

1.1 ..... moves to amend H.F. No. 888 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

1.5 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

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

1.14 **APPROPRIATIONS**

1.15 **Available for the Year**

1.16 **Ending June 30**

1.17 **2018**

**2019**

1.18 **Sec. 2. POLLUTION CONTROL AGENCY**

1.19	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>93,016,000</u></b>	<b><u>\$</u></b>	<b><u>92,666,000</u></b>
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1.20 **Appropriations by Fund**

1.21		<b><u>2018</u></b>	<b><u>2019</u></b>
1.22	<b><u>General</u></b>	<b><u>3,297,000</u></b>	<b><u>2,997,000</u></b>
1.23	<b><u>State Government</u></b>		
1.24	<b><u>Special Revenue</u></b>	<b><u>75,000</u></b>	<b><u>75,000</u></b>
1.25	<b><u>Environmental</u></b>	<b><u>78,210,000</u></b>	<b><u>78,160,000</u></b>

2.1 Remediation                      11,434,000      11,434,000

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

2.5 The commissioner must present the agency's  
 2.6 biennial budget for fiscal years 2020 and 2021  
 2.7 to the legislature in a transparent way by  
 2.8 agency division, including the proposed  
 2.9 budget bill and presentations of the budget to  
 2.10 committees and divisions with jurisdiction  
 2.11 over the agency's budget.

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

2.13	<u>Appropriations by Fund</u>	
2.14	<u>2018</u>	<u>2019</u>
2.15	<u>Environmental</u>	<u>12,366,000</u> <u>12,316,000</u>
2.16	<u>Remediation</u>	<u>181,000</u> <u>181,000</u>

2.17 \$88,000 the first year and \$88,000 the second  
 2.18 year are from the environmental fund for:

2.19 (1) a municipal liaison to assist municipalities  
 2.20 in implementing and participating in the water  
 2.21 quality standards rulemaking process and  
 2.22 navigating the NPDES/SDS permitting  
 2.23 process;

2.24 (2) enhanced economic analysis in the water  
 2.25 quality standards rulemaking process,  
 2.26 including more specific analysis and  
 2.27 identification of cost-effective permitting;

2.28 (3) development of statewide economic  
 2.29 analyses and templates to reduce the amount  
 2.30 of information and time required for  
 2.31 municipalities to apply for variances from  
 2.32 water quality standards; and

2.33 (4) coordinating with the Public Facilities  
 2.34 Authority to identify and advocate for the

3.1 resources needed for municipalities to achieve  
3.2 permit requirements.

3.3 \$204,000 the first year and \$204,000 the  
3.4 second year are from the environmental fund  
3.5 for a monitoring program under Minnesota  
3.6 Statutes, section 116.454.

3.7 \$346,000 the first year and \$346,000 the  
3.8 second year are from the environmental fund  
3.9 for monitoring ambient air for hazardous  
3.10 pollutants.

3.11 \$90,000 the first year and \$90,000 the second  
3.12 year are from the environmental fund for  
3.13 duties related to harmful chemicals in  
3.14 children's products under Minnesota Statutes,  
3.15 sections 116.9401 to 116.9407. Of this  
3.16 amount, \$57,000 each year is transferred to  
3.17 the commissioner of health.

3.18 \$109,000 the first year and \$109,000 the  
3.19 second year are from the environmental fund  
3.20 for registration of wastewater laboratories.

3.21 \$913,000 the first year and \$913,000 the  
3.22 second year are from the environmental fund  
3.23 to continue perfluorochemical biomonitoring  
3.24 in eastern metropolitan communities, as  
3.25 recommended by the Environmental Health  
3.26 Tracking and Biomonitoring Advisory Panel,  
3.27 and address other environmental health risks,  
3.28 including air quality. The communities must  
3.29 include Hmong and other immigrant farming  
3.30 communities. Of this amount, up to \$677,000  
3.31 the first year and \$677,000 the second year  
3.32 are for transfer to the Department of Health.

3.33 \$100,000 the first year and \$50,000 the second  
3.34 year are from the environmental fund for

4.1 impaired waters listing procedures required  
 4.2 under this act.

4.3 **Subd. 3. Industrial** 13,509,000 13,508,000

4.4	<u>Appropriations by Fund</u>	
4.5	<u>2018</u>	<u>2019</u>
4.6	<u>Environmental</u>	<u>12,979,000</u>
4.7	<u>Remediation</u>	<u>530,000</u>

4.8 \$530,000 the first year and \$530,000 the  
 4.9 second year are from the remediation fund for  
 4.10 purposes of the leaking underground storage  
 4.11 tank program to investigate, clean up, and  
 4.12 prevent future releases from underground  
 4.13 petroleum storage tanks, and to the petroleum  
 4.14 remediation program for purposes of vapor  
 4.15 assessment and remediation. These same  
 4.16 annual amounts are transferred from the  
 4.17 petroleum tank fund to the remediation fund.

4.18 **Subd. 4. Municipal** 6,625,000 6,624,000

4.19 \$162,000 the first year and \$162,000 the  
 4.20 second year are from the environmental fund  
 4.21 for:

4.22 (1) a municipal liaison to assist municipalities  
 4.23 in implementing and participating in the water  
 4.24 quality standards rulemaking process and  
 4.25 navigating the NPDES/SDS permitting  
 4.26 process;

4.27 (2) enhanced economic analysis in the water  
 4.28 quality standards rulemaking process,  
 4.29 including more specific analysis and  
 4.30 identification of cost-effective permitting;

4.31 (3) development of statewide economic  
 4.32 analyses and templates to reduce the amount  
 4.33 of information and time required for

5.1 municipalities to apply for variances from  
5.2 water quality standards; and  
5.3 (4) coordinating with the Public Facilities  
5.4 Authority to identify and advocate for the  
5.5 resources needed for municipalities to achieve  
5.6 permit requirements.

5.7 \$50,000 the first year and \$50,000 the second  
5.8 year are from the environmental fund for  
5.9 transfer to the Office of Administrative  
5.10 Hearings to establish sanitary districts.

5.11 \$615,000 the first year and \$614,000 the  
5.12 second year are from the environmental fund  
5.13 for subsurface sewage treatment system  
5.14 (SSTS) program administration and  
5.15 community technical assistance and education,  
5.16 including grants and technical assistance to  
5.17 communities for water quality protection. Of  
5.18 this amount, \$129,000 each year is for  
5.19 assistance to counties through grants for SSTS  
5.20 program administration. A county receiving  
5.21 a grant from this appropriation shall submit  
5.22 the results achieved with the grant to the  
5.23 commissioner as part of its annual SSTS  
5.24 report. Any unexpended balance in the first  
5.25 year does not cancel but is available in the  
5.26 second year.

5.27 \$639,000 the first year and \$640,000 the  
5.28 second year are from the environmental fund  
5.29 to address the need for continued increased  
5.30 activity in the areas of new technology review,  
5.31 technical assistance for local governments,  
5.32 and enforcement under Minnesota Statutes,  
5.33 sections 115.55 to 115.58, and to complete the  
5.34 requirements of Laws 2003, chapter 128,  
5.35 article 1, section 165.

6.1 Notwithstanding Minnesota Statutes, section  
 6.2 16A.28, the appropriations encumbered on or  
 6.3 before June 30, 2019, as grants or contracts  
 6.4 for subsurface sewage treatment systems,  
 6.5 surface water and groundwater assessments,  
 6.6 storm water, and water quality protection in  
 6.7 this subdivision are available until June 30,  
 6.8 2022.

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

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
<u>General</u>	<u>300,000</u>	
<u>Environmental</u>	<u>4,775,000</u>	<u>4,775,000</u>
<u>Remediation</u>	<u>764,000</u>	<u>765,000</u>

6.15 \$174,000 the first year and \$174,000 the  
 6.16 second year are from the remediation fund for  
 6.17 purposes of the leaking underground storage  
 6.18 tank program to investigate, clean up, and  
 6.19 prevent future releases from underground  
 6.20 petroleum storage tanks, and to the petroleum  
 6.21 remediation program for purposes of vapor  
 6.22 assessment and remediation. These same  
 6.23 annual amounts are transferred from the  
 6.24 petroleum tank fund to the remediation fund.

6.25 \$400,000 the first year and \$400,000 the  
 6.26 second year are from the environmental fund  
 6.27 to develop and maintain systems to support  
 6.28 permitting and regulatory business processes  
 6.29 and agency data.

6.30 \$500,000 the first year and \$500,000 the  
 6.31 second year are from the environmental fund  
 6.32 for permitting efficiency and updating rules  
 6.33 to reflect guidelines, bulletins, criterion,  
 6.34 manual standards, interpretive statements, or  
 6.35 similar pronouncements used in permits.

7.1 \$300,000 the first year is for a grant to the  
 7.2 Metropolitan Council under Minnesota  
 7.3 Statutes, section 116.195, for wastewater  
 7.4 infrastructure to support waste to biofuel  
 7.5 development.

