September 30, 2017.

Sec. 124. Laws 2016, chapter 189, article 3, section 46, is amended to read:

Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

The commissioner of natural resources, in cooperation with prescribed burning professionals, nongovernmental organizations, and local and federal governments, must develop criteria for certifying an entity to conduct a prescribed burn under ~~a general~~ an open burning permit. The certification requirements must include training, equipment, and experience requirements and include an apprentice program to allow entities without experience to become certified. The commissioner must establish provisions for decertifying entities. The commissioner must not require additional certification or requirements for burns conducted as part of normal agricultural practices not currently subject to prescribed burn specifications. The commissioner must submit a report with recommendations and any legislative changes needed to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by January 15, 2017.

Sec. 125. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

A solid waste permit issued by the Pollution Control Agency to an existing class I demolition debris landfill facility that is operating under the Pollution Control Agency Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota

110.1 Rules, part 7001.0160, for five years, unless a new permit is issued for the facility by the  
110.2 Pollution Control Agency after the effective date of this section.

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

110.4 Sec. 126. **ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.**

110.5 (a) Until the governor has appointed members of the Environmental Quality Board from  
110.6 each congressional district as required under this act, this section governs membership of  
110.7 the board.

110.8 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the  
110.9 expiration of their terms.

110.10 (c) No later than October 1, 2017, the governor shall appoint board members from the  
110.11 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

110.12 (d) No later than October 1, 2018, the governor shall appoint a board member from the  
110.13 third congressional district for a term to begin January 8, 2019.

110.14 (e) No later than October 1, 2019, the governor shall appoint a board member from the  
110.15 fourth congressional district for a term to begin January 7, 2020.

110.16 (f) No later than October 1, 2020, the governor shall appoint a board member from the  
110.17 fifth congressional district for a term to begin January 5, 2021.

110.18 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the  
110.19 sixth congressional district for a term to begin January 4, 2022.

110.20 Sec. 127. **SAND DUNES STATE FOREST MANAGEMENT; PLAN REQUIRED.**

110.21 Subdivision 1. **Forest management.** When managing the Sand Dunes State Forest, the  
110.22 commissioner of natural resources must:

110.23 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land  
110.24 unless it is done as a result of a contract entered into before the effective date of this section;

110.25 (2) require all prairie seeds planted to be from native species of a local ecotype to  
110.26 Sherburne or Benton County; and

110.27 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in  
110.28 residential areas.

110.29 Subd. 2. **Forest management plan; county approval.** Within two years of the effective  
110.30 date of this section, the commissioner must develop and submit a forest management plan

111.1 for the Sand Dunes State Forest that has been approved by the county board to the chairs  
111.2 and ranking minority members of the house of representatives and senate committees and  
111.3 divisions with jurisdiction over environment and natural resources.

111.4 Subd. 3. **Prescribed burns; notification.** At least 40 days before conducting a prescribed  
111.5 burn, the commissioner must:

111.6 (1) publish a notice in a newspaper of general circulation in the area;

111.7 (2) notify the county and township in writing; and

111.8 (3) notify residents within a quarter mile of the prescribed burn in writing.

111.9 Subd. 4. **School trust lands.** Nothing in this section restricts the ability of the  
111.10 commissioner or the school trust lands director from managing school trust lands within  
111.11 the Sand Dunes State Forest for economic return.

111.12 Subd. 5. **Township road.** If the commissioner of natural resources finds that any portion  
111.13 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the  
111.14 commissioner must convey an easement over and across state-owned lands administered  
111.15 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width  
111.16 of 233rd Avenue.

111.17 Subd. 6. **Sunset.** This section expires two years from the day following final enactment.

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

111.19 Sec. 128. **FORT RIDGELY STATE PARK GOLF COURSE.**

111.20 (a) By May 1, 2017, the commissioner of natural resources must work out an agreement  
111.21 with the city of Fairfax that allows the city to lease and operate the golf course at Fort  
111.22 Ridgely State Park. The agreement must include:

111.23 (1) lease and operation of the existing golf course;

111.24 (2) lease of the irrigation system, including the ability to maintain and repair it;

111.25 (3) lease of the upper level of the Fort Ridgely State Park Chalet;

111.26 (4) lease of Storage Building 4-292;

111.27 (5) the ability for golf carts to be used by users of the golf course;

111.28 (6) the ability to offer liquor for sale;

111.29 (7) public access to the golf course without requiring a state park permit;

112.1 (8) the ability to improve the golf course, including improvements to golf-cart paths and  
112.2 the chalet; and

112.3 (9) terms that ensure there is not a negative fiscal impact to the Department of Natural  
112.4 Resources.