7.6 **Subd. 6. Remediation** 10,645,000 10,644,000

7.7	<u>Appropriations by Fund</u>	
7.8	<u>2018</u>	<u>2019</u>
7.9 <u>General</u>	<u>216,000</u>	<u>216,000</u>
7.10 <u>Environmental</u>	<u>688,000</u>	<u>688,000</u>
7.11 <u>Remediation</u>	<u>9,741,000</u>	<u>9,740,000</u>

7.12 All money for environmental response,  
 7.13 compensation, and compliance in the  
 7.14 remediation fund not otherwise appropriated  
 7.15 is appropriated to the commissioners of the  
 7.16 Pollution Control Agency and agriculture for  
 7.17 purposes of Minnesota Statutes, section  
 7.18 115B.20, subdivision 2, clauses (1), (2), (3),  
 7.19 (6), and (7). At the beginning of each fiscal  
 7.20 year, the two commissioners shall jointly  
 7.21 submit an annual spending plan to the  
 7.22 commissioner of management and budget that  
 7.23 maximizes the utilization of resources and  
 7.24 appropriately allocates the money between the  
 7.25 two departments. This appropriation is  
 7.26 available until June 30, 2019.

7.27 \$216,000 the first year and \$216,000 the  
 7.28 second year are from the general fund and  
 7.29 \$216,000 the first year and \$216,000 the  
 7.30 second year are from the environmental fund  
 7.31 to manage contaminated sediment projects at  
 7.32 multiple sites identified in the St. Louis River  
 7.33 remedial action plan to restore water quality  
 7.34 in the St. Louis River area of concern. This

8.1 amount is added to the base for fiscal year  
 8.2 2020 only.  
 8.3 \$3,521,000 the first year and \$3,520,000 the  
 8.4 second year are from the remediation fund for  
 8.5 purposes of the leaking underground storage  
 8.6 tank program to investigate, clean up, and  
 8.7 prevent future releases from underground  
 8.8 petroleum storage tanks, and to the petroleum  
 8.9 remediation program for purposes of vapor  
 8.10 assessment and remediation. These same  
 8.11 annual amounts are transferred from the  
 8.12 petroleum tank fund to the remediation fund.

8.13 \$252,000 the first year and \$252,000 the  
 8.14 second year are from the remediation fund for  
 8.15 transfer to the commissioner of health for  
 8.16 private water supply monitoring and health  
 8.17 assessment costs in areas contaminated by  
 8.18 unpermitted mixed municipal solid waste  
 8.19 disposal facilities and drinking water  
 8.20 advisories and public information activities  
 8.21 for areas contaminated by hazardous releases.

8.22 **Subd. 7. Resource Management and Assistance**                      33,617,000                      33,619,000

8.23                      Appropriations by Fund

8.24		<u>2018</u>	<u>2019</u>
8.25	<u>State Government</u>		
8.26	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
8.27	<u>Environmental</u>	<u>33,542,000</u>	<u>33,544,000</u>

8.28 Up to \$150,000 the first year and \$150,000  
 8.29 the second year may be transferred from the  
 8.30 environmental fund to the small business  
 8.31 environmental improvement loan account  
 8.32 established in Minnesota Statutes, section  
 8.33 116.993.

8.34 \$1,000,000 the first year and \$1,000,000 the  
 8.35 second year are from the environmental fund



9.1 for competitive recycling grants under  
9.2 Minnesota Statutes, section 115A.565. This  
9.3 appropriation is available until June 30, 2021.  
9.4 Any unencumbered grant and loan balances  
9.5 in the first year do not cancel but are available  
9.6 for grants and loans in the second year.

9.7 \$693,000 the first year and \$693,000 the  
9.8 second year are from the environmental fund  
9.9 for emission reduction activities and grants to  
9.10 small businesses and other nonpoint emission  
9.11 reduction efforts.

9.12 \$19,750,000 the first year and \$19,750,000  
9.13 the second year are from the environmental  
9.14 fund for SCORE block grants to counties.

9.15 \$119,000 the first year and \$119,000 the  
9.16 second year are from the environmental fund  
9.17 for environmental assistance grants or loans  
9.18 under Minnesota Statutes, section 115A.0716.  
9.19 Any unencumbered grant and loan balances  
9.20 in the first year do not cancel but are available  
9.21 for grants and loans in the second year.

9.22 \$68,000 the first year and \$69,000 the second  
9.23 year are from the environmental fund for  
9.24 subsurface sewage treatment system (SSTS)  
9.25 program administration and community  
9.26 technical assistance and education, including  
9.27 grants and technical assistance to communities  
9.28 for water quality protection.

9.29 \$125,000 the first year and \$126,000 the  
9.30 second year are from the environmental fund  
9.31 to address the need for continued increased  
9.32 activity in the areas of new technology review,  
9.33 technical assistance for local governments,  
9.34 and enforcement under Minnesota Statutes,

10.1 sections 115.55 to 115.58, and to complete the  
 10.2 requirements of Laws 2003, chapter 128,  
 10.3 article 1, section 165.

10.4 All money deposited in the environmental  
 10.5 fund for the metropolitan solid waste landfill  
 10.6 fee in accordance with Minnesota Statutes,  
 10.7 section 473.843, and not otherwise  
 10.8 appropriated, is appropriated for the purposes  
 10.9 of Minnesota Statutes, section 473.844.

10.10 Notwithstanding Minnesota Statutes, section  
 10.11 16A.28, the appropriations encumbered on or  
 10.12 before June 30, 2019, as contracts or grants  
 10.13 for environmental assistance awarded under  
 10.14 Minnesota Statutes, section 115A.0716;  
 10.15 technical and research assistance under  
 10.16 Minnesota Statutes, section 115A.152;  
 10.17 technical assistance under Minnesota Statutes,  
 10.18 section 115A.52; and pollution prevention  
 10.19 assistance under Minnesota Statutes, section  
 10.20 115D.04, are available until June 30, 2021.

10.21 **Subd. 8. Watershed** 9,220,000 9,220,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
10.24 <u>General</u>	<u>1,959,000</u>	<u>1,959,000</u>
10.25 <u>Environmental</u>	<u>7,043,000</u>	<u>7,043,000</u>
10.26 <u>Remediation</u>	<u>218,000</u>	<u>218,000</u>

10.27 \$1,959,000 the first year and \$1,959,000 the  
 10.28 second year are for grants to delegated  
 10.29 counties to administer the county feedlot  
 10.30 program under Minnesota Statutes, section  
 10.31 116.0711, subdivisions 2 and 3. Money  
 10.32 remaining after the first year is available for  
 10.33 the second year.

10.34 \$207,000 the first year and \$207,000 the  
 10.35 second year are from the environmental fund

11.1 for the costs of implementing general  
 11.2 operating permits for feedlots over 1,000  
 11.3 animal units.  
 11.4 \$118,000 the first year and \$118,000 the  
 11.5 second year are from the remediation fund for  
 11.6 purposes of the leaking underground storage  
 11.7 tank program to investigate, clean up, and  
 11.8 prevent future releases from underground  
 11.9 petroleum storage tanks, and to the petroleum  
 11.10 remediation program for purposes of vapor  
 11.11 assessment and remediation. These same  
 11.12 annual amounts are transferred from the  
 11.13 petroleum tank fund to the remediation fund.

11.14 **Subd. 9. Environmental Quality Board** 1,014,000 1,014,000

11.15	<u>Appropriations by Fund</u>	
11.16	<u>2018</u>	<u>2019</u>
11.17	<u>822,000</u>	<u>822,000</u>
11.18	<u>192,000</u>	<u>192,000</u>

11.19 \$319,000 the first year and \$319,000 the  
 11.20 second year are from the general fund and  
 11.21 \$192,000 the first year and \$192,000 the  
 11.22 second year are from the environmental fund  
 11.23 for Environmental Quality Board operations  
 11.24 and support.

11.25 \$503,000 the first year and \$503,000 the  
 11.26 second year are from the general fund for the  
 11.27 Environmental Quality Board to lead an  
 11.28 interagency team to provide technical  
 11.29 assistance regarding the mining, processing,  
 11.30 and transporting of silica sand. Of this amount,  
 11.31 up to \$75,000 each year may be transferred to  
 11.32 the commissioner of natural resources to  
 11.33 review the implementation of the rules adopted  
 11.34 by the commissioner pursuant to Laws 2013,  
 11.35 chapter 114, article 4, section 105, paragraph



13.1	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>
13.2	<u>\$319,000 the first year and \$319,000 the</u>		
13.3	<u>second year are for environmental research</u>		
13.4	<u>relating to mine permitting, of which \$200,000</u>		
13.5	<u>each year is from the minerals management</u>		
13.6	<u>account and \$119,000 each year is from the</u>		
13.7	<u>general fund.</u>		
13.8	<u>\$2,815,000 the first year and \$2,815,000 the</u>		
13.9	<u>second year are from the minerals</u>		
13.10	<u>management account in the natural resources</u>		
13.11	<u>fund for use as provided in Minnesota Statutes,</u>		
13.12	<u>section 93.2236, paragraph (c), for mineral</u>		
13.13	<u>resource management, projects to enhance</u>		
13.14	<u>future mineral income, and projects to promote</u>		
13.15	<u>new mineral resource opportunities.</u>		
13.16	<u>\$200,000 the first year and \$200,000 the</u>		
13.17	<u>second year are from the state forest suspense</u>		
13.18	<u>account in the permanent school fund to secure</u>		
13.19	<u>maximum long-term economic return from</u>		
13.20	<u>the school trust lands consistent with fiduciary</u>		
13.21	<u>responsibilities and sound natural resources</u>		
13.22	<u>conservation and management principles.</u>		
13.23	<b><u>Subd. 3. Ecological and Water Resources</u></b>	<u>32,520,000</u>	<u>32,353,000</u>
13.24	<u>Appropriations by Fund</u>		
13.25		<u>2018</u>	<u>2019</u>
13.26	<u>General</u>	<u>17,213,000</u>	<u>17,046,000</u>
13.27	<u>Natural Resources</u>	<u>10,826,000</u>	<u>10,826,000</u>
13.28	<u>Game and Fish</u>	<u>4,481,000</u>	<u>4,481,000</u>
13.29	<u>\$3,242,000 the first year and \$3,242,000 the</u>		
13.30	<u>second year are from the invasive species</u>		
13.31	<u>account in the natural resources fund. Up to</u>		
13.32	<u>\$500,000 each year is available for grants for</u>		
13.33	<u>applied aquatic invasive species research.</u>		

- 14.1 \$3,206,000 the first year and \$3,206,000 the  
14.2 second year are from the general fund for  
14.3 management, public awareness, assessment  
14.4 and monitoring research, and water access  
14.5 inspection to prevent the spread of invasive  
14.6 species; management of invasive plants in  
14.7 public waters; and management of terrestrial  
14.8 invasive species on state-administered lands.
- 14.9 \$5,000,000 the first year and \$5,000,000 the  
14.10 second year are from the water management  
14.11 account in the natural resources fund for only  
14.12 the purposes specified in Minnesota Statutes,  
14.13 section 103G.27, subdivision 2.
- 14.14 \$124,000 the first year and \$124,000 the  
14.15 second year are for a grant to the Mississippi  
14.16 Headwaters Board for up to 50 percent of the  
14.17 cost of implementing the comprehensive plan  
14.18 for the upper Mississippi within areas under  
14.19 the board's jurisdiction.
- 14.20 \$10,000 the first year and \$10,000 the second  
14.21 year are for payment to the Leech Lake Band  
14.22 of Chippewa Indians to implement the band's  
14.23 portion of the comprehensive plan for the  
14.24 upper Mississippi.
- 14.25 \$264,000 the first year and \$264,000 the  
14.26 second year are for grants for up to 50 percent  
14.27 of the cost of implementation of the Red River  
14.28 mediation agreement.
- 14.29 \$2,018,000 the first year and \$2,018,000 the  
14.30 second year are from the heritage enhancement  
14.31 account in the game and fish fund for only the  
14.32 purposes specified in Minnesota Statutes,  
14.33 section 297A.94, paragraph (e), clause (1).

- 15.1 \$950,000 the first year and \$950,000 the  
15.2 second year are from the nongame wildlife  
15.3 management account in the natural resources  
15.4 fund for the purpose of nongame wildlife  
15.5 management. Notwithstanding Minnesota  
15.6 Statutes, section 290.431, \$100,000 the first  
15.7 year and \$100,000 the second year may be  
15.8 used for nongame wildlife information,  
15.9 education, and promotion.
- 15.10 Notwithstanding Minnesota Statutes, section  
15.11 84.943, \$13,000 the first year and \$13,000 the  
15.12 second year from the critical habitat private  
15.13 sector matching account may be used to  
15.14 publicize the critical habitat license plate  
15.15 match program.
- 15.16 \$6,000,000 the first year and \$6,000,000 the  
15.17 second year are from the general fund for the  
15.18 following activities:
- 15.19 (1) financial reimbursement and technical  
15.20 support to soil and water conservation districts  
15.21 or other local units of government for  
15.22 groundwater level monitoring;
- 15.23 (2) surface water monitoring and analysis,  
15.24 including installation of monitoring gauges;
- 15.25 (3) groundwater analysis to assist with water  
15.26 appropriation permitting decisions;
- 15.27 (4) permit application review incorporating  
15.28 surface water and groundwater technical  
15.29 analysis;
- 15.30 (5) precipitation data and analysis to improve  
15.31 the use of irrigation;

16.1 (6) information technology, including  
 16.2 electronic permitting and integrated data  
 16.3 systems; and  
 16.4 (7) compliance and monitoring.  
 16.5 \$167,000 the first year is for a grant to the  
 16.6 Koronis Lake Association for purposes of  
 16.7 removing and preventing aquatic invasive  
 16.8 species. This is a onetime appropriation and  
 16.9 is available until June 30, 2022.

16.10 **Subd. 4. Forest Management** 45,781,000 45,281,000

16.11	<u>Appropriations by Fund</u>	
16.12	<u>2018</u>	<u>2019</u>
16.13	<u>General</u>	<u>28,350,000</u>
16.14	<u>Natural Resources</u>	<u>16,144,000</u>
16.15	<u>Game and Fish</u>	<u>1,287,000</u>

16.16 \$7,145,000 the first year and \$7,145,000 the  
 16.17 second year are for prevention, presuppression,  
 16.18 and suppression costs of emergency  
 16.19 firefighting and other costs incurred under  
 16.20 Minnesota Statutes, section 88.12. The amount  
 16.21 necessary to pay for presuppression and  
 16.22 suppression costs during the biennium is  
 16.23 appropriated from the general fund.

16.24 By January 15 of each year, the commissioner  
 16.25 of natural resources shall submit a report to  
 16.26 the chairs and ranking minority members of  
 16.27 the house and senate committees and divisions  
 16.28 having jurisdiction over environment and  
 16.29 natural resources finance, identifying all  
 16.30 firefighting costs incurred and reimbursements  
 16.31 received in the prior fiscal year. These  
 16.32 appropriations may not be transferred. Any  
 16.33 reimbursement of firefighting expenditures  
 16.34 made to the commissioner from any source



- 17.1 other than federal mobilizations shall be  
17.2 deposited into the general fund.
- 17.3 \$11,644,000 the first year and \$11,644,000  
17.4 the second year are from the forest  
17.5 management investment account in the natural  
17.6 resources fund for only the purposes specified  
17.7 in Minnesota Statutes, section 89.039,  
17.8 subdivision 2.
- 17.9 \$1,287,000 the first year and \$1,287,000 the  
17.10 second year are from the heritage enhancement  
17.11 account in the game and fish fund to advance  
17.12 ecological classification systems (ECS)  
17.13 scientific management tools for forest and  
17.14 invasive species management.
- 17.15 \$780,000 the first year and \$780,000 the  
17.16 second year are for the Forest Resources  
17.17 Council for implementation of the Sustainable  
17.18 Forest Resources Act.
- 17.19 \$500,000 the first year is for an analysis of a  
17.20 sustainable timber harvest level on  
17.21 department-administered lands. The  
17.22 appropriation is available until June 30, 2019.  
17.23 This appropriation is onetime.
- 17.24 \$2,000,000 the first year and \$2,000,000 the  
17.25 second year are from the forest management  
17.26 investment account in the natural resources  
17.27 fund for state forest reforestation. The base  
17.28 for fiscal year 2020 and later is \$1,250,000.
- 17.29 \$2,000,000 the first year and \$2,000,000 the  
17.30 second year are for the Next Generation Core  
17.31 Forestry data system. The appropriation is  
17.32 available until June 30, 2021. The base for  
17.33 fiscal year 2020 and later is \$500,000.

18.1 The base for the natural resources fund in  
 18.2 fiscal year 2020 and later is \$13,394,000.

18.3 **Subd. 5. Parks and Trails Management** 79,250,000 79,500,000

18.4 Appropriations by Fund

18.5	<u>2018</u>	<u>2019</u>
18.6 <u>General</u>	<u>24,427,000</u>	<u>24,427,000</u>
18.7 <u>Natural Resources</u>	<u>52,550,000</u>	<u>52,800,000</u>
18.8 <u>Game and Fish</u>	<u>2,273,000</u>	<u>2,273,000</u>

18.9 \$1,075,000 the first year and \$1,075,000 the  
 18.10 second year are from the water recreation  
 18.11 account in the natural resources fund for  
 18.12 enhancing public water access facilities.

18.13 \$5,990,000 the first year and \$5,990,000 the  
 18.14 second year are from the natural resources  
 18.15 fund for state trail, park, and recreation area  
 18.16 operations. This appropriation is from the  
 18.17 revenue deposited in the natural resources fund  
 18.18 under Minnesota Statutes, section 297A.94,  
 18.19 paragraph (e), clause (2).

18.20 \$4,700,000 the first year and \$5,100,000 the  
 18.21 second year are from the state parks account  
 18.22 in the natural resources fund for increased state  
 18.23 park, state trail, and state recreation area  
 18.24 operation and maintenance.

18.25 \$1,005,000 the first year and \$1,005,000 the  
 18.26 second year are from the natural resources  
 18.27 fund for park and trail grants to local units of  
 18.28 government on land to be maintained for at  
 18.29 least 20 years for the purposes of the grants.