112.5 (b) The agreement must allow the city to lease the golf course for 12 months and renew  
112.6 the lease annually for at least ten years. The rental fee must not exceed eight percent of the  
112.7 total green fees received, excluding golf-cart rental fees. The commissioner must ensure  
112.8 that the golf course has a playable surface when the lease begins and the city of Fairfax  
112.9 must ensure the golf course has a playable surface should the lease expire.

112.10 (c) Admission to property leased under this section is exempt from state park permit  
112.11 fees required under Minnesota Statutes, chapter 85.

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

112.13 Sec. 129. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**  
112.14 **PLAN.**

112.15 The commissioner of natural resources must work with the commissioner of the Iron  
112.16 Range Resources and Rehabilitation Board and representatives from the city of Calumet,  
112.17 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating  
112.18 model for local management and operation of Hill-Annex Mine State Park until mining  
112.19 resumes on the property. The commissioner of natural resources must submit a management  
112.20 and operation plan to the chairs and ranking minority members of the house of representatives  
112.21 and senate committees and divisions with jurisdiction over environment and natural resources  
112.22 by January 15, 2018.

112.23 Sec. 130. **BASE BUDGET REPORT.**

112.24 (a) The commissioners of natural resources and the Pollution Control Agency must each  
112.25 submit a report that contains the details of their base budgets, by fiscal year, including:

112.26 (1) appropriation riders for the previous biennium and the year the rider was first used;

112.27 (2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

112.28 (3) statutory appropriations; and

112.29 (4) an explanation on the use of funds for each appropriation not covered by a rider.



113.1 (b) The reports must be submitted to the chairs and ranking minority members of the  
113.2 house of representatives and senate committees and divisions with jurisdiction over  
113.3 environment and natural resources by October 15, 2018.

113.4 Sec. 131. **RULEMAKING; MINNOW LICENSES.**

113.5 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,  
113.6 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The  
113.7 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,  
113.8 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section  
113.9 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

113.10 Sec. 132. **CANCELLATION OF PERMITS.**

113.11 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota  
113.12 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective  
113.13 July 1, 2017.

113.14 Sec. 133. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

113.15 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,  
113.16 part 7001.0150, subpart 2, item A, by inserting the following:

113.17 "For a municipality that constructs a publicly owned treatment works facility or an industrial  
113.18 national pollutant discharge elimination system/state disposal system permit holder who  
113.19 constructs a treatment works facility to comply with a new or modified effluent limitation,  
113.20 compliance with any new or modified effluent limitation adopted after construction begins  
113.21 that would require additional capital investment is required no sooner than 16 years after  
113.22 the date of initiation of operation of the facility."

113.23 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
113.24 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
113.25 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
113.26 section 14.388.

113.27 Sec. 134. **REPEALER.**

113.28 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;  
113.29 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; and 116C.04, subdivisions 3 and 4, are  
113.30 repealed.

- 114.1 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
- 114.2 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

APPENDIX  
Article locations in H0888-3

	ENVIRONMENT AND NATURAL RESOURCES	
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	ENVIRONMENT AND NATURAL RESOURCES STATUTORY	
ARTICLE 2	CHANGES .....	Page.Ln 32.22

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

**97B.031 USE AND POSSESSION OF FIREARMS.**

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

**97C.701 TAKING MUSSELS.**

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

**97C.705 MUSSEL SEASONS.**

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

**97C.711 UNDERSIZED MUSSELS.**

A person must return undersized mussels to the water without injury.

**116C.04 POWERS AND DUTIES.**

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. **Task forces.** The board may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

**6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.**

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

**6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.**

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

**6258.0300 COMMERCIAL PERMITS FOR MUSSELS.**

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

**6258.0400 SPECIES FOR COMMERCIAL HARVEST.**

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

**6258.0500 HARVEST SITES FOR PERMITTEES.**

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

**6258.0600 HARVEST GEAR FOR PERMITTEES.**

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

**6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.**

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

**6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.**

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.