18.30 This appropriation is from the revenue  
 18.31 deposited in the natural resources fund under  
 18.32 Minnesota Statutes, section 297A.94,  
 18.33 paragraph (e), clause (4). Any unencumbered  
 18.34 balance does not cancel at the end of the first  
 18.35 year and is available for the second year.

19.1 \$8,424,000 the first year and \$8,424,000 the  
19.2 second year are from the snowmobile trails  
19.3 and enforcement account in the natural  
19.4 resources fund for the snowmobile  
19.5 grants-in-aid program. Any unencumbered  
19.6 balance does not cancel at the end of the first  
19.7 year and is available for the second year.

19.8 \$1,685,000 the first year and \$1,685,000 the  
19.9 second year are from the natural resources  
19.10 fund for the off-highway vehicle grants-in-aid  
19.11 program. Of this amount, \$1,210,000 each  
19.12 year is from the all-terrain vehicle account;  
19.13 \$150,000 each year is from the off-highway  
19.14 motorcycle account; and \$325,000 each year  
19.15 is from the off-road vehicle. Any  
19.16 unencumbered balance does not cancel at the  
19.17 end of the first year and is available for the  
19.18 second year.

19.19 \$75,000 the first year and \$75,000 the second  
19.20 year are from the cross-country ski account in  
19.21 the natural resources fund for grooming and  
19.22 maintaining cross-country ski trails in state  
19.23 parks, trails, and recreation areas.

19.24 \$250,000 the first year and \$250,000 the  
19.25 second year are from the state land and water  
19.26 conservation account in the natural resources  
19.27 fund for priorities established by the  
19.28 commissioner for eligible state projects and  
19.29 administrative and planning activities  
19.30 consistent with Minnesota Statutes, section  
19.31 84.0264, and the federal Land and Water  
19.32 Conservation Fund Act. Any unencumbered  
19.33 balance does not cancel at the end of the first  
19.34 year and is available for the second year.

20.1 \$150,000 the first year is from the all-terrain  
 20.2 vehicle account in the natural resources fund  
 20.3 for a grant to the city of Orr to predesign,  
 20.4 design, and construct the Voyageur all-terrain  
 20.5 vehicle trail system, including:  
 20.6 (1) design of the alignment for phase I of the  
 20.7 Voyageur all-terrain vehicle trail system and  
 20.8 development of a preliminary phase II  
 20.9 alignment;  
 20.10 (2) completion of wetland delineation and  
 20.11 wetland permitting;  
 20.12 (3) completion of the engineering design and  
 20.13 cost estimates for a snowmobile and  
 20.14 off-highway vehicle bridge over the Vermilion  
 20.15 River to establish a trail connection; and  
 20.16 (4) completion of the master plan for the  
 20.17 Voyageur all-terrain vehicle trail system.

20.18 This is a onetime appropriation and is  
 20.19 available until June 30, 2020.

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

20.21	<u>Appropriations by Fund</u>		
20.22		<u>2018</u>	<u>2019</u>
20.23	<u>Natural Resources</u>	<u>1,912,000</u>	<u>1,912,000</u>
20.24	<u>Game and Fish</u>	<u>65,619,000</u>	<u>65,619,000</u>

20.25 \$8,167,000 the first year and \$8,167,000 the  
 20.26 second year are from the heritage enhancement  
 20.27 account in the game and fish fund only for  
 20.28 activities specified in Minnesota Statutes,  
 20.29 section 297A.94, paragraph (e), clause (1).  
 20.30 Notwithstanding Minnesota Statutes, section  
 20.31 297A.94, five percent of this appropriation  
 20.32 may be used for expanding hunter and angler  
 20.33 recruitment and retention.

20.34 **Subd. 7. Enforcement** 39,767,000 39,767,000

21.1	<u>Appropriations by Fund</u>	
21.2	<u>2018</u>	<u>2019</u>
21.3	<u>General</u>	<u>5,530,000</u>
21.4	<u>Natural Resources</u>	<u>10,309,000</u>
21.5	<u>Game and Fish</u>	<u>23,828,000</u>
21.6	<u>Remediation</u>	<u>100,000</u>
21.7	<u>\$1,718,000 the first year and \$1,718,000 the</u>	
21.8	<u>second year are from the general fund for</u>	
21.9	<u>enforcement efforts to prevent the spread of</u>	
21.10	<u>aquatic invasive species.</u>	
21.11	<u>\$1,580,000 the first year and \$1,580,000 the</u>	
21.12	<u>second year are from the heritage enhancement</u>	
21.13	<u>account in the game and fish fund for only the</u>	
21.14	<u>purposes specified in Minnesota Statutes,</u>	
21.15	<u>section 297A.94, paragraph (e), clause (1).</u>	
21.16	<u>\$1,082,000 the first year and \$1,082,000 the</u>	
21.17	<u>second year are from the water recreation</u>	
21.18	<u>account in the natural resources fund for grants</u>	
21.19	<u>to counties for boat and water safety. Any</u>	
21.20	<u>unencumbered balance does not cancel at the</u>	
21.21	<u>end of the first year and is available for the</u>	
21.22	<u>second year.</u>	
21.23	<u>\$315,000 the first year and \$315,000 the</u>	
21.24	<u>second year are from the snowmobile trails</u>	
21.25	<u>and enforcement account in the natural</u>	
21.26	<u>resources fund for grants to local law</u>	
21.27	<u>enforcement agencies for snowmobile</u>	
21.28	<u>enforcement activities. Any unencumbered</u>	
21.29	<u>balance does not cancel at the end of the first</u>	
21.30	<u>year and is available for the second year.</u>	
21.31	<u>\$250,000 the first year and \$250,000 the</u>	
21.32	<u>second year are from the all-terrain vehicle</u>	
21.33	<u>account for grants to qualifying organizations</u>	
21.34	<u>to assist in safety and environmental education</u>	
21.35	<u>and monitoring trails on public lands under</u>	

22.1 Minnesota Statutes, section 84.9011. Grants  
22.2 issued under this paragraph must be issued  
22.3 through a formal agreement with the  
22.4 organization and must not be used as a  
22.5 substitute for traditional spending by the  
22.6 organization. By December 15 each year, an  
22.7 organization receiving a grant under this  
22.8 paragraph shall report to the commissioner  
22.9 with details on expenditures and outcomes  
22.10 from the grant. Of this appropriation, \$25,000  
22.11 each year is for administration of these grants.  
22.12 Any unencumbered balance does not cancel  
22.13 at the end of the first year and is available for  
22.14 the second year.

22.15 \$510,000 the first year and \$510,000 the  
22.16 second year are from the natural resources  
22.17 fund for grants to county law enforcement  
22.18 agencies for off-highway vehicle enforcement  
22.19 and public education activities based on  
22.20 off-highway vehicle use in the county. Of this  
22.21 amount, \$498,000 each year is from the  
22.22 all-terrain vehicle account; \$11,000 each year  
22.23 is from the off-highway motorcycle account;  
22.24 and \$1,000 each year is from the off-road  
22.25 vehicle account. The county enforcement  
22.26 agencies may use money received under this  
22.27 appropriation to make grants to other local  
22.28 enforcement agencies within the county that  
22.29 have a high concentration of off-highway  
22.30 vehicle use. Of this appropriation, \$25,000  
22.31 each year is for administration of these grants.  
22.32 Any unencumbered balance does not cancel  
22.33 at the end of the first year and is available for  
22.34 the second year.

- 23.1 The commissioner may hold a conservation
- 23.2 officer academy if necessary.
- 23.3 **Subd. 8. Operations Support** 3,000,000 3,000,000
- 23.4 \$2,500,000 the first year and \$2,500,000 the
- 23.5 second year are available for legal costs. Of
- 23.6 these amounts, up to \$1,700,000 may be
- 23.7 transferred to the Minnesota Pollution Control
- 23.8 Agency. This is a onetime appropriation and
- 23.9 is available until June 30, 2021.
- 23.10 \$500,000 the first year and \$500,000 the
- 23.11 second year are for permitting efficiency and
- 23.12 updating rules to reflect guidelines, bulletins,
- 23.13 criterion, manual standards, interpretive
- 23.14 statements, or similar pronouncements used
- 23.15 in permits.
- 23.16 The base for the general fund in fiscal year
- 23.17 2020 is \$500,000.
- 23.18 **Subd. 9. Pass Through Funds** 320,000 320,000
- 23.19 

Appropriations by Fund
- 23.20 

2018                      2019
- 23.21 Natural Resources 320,000 320,000
- 23.22 \$320,000 the first year and \$320,000 the
- 23.23 second year are from the natural resources
- 23.24 fund for grants to be divided equally between
- 23.25 the city of St. Paul for the Como Park Zoo and
- 23.26 Conservatory and the city of Duluth for the
- 23.27 Duluth Zoo. This appropriation is from the
- 23.28 revenue deposited to the natural resources fund
- 23.29 under Minnesota Statutes, section 297A.94,
- 23.30 paragraph (e), clause (5).
- 23.31 **Subd. 10. Cancellation**
- 23.32 The remaining amount of the general fund
- 23.33 appropriation in Laws 2016, chapter 189,
- 23.34 article 3, section 3, subdivision 3, for a grant

24.1 to the Koronis Lake Association, estimated to  
 24.2 be \$167,000, is canceled on June 30, 2017.

24.3 **Sec. 4. BOARD OF WATER AND SOIL**  
 24.4 **RESOURCES**

**\$      **13,589,000** **\$**      **13,589,000****

24.5 \$3,423,000 the first year and \$3,423,000 the  
 24.6 second year are for natural resources block  
 24.7 grants to local governments. Grants must be  
 24.8 matched with a combination of local cash or  
 24.9 in-kind contributions. The base grant portion  
 24.10 related to water planning must be matched by  
 24.11 an amount as specified by Minnesota Statutes,  
 24.12 section 103B.3369. The board may reduce the  
 24.13 amount of the natural resources block grant  
 24.14 to a county by an amount equal to any  
 24.15 reduction in the county's general services  
 24.16 allocation to a soil and water conservation  
 24.17 district from the county's previous year  
 24.18 allocation when the board determines that the  
 24.19 reduction was disproportionate.

24.20 \$3,116,000 the first year and \$3,116,000 the  
 24.21 second year are for grants to soil and water  
 24.22 conservation districts for the purposes of  
 24.23 Minnesota Statutes, sections 103C.321 and  
 24.24 103C.331, and for general purposes, nonpoint  
 24.25 engineering, and implementation and  
 24.26 stewardship of the reinvest in Minnesota  
 24.27 reserve program. Expenditures may be made  
 24.28 from these appropriations for supplies and  
 24.29 services benefiting soil and water conservation  
 24.30 districts. Any district receiving a payment  
 24.31 under this paragraph shall maintain a Web  
 24.32 page that publishes, at a minimum, its annual  
 24.33 report, annual audit, annual budget, and  
 24.34 meeting notices.



25.1 \$1,560,000 the first year and \$1,560,000 the  
25.2 second year are for the following cost-share  
25.3 programs:

25.4 (1) \$260,000 each year is for feedlot water  
25.5 quality grants for feedlots under 300 animal  
25.6 units and nutrient and manure management  
25.7 projects in watersheds where there are  
25.8 impaired waters;

25.9 (2) \$1,200,000 each year is for soil and water  
25.10 conservation district cost-sharing contracts for  
25.11 perennially vegetated riparian buffers, erosion  
25.12 control, water retention and treatment, and  
25.13 other high-priority conservation practices; and

25.14 (3) \$100,000 each year is for county  
25.15 cooperative weed management programs and  
25.16 to restore native plants in selected invasive  
25.17 species management sites.

25.18 \$300,000 the first year is for improving the  
25.19 efficiency and effectiveness of Minnesota's  
25.20 wetland regulatory programs through  
25.21 continued examination of United States Clean  
25.22 Water Act section 404 assumption, planning  
25.23 for an online permitting system, upgrading the  
25.24 existing wetland banking database, and  
25.25 developing an in-lieu fee wetland banking  
25.26 program as authorized by statute. This is a  
25.27 onetime appropriation.

25.28 \$166,000 the first year and \$166,000 the  
25.29 second year are to provide technical assistance  
25.30 to local drainage management officials and  
25.31 for the costs of the Drainage Work Group.

25.32 \$100,000 the first year and \$100,000 the  
25.33 second year are for a grant to the Red River  
25.34 Basin Commission for water quality and

26.1 floodplain management, including  
26.2 administration of programs. This appropriation  
26.3 must be matched by nonstate funds. If the  
26.4 appropriation in either year is insufficient, the  
26.5 appropriation in the other year is available for  
26.6 it.

26.7 \$140,000 the first year and \$140,000 the  
26.8 second year are for grants to Area II  
26.9 Minnesota River Basin Projects for floodplain  
26.10 management.

26.11 \$125,000 the first year and \$125,000 the  
26.12 second year are to fulfill the requirements of  
26.13 Minnesota Statutes, section 103B.102, which  
26.14 mandates a performance review and assistance  
26.15 program.

26.16 Notwithstanding Minnesota Statutes, section  
26.17 103C.501, the board may shift cost-share  
26.18 funds in this section and may adjust the  
26.19 technical and administrative assistance portion  
26.20 of the grant funds to leverage federal or other  
26.21 nonstate funds or to address high-priority  
26.22 needs identified in local water management  
26.23 plans or comprehensive water management  
26.24 plans.

26.25 The appropriations for grants in this section  
26.26 are available until expended. If an  
26.27 appropriation for grants in either year is  
26.28 insufficient, the appropriation in the other year  
26.29 is available for it.

26.30 Notwithstanding Minnesota Statutes, section  
26.31 16B.97, the appropriations for grants in this  
26.32 section are exempt from the Department of  
26.33 Administration, Office of Grants Management  
26.34 Policy 08-10 Grant Monitoring.

27.1	Sec. 5. <b><u>METROPOLITAN COUNCIL</u></b>		<b><u>\$</u></b>	<b><u>8,540,000</u></b>	<b><u>\$</u></b>	<b><u>8,540,000</u></b>
27.2	<u>Appropriations by Fund</u>					
27.3		<u>2018</u>		<u>2019</u>		
27.4	<u>General</u>	<u>2,870,000</u>		<u>2,870,000</u>		
27.5	<u>Natural Resources</u>	<u>5,670,000</u>		<u>5,670,000</u>		
27.6	<u>\$2,870,000 the first year and \$2,870,000 the</u>					
27.7	<u>second year are for metropolitan area regional</u>					
27.8	<u>parks operation and maintenance according</u>					
27.9	<u>to Minnesota Statutes, section 473.351.</u>					
27.10	<u>\$5,670,000 the first year and \$5,670,000 the</u>					
27.11	<u>second year are from the natural resources</u>					
27.12	<u>fund for metropolitan area regional parks and</u>					
27.13	<u>trails maintenance and operations. This</u>					
27.14	<u>appropriation is from the revenue deposited</u>					
27.15	<u>in the natural resources fund under Minnesota</u>					
27.16	<u>Statutes, section 297A.94, paragraph (e),</u>					
27.17	<u>clause (3).</u>					
27.18	Sec. 6. <b><u>CONSERVATION CORPS</u></b>					
27.19	<b><u>MINNESOTA</u></b>		<b><u>\$</u></b>	<b><u>945,000</u></b>	<b><u>\$</u></b>	<b><u>945,000</u></b>
27.20	<u>Appropriations by Fund</u>					
27.21		<u>2018</u>		<u>2019</u>		
27.22	<u>General</u>	<u>455,000</u>		<u>455,000</u>		
27.23	<u>Natural Resources</u>	<u>490,000</u>		<u>490,000</u>		
27.24	<u>Conservation Corps Minnesota may receive</u>					
27.25	<u>money appropriated from the natural resources</u>					
27.26	<u>fund under this section only as provided in an</u>					
27.27	<u>agreement with the commissioner of natural</u>					
27.28	<u>resources.</u>					
27.29	Sec. 7. <b><u>ZOOLOGICAL BOARD</u></b>		<b><u>\$</u></b>	<b><u>8,910,000</u></b>	<b><u>\$</u></b>	<b><u>8,910,000</u></b>
27.30	<u>Appropriations by Fund</u>					
27.31		<u>2018</u>		<u>2019</u>		
27.32	<u>General</u>	<u>8,750,000</u>		<u>8,750,000</u>		
27.33	<u>Natural Resources</u>	<u>160,000</u>		<u>160,000</u>		





30.1 **ARTICLE 2**30.2 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

30.3 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision  
30.4 to read:

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

30.10 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

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

30.16 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
30.17 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1 and~~ Tier 2 by permit  
30.18 categories. The report is due August 1 each year. For permit applications that have not met  
30.19 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
30.20 for not meeting the goal, the commissioner shall separately identify delays caused by the  
30.21 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
30.22 level of public engagement. The report must specify the number of days from initial  
30.23 submission of the application to the day of determination that the application is complete.  
30.24 The report must aggregate the data for the year and assess whether program or system  
30.25 changes are necessary to achieve the goal. The report must be posted on the department's  
30.26 Web site and submitted to the governor and the chairs and ranking minority members of  
30.27 the house of representatives and senate committees having jurisdiction over natural resources  
30.28 policy and finance.

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

30.31 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
30.32 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~  
30.33 permit applicant, in writing, whether the application is complete or incomplete. If the

31.1 commissioner determines that an application is incomplete, the notice to the applicant must  
31.2 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
31.3 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
31.4 determines that the application is complete, the notice must confirm the application's Tier  
31.5 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2  
31.6 permit, provide the permit applicant with a schedule for reviewing the permit application.  
31.7 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
31.8 agreement under chapter 446A.

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

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

31.16 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~  
31.17 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of  
31.18 natural resources to construct, reconstruct, or modify a project or to operate a facility may  
31.19 offer to reimburse the department for the reasonable costs ~~of staff time or consultant services~~  
31.20 needed to expedite the preapplication process and permit development process through the  
31.21 final decision on the permit, including the analysis of environmental review documents.  
31.22 The reimbursement shall be in addition to permit application fees imposed by law. When  
31.23 the commissioner determines that additional resources are needed to develop the permit  
31.24 application in an expedited manner, and that expediting the development is consistent with  
31.25 permitting program priorities, the commissioner may accept the reimbursement. The  
31.26 commissioner must give the permit applicant an estimate of costs for the expedited service  
31.27 to be incurred by the commissioner. The estimate must include a brief description of the  
31.28 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each  
31.29 task. The proposer and the commissioner must enter into a written agreement detailing the  
31.30 estimated costs for the expedited service to be incurred by the department and any recourse  
31.31 available to the applicant if the department fails to comply with the schedule. The agreement  
31.32 must also identify staff anticipated to be assigned to the project and describe the  
31.33 commissioner's commitment to making assigned staff available for the project until the  
31.34 permit decision is made. The commissioner must not issue a permit until the applicant has  
31.35 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.

32.1 Reimbursements accepted by the commissioner are appropriated to the commissioner for  
32.2 the purpose of developing the permit or analyzing environmental review documents.  
32.3 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of  
32.4 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,  
32.5 what conditions are included in a permit, or the application of state and federal statutes and  
32.6 rules governing permit determinations; and shall not affect final decisions regarding  
32.7 environmental review.

32.8 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to  
32.9 read:

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

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

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

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

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

32.25 Subd. 14d. **Unadopted rules.** The commissioner of natural resources must not seek to  
32.26 implement in a permit or enforce a penalty against a person a department policy, guideline,  
32.27 bulletin, criterion, manual standard, interpretive statement, or similar pronouncement. In  
32.28 any proceeding under chapter 14, the commissioner has the burden of proving the action is  
32.29 not prohibited.

32.30 Sec. 6. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

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



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

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

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

33.7 (4) used exclusively in organized track racing events;

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

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

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

33.14 Sec. 7. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

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

33.18 (b) Except for operation on public road rights-of-way that is permitted under section  
33.19 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
33.20 operate an off-highway motorcycle along or on a public road right-of-way.

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

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

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

33.24 (3) operate an off-highway motorcycle on public lands or waters unless accompanied  
33.25 by a person 18 years of age or older or participating in an event for which the commissioner  
33.26 has issued a special use permit.

33.27 (d) Except for public road rights-of-way of interstate highways, a person less than 16  
33.28 years of age may make a direct crossing of a public road right-of-way of a trunk, county  
33.29 state-aid, or county highway only if that person is accompanied by a person 18 years of age  
33.30 or older who holds a valid driver's license.

34.1 (e) A person less than 16 years of age may operate an off-highway motorcycle on public  
34.2 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if  
34.3 that person is accompanied by a person 18 years of age or older who holds a valid driver's  
34.4 license.

34.5 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate  
34.6 an off-highway motorcycle on public lands or waters if the nonresident youth has in  
34.7 possession evidence of completing an off-road safety course offered by the Motorcycle  
34.8 Safety Foundation or another state as provided in section 84.791, subdivision 4.

34.9 Sec. 8. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

34.10 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or  
34.11 reregistration shall be made to the commissioner or an authorized deputy registrar of motor  
34.12 vehicles in a format prescribed by the commissioner and shall state the legal name and  
34.13 address of every owner of the snowmobile.

34.14 (b) A person who purchases a snowmobile from a retail dealer shall make application  
34.15 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary  
34.16 21-day registration permit to each purchaser who applies to the dealer for registration. The  
34.17 temporary permit must contain the dealer's identification number and phone number. Each  
34.18 retail dealer shall submit completed registration and fees to the deputy registrar at least once  
34.19 a week. No fee may be charged by a dealer to a purchaser for providing the temporary  
34.20 permit.

34.21 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy  
34.22 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number  
34.23 or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration  
34.24 number must be affixed to the snowmobile in a clearly visible and permanent manner for  
34.25 enforcement purposes as the commissioner of natural resources shall prescribe. A dealer  
34.26 subject to paragraph (b) shall provide the registration materials or temporary permit to the  
34.27 purchaser within the temporary 21-day permit period. The registration is not valid unless  
34.28 signed by at least one owner.

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

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

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

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

35.11 Sec. 9. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

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

35.20 (b) For the purpose of administering the program and to defray the expenses of training  
35.21 and certifying vehicle operators, the commissioner shall collect a fee from each person who  
35.22 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for  
35.23 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The  
35.24 commissioner shall establish both fees in a manner that neither significantly overrecovers  
35.25 nor underrecovers costs, including overhead costs, involved in providing the services. The  
35.26 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not  
35.27 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.  
35.28 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall  
35.29 be deposited in the all-terrain vehicle account in the natural resources fund and the amount  
35.30 thereof, except for the electronic licensing system commission established by the  
35.31 commissioner under section 84.027, subdivision 15, and issuing fees collected by the  
35.32 commissioner, is appropriated annually to the Enforcement Division of the Department of  
35.33 Natural Resources for the administration of the programs. In addition to the fee established

36.1 by the commissioner, instructors may charge each person up to the established fee amount  
36.2 for class materials and expenses.

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

36.11 Sec. 10. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

36.21 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age  
36.22 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,  
36.23 county state-aid, or county highway or operate on public lands and waters or state or  
36.24 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate  
36.25 issued by the commissioner and is accompanied by a person 18 years of age or older who  
36.26 holds a valid driver's license.

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

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

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

37.1 (e) A person at least ~~11~~ six years of age may take the safety education and training  
37.2 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
37.3 the certificate is not valid until the person reaches age 12.

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

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

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

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

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

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

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

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

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

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

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

38.1 Sec. 11. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

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

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

38.8 Sec. 12. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

38.9 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a  
38.10 capital expenditure on a capital asset previously owned by the state, within the meaning of  
38.11 generally accepted accounting principles as applied to public expenditures. The commissioner  
38.12 of natural resources will consult with the commissioner of management and budget to the  
38.13 extent necessary to ensure this and will furnish the commissioner of management and budget  
38.14 a list of projects to be financed from the account in order of their priority. The legislature  
38.15 assumes that many projects for preservation and replacement of portions of existing capital  
38.16 assets will constitute betterments and capital improvements within the meaning of the  
38.17 Constitution and capital expenditures under generally accepted accounting principles, and  
38.18 will be financed more efficiently and economically under this section than by direct  
38.19 appropriations for specific projects.

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

38.22 (c) Capital budget expenditures for natural resource asset preservation and replacement  
38.23 projects must be for one or more of the following types of capital projects that support the  
38.24 existing programmatic mission of the department: code compliance including health and  
38.25 safety, Americans with Disabilities Act requirements, hazardous material abatement, access  
38.26 improvement, or air quality improvement; building energy efficiency improvements using  
38.27 current best practices; building or infrastructure repairs necessary to preserve the interior  
38.28 and exterior of existing buildings; projects to remove life safety hazards such as building  
38.29 code violations or structural defects; or renovation of other existing improvements to land,  
38.30 including but not limited to trails and bridges.

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

39.1 Sec. 13. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to  
39.2 read:

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

39.8 Sec. 14. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

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

39.13 Sec. 15. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

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

39.18 Sec. 16. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

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

39.21 (1) is a permanent resident of the state;

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

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

39.26 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

39.27 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible  
39.28 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~  
39.29 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members  
39.30 are not employees of the state within the meaning of section 43A.02, subdivision 21.

40.1 Sec. 18. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

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

40.5 (b) In waters that are listed as infested waters, except those listed as infested with  
40.6 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
40.7 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

40.29 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River  
40.30 downstream of the dam at Taylors Falls, including portions described as  
40.31 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items



41.1 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for  
41.2 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

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

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

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

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

41.11 This paragraph expires December 1, 2017.

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

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

41.17 Sec. 19. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

41.18 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**  
41.19 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines  
41.20 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that  
41.21 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined  
41.22 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~  
41.23 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~  
41.24 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~  
41.25 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~  
41.26 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~  
41.27 tagged with tags provided by the commissioner, as specified in the commercial licensee's  
41.28 license or permit. Tagged gear must not be used in any water bodies other than those specified  
41.29 in the license or permit. The permit may authorize department staff to remove tags after the  
41.30 gear is decontaminated. This tagging requirement does not apply to commercial fishing  
41.31 equipment used in Lake Superior.

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

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

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

42.15 Sec. 20. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

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

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

42.21 (2) regulated invasive species, which may not be introduced except as provided in section  
42.22 84D.07;

42.23 (3) unlisted nonnative species, which are subject to the classification procedure in section  
42.24 84D.06; and

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

42.26 Sec. 21. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

43.4 (5) when being transported for disposal as part of a harvest or control activity when  
43.5 specifically authorized under a permit issued by the commissioner according to section  
43.6 103G.615, when being transported for disposal as specified under a commercial fishing  
43.7 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,  
43.8 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

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

43.11 (7) when being transported from riparian property to a legal disposal site that is at least  
43.12 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited  
43.13 invasive species are in a covered commercial vehicle specifically designed and used for  
43.14 hauling trash; or

43.15 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

43.16 Sec. 22. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

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

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

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

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

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

44.2 Sec. 23. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
44.3 to read:

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

44.12 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
44.13 the report to the chairs and ranking minority members of the senate and house of  
44.14 representatives committees having jurisdiction over natural resources required under Laws  
44.15 2016, chapter 189, article 3, section 48, shall also include the Gull Lake targeted pilot study  
44.16 recommendations and assessments.

44.17 (c) This subdivision expires December 1, 2019.

44.18 Sec. 24. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to  
44.19 read:

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

44.24 Sec. 25. Minnesota Statutes 2016, section 85.0505, is amended by adding a subdivision  
44.25 to read:

44.26 Subd. 3. **Fort Ridgely State Park.** Liquor may be sold and consumed by the drink on  
44.27 the golf course in Fort Ridgely State Park, subject to other laws relating to the sale of  
44.28 intoxicating liquor when the golf course is operated by a nonstate entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46.5 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state  
46.6 park items, tours at ~~Forestville Mystery Cave State Park~~, interpretation programs, educational  
46.7 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be  
46.8 credited to the state parks working capital account. Receipts and expenses from Douglas  
46.9 Lodge shall be tracked separately within the account. Money in the account is annually  
46.10 appropriated for the purchase and payment of expenses attributable to items for resale or  
46.11 rental and operation of Douglas Lodge. Any excess receipts in this account are annually  
46.12 appropriated for state park management and interpretive programs.

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

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

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

47.1 Sec. 32. [85.47] SPECIAL USE PERMITS; FEES.

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

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

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

47.9 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~  
47.10 ~~Guard (USCG) approved~~ wearable personal flotation device ~~with a~~ that is approved by the  
47.11 United States Coast Guard (USCG) and has a USCG label indicating # the flotation device  
47.12 either is approved for or does not prohibit use with personal watercraft or water skiing;

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

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

47.15 (i) a shoreline;

47.16 (ii) a dock;

47.17 (iii) a swimmer;

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

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

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

47.22 (i) an observer is on board; or

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

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

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

47.30 (7) to chase or harass wildlife;

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

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

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

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

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

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

48.13 **86B.511 LIGHTS.**

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

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

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

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

48.22 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public  
48.23 safety activities may display an alternately flashing red and yellow light signal for  
48.24 identification. The lights must not interfere with the visibility of the navigation lights. No  
48.25 special privilege is granted. Operators must not presume that the light or exigency gives  
48.26 them precedence or right-of-way.

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



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

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

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

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

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

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

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

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

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

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

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

49.22 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,  
49.23 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats  
49.24 by an entity meeting certification requirements established by the commissioner ~~for the~~  
49.25 ~~purpose of managing vegetation.~~ A prescribed burn that has exceeded its prescribed  
49.26 boundaries and requires immediate suppression action by a local fire department or other  
49.27 agency with wildfire suppression responsibilities is considered a wildfire.

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

49.29 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

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

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

50.10 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

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

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

50.25 Subd. 1a. **Affiliate.** "Affiliate" means a person who:

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

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

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

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

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

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

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

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

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

51.17 **90.051 SUPERVISION OF SALES; BOND.**

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

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

51.22 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner  
51.23 shall compile a list containing a description of each tract of land upon which any timber to  
51.24 be offered is situated and a statement of the estimated quantity of timber and of the appraised  
51.25 price of each kind of timber thereon as shown by the report of the state appraiser. No  
51.26 description shall be added after the list is posted and no timber shall be sold from land not  
51.27 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.  
51.28 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet  
51.29 or conspicuously posted in the forest office or other public facility most accessible to potential  
51.30 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to  
51.31 be published once not less than one week before the date of sale in a legal newspaper in the  
51.32 county or counties where the land is situated. The notice shall state the time and place of

52.1 ~~the sale and the location at which further information regarding the sale may be obtained.~~  
52.2 The commissioner may give other published or posted notice as the commissioner deems  
52.3 proper to reach prospective bidders.

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

52.5 **90.14 AUCTION SALE PROCEDURE.**

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

52.10 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,  
52.11 or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
52.12 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
52.13 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
52.14 liable therefor to the state in a civil action, and the commissioner may reoffer the timber  
52.15 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been  
52.16 made.

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

52.27 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be  
52.28 awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
52.29 percent of the appraised value that must be received or postmarked within 14 days of the  
52.30 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser  
52.31 is liable for the down payment to the state and the commissioner may offer the timber for  
52.32 sale to the next highest bidder as though no higher bid had been made.

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

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

53.10 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section  
53.11 90.151, the commissioner may establish a registration system to verify the qualifications  
53.12 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system  
53.13 implemented by the commissioner shall be limited in scope to only that information that is  
53.14 required for the efficient administration of the purchaser qualification requirements of this  
53.15 chapter. The registration system established under this subdivision is not subject to the  
53.16 rulemaking provisions of chapter 14 and section 14.386 does not apply.

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

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

53.29 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the  
53.30 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must  
53.31 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit  
53.32 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and  
53.33 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and

54.1 removing all equipment and buildings. All cut timber, equipment, and buildings not removed  
54.2 from the land after expiration of the permit becomes the property of the state.

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

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

54.9 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

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

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

54.17 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**  
54.18 **FEES.**

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

54.28 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an  
54.29 agreement with the owner or operator of any weight scale inspected, tested, and approved  
54.30 under chapter 239 to provide weight measurements for ~~the scaling of~~ state timber according  
54.31 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the  
54.32 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any

55.1 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect  
55.2 the interests of the state. Except as otherwise provided by the commissioner, the cost of any  
55.3 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit  
55.4 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the  
55.5 statement of the amount due for the permit under section 90.181, subdivision 1.

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

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

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

55.19 Subd. 2. **Commissioner's review; hearing; burden of proof.** Within ~~420~~ 60 days after  
55.20 receiving ~~the~~ an application, ~~or after receiving additional information requested, or after~~  
55.21 ~~holding a hearing as provided in this section~~ the commissioner has deemed complete and  
55.22 filed, the commissioner shall grant the permit applied for, with or without modifications or  
55.23 conditions, or deny the application unless a contested case hearing is requested under section  
55.24 93.483. If written objections to the proposed application are filed with the commissioner  
55.25 ~~within 30 days after the last publication required pursuant to this section or within seven~~  
55.26 ~~days after publication in the case of an application to conduct lean ore stockpile removal,~~  
55.27 ~~by any person owning property which will be affected by the proposed operation or by any~~  
55.28 ~~federal, state, or local governmental agency having responsibilities affected by the proposed~~  
55.29 ~~operations, a public hearing shall be held by the commissioner in the locality of the proposed~~  
55.30 ~~operations within 30 days of receipt of such written objections and after appropriate notice~~  
55.31 ~~and publication of the date, time, and location of the hearing.~~ The commissioner's decision  
55.32 to grant the permit, with or without modifications, or deny the application shall constitute  
55.33 a final order for the purposes of section 93.50. The commissioner in granting a permit with  
55.34 or without modifications shall determine that the reclamation or restoration planned for the

56.1 operation complies with lawful requirements and can be accomplished under available  
56.2 technology and that a proposed reclamation or restoration technique is practical and workable  
56.3 under available technology. The commissioner may hold public meetings on the application.

56.4 Sec. 52. [93.483] CONTESTED CASE.

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

56.14 Subd. 2. **Contested case petition contents.** (a) Within 60 days after the application is  
56.15 determined to be complete and filed, a petition for a contested case hearing must include  
56.16 the following information:

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

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

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

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

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

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

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



57.1 (d) Any person may serve timely responses to a petition for a contested case hearing.

57.2 The commissioner shall establish deadlines for responses to be submitted.

57.3 Subd. 3. **Commissioner's decision to hold contested case hearing.** Within 60 days

57.4 after the application is determined to be complete and filed, the commissioner may grant

57.5 the petition to hold a contested case hearing or order upon the commissioner's own motion

57.6 that a contested case hearing be held if the commissioner finds that:

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

57.8 the commissioner;

57.9 (2) the commissioner has the jurisdiction to make a determination on the disputed material

57.10 issue of fact; and

57.11 (3) there is a reasonable basis underlying a disputed material issue of fact so that a

57.12 contested case hearing would allow the introduction of information that would aid the

57.13 commissioner in resolving the disputed facts in order to make a final decision on the

57.14 completed application.

57.15 Subd. 4. **Scope of contested case hearing.** If the commissioner decides to hold a

57.16 contested case hearing, the commissioner shall identify the issues to be resolved and limit

57.17 the scope and conduct of the hearing in accordance with applicable law, due process, and

57.18 fundamental fairness. The commissioner may, before granting or ordering a contested case

57.19 hearing, develop a proposed permit or permit conditions to inform the contested case. The

57.20 contested case hearing must be conducted in accordance with sections 14.57 to 14.62. The

57.21 final decision by the commissioner to grant, with or without modifications or conditions,

57.22 or deny the application after a contested case shall constitute a final order for purposes of

57.23 section 93.50.

57.24 Subd. 5. **Consistency with administrative rules.** The commissioner shall construe the

57.25 administrative procedures set forth in Minnesota Rules, parts 6130.4800 and 6132.4000, in

57.26 a manner that is consistent with this section. To the extent any provision of Minnesota Rules,

57.27 parts 6130.4800 and 6132.4000, conflicts with this section, this section controls.

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

57.29 **93.50 APPEAL.**

57.30 Any person aggrieved by any final order, ruling, or decision of the commissioner may

57.31 appeal seek judicial review of such order, ruling, or decision ~~in the manner provided in~~

57.32 ~~chapter 14~~ under sections 14.63 to 14.69.

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

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

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

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

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

58.18 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~  
58.19 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,  
58.20 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,  
58.21 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal  
58.22 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter  
58.23 6134, and wild animals that are protected by a restriction in the time or manner of taking,  
58.24 other than a restriction in the use of artificial lights, poison, or motor vehicles.

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

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

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

58.30 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,  
58.31 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,

59.1 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,  
59.2 wolverine, muskrat, mink, otter, and beaver.

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

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

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

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

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

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

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

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

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

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

59.26 Sec. 62. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

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

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

60.7 Sec. 63. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

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

60.10 Sec. 64. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision  
60.11 to read:

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

60.14 (b) Prosecution under paragraph (a) includes associated civil forfeiture actions provided  
60.15 by law. Thirty percent of the net proceeds from the sale of forfeited property under section  
60.16 97A.225 is considered a cost of forfeiting the property and must be forwarded to the  
60.17 prosecuting authority that handled the forfeiture for deposit as a supplement to the authority's  
60.18 operating fund or similar fund for prosecutorial purposes.

60.19 Sec. 65. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

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

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

60.24 (2) aids or assists in committing the violation;

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

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

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

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

61.1 Sec. 66. Minnesota Statutes 2016, section 97A.338, is amended to read:

61.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

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

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

61.10 Sec. 67. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

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

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

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

61.27 Sec. 68. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

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

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

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

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

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

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

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

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

62.20 Sec. 69. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

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

62.24 Sec. 70. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

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

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

62.29 Sec. 71. Minnesota Statutes 2016, section 97B.516, is amended to read:

62.30 **97B.516 ELK MANAGEMENT PLAN.**

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

63.2 (1) recognizes the value and uniqueness of elk;

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

63.5 (3) affords optimum recreational opportunities.

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

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

63.17 Sec. 72. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

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

63.27 Sec. 73. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

63.28 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person  
63.29 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~  
63.30 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

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

64.1 Sec. 74. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

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

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

64.10 (1) as provided in subdivision 3;

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

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

64.17 Sec. 75. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision  
64.18 to read:

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

64.25 Sec. 76. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

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



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

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

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

65.10 Sec. 77. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

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

65.16 Sec. 78. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

66.11 Sec. 79. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

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

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

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

66.19 (ii) the state shoreland standards and criteria adopted by the commissioner under section  
66.20 103F.211; and

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

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

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

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

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

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

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

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

67.17 Sec. 80. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

67.18 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines  
67.19 a landowner is not in compliance with this section and the landowner has declined state or  
67.20 federal assistance to pay 100 percent of the cost to establish buffers or other water-resource  
67.21 protection measures approved by the board, the district must notify the county or watershed  
67.22 district with jurisdiction over the noncompliant site and the board. The county or watershed  
67.23 district with jurisdiction or the board must provide the landowner with a list of corrective  
67.24 actions needed to come into compliance and a practical timeline to meet the requirements  
67.25 in this section. The county or watershed district with jurisdiction must provide a copy of  
67.26 the corrective action notice to the board.

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

68.1 (c) If the landowner does not comply with the list of actions and timeline provided, the  
68.2 county or watershed district may enforce this section ~~under the authority granted in section~~  
68.3 ~~103B.101, subdivision 12a,~~ or by rule of the watershed district or ordinance or other official  
68.4 control of the county. ~~Before exercising administrative penalty authority, a county or~~  
68.5 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~  
68.6 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~  
68.7 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant  
68.8 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the  
68.9 board must enforce this section under the authority granted in section 103B.101, subdivision  
68.10 12a.

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

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

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

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

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

68.28 Sec. 81. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

68.29 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a  
68.30 county or watershed, or, for purposes of wetland replacement, bank service area where 80  
68.31 percent or more of the presettlement wetland acreage is intact and:

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

68.33 (2) 50 percent or more of the current total land area is state or federal land.

69.1 Sec. 82. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

69.2 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county or  
69.3 watershed, or, for purposes of wetland replacement, bank service area with less than 50  
69.4 percent of the presettlement wetland acreage intact or any county or watershed, or bank  
69.5 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

69.6 Sec. 83. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

69.7 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
69.8 partially, unless replaced by actions that provide at least equal public value under a  
69.9 replacement plan approved as provided in section 103G.2242, a replacement plan under a  
69.10 local governmental unit's comprehensive wetland protection and management plan approved  
69.11 by the board under section 103G.2243, or, if a permit to mine is required under section  
69.12 93.481, under a mining reclamation plan approved by the commissioner under the permit  
69.13 to mine. Project-specific wetland replacement plans submitted as part of a project for which  
69.14 a permit to mine is required and approved by the commissioner on or after July 1, 1991,  
69.15 may include surplus wetland credits to be allocated by the commissioner to offset future  
69.16 mining-related wetland impacts under any permits to mine held by the permittee, the operator,  
69.17 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an  
69.18 assignment under section 93.481, subdivision 5. For project-specific wetland replacement  
69.19 completed prior to wetland impacts authorized or conducted under a permit to mine within  
69.20 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
69.21 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
69.22 plans shall apply the same principles and standards for replacing wetlands that are applicable  
69.23 to mitigation plans approved as provided in section 103G.2242. The commissioner must  
69.24 provide notice of an application for wetland replacement under a permit to mine to the  
69.25 county in which the impact is proposed and the county in which a mitigation site is proposed.  
69.26 Public value must be determined in accordance with section 103B.3355 or a comprehensive  
69.27 wetland protection and management plan established under section 103G.2243. Sections  
69.28 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently  
69.29 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

70.10 For a project involving the draining or filling of wetlands in an amount not exceeding  
70.11 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
70.12 paragraph (a), the local government unit may make an on-site sequencing determination  
70.13 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

71.6 (i) Except in a greater than 80 percent area, only wetlands that have been restored from  
71.7 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
71.8 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
71.9 created by dikes or dams associated with the restoration of previously drained or filled  
71.10 wetlands may be used for wetland replacement according to rules adopted under section  
71.11 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring  
71.12 wetlands from one type to another are not eligible for wetland replacement.

71.13 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
71.14 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
71.15 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
71.16 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
71.17 to believe that the wetland characteristics may change substantially, the panel shall postpone  
71.18 its recommendation until the wetland has stabilized.

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

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

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

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

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

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

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

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

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

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



73.1 (o) A local government unit may request the board to reclassify a county or watershed  
 73.2 on the basis of its percentage of presettlement wetlands remaining. After receipt of  
 73.3 satisfactory documentation from the local government, the board shall change the  
 73.4 classification of a county or watershed. If requested by the local government unit, the board  
 73.5 must assist in developing the documentation. Within 30 days of its action to approve a  
 73.6 change of wetland classifications, the board shall publish a notice of the change in the  
 73.7 Environmental Quality Board Monitor.

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

73.14 Sec. 84. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

73.15 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Wetland  
 73.16 replacement occurring outside of a greater than 80 percent area must not be replaced in a  
 73.17 50 to greater than 80 percent area or in a less than 50 percent area. ~~Impacted wetlands in a~~  
 73.18 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland  
 73.19 replacement must follow this priority order:

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

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

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

73.23 (4) in another wetland bank service area.

73.24 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
 73.25 complete wetland banking application submitted to a local government unit by April 1,  
 73.26 1996, may be used to replace wetland impacts resulting from public transportation projects  
 73.27 statewide.

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

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

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

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

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

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

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

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

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

74.20 (h) Wetland replacement sites identified in accordance with the priority order for  
74.21 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
74.22 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
74.23 or 103G.2243 without further modification related to the priority order, notwithstanding  
74.24 availability of new mitigation sites or availability of credits after completion of an adequate  
74.25 environmental impact statement. Wetland replacement plan applications must be submitted  
74.26 within one year of the adequacy determination of the environmental impact statement to be  
74.27 eligible for approval under this paragraph.

74.28 Sec. 85. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

74.29 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type  
74.30 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an  
74.31 on-site inspection. The Technical Evaluation Panel shall be composed of a technical  
74.32 professional employee of the board, a technical professional employee of the local soil and

75.1 water conservation district or districts, a technical professional with expertise in water  
75.2 resources management appointed by the local government unit, and a technical professional  
75.3 employee of the Department of Natural Resources for projects affecting public waters or  
75.4 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of  
75.5 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary  
75.6 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and  
75.7 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater  
75.8 Habitats of the United States" (1979 edition). The panel shall provide the wetland  
75.9 determination and recommendations on other technical matters to the local government unit  
75.10 that must approve a replacement plan, sequencing, exemption determination, no-loss  
75.11 determination, or wetland boundary or type determination and may recommend approval  
75.12 or denial of the plan. The authority must consider and include the decision of the Technical  
75.13 Evaluation Panel in their approval or denial of a plan or determination.

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

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

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

75.26 Sec. 86. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

75.27 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,  
75.28 conservation officers, and peace officers shall enforce laws preserving and protecting  
75.29 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,  
75.30 a conservation officer, or a peace officer may issue a cease and desist order to stop any  
75.31 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

75.32 (b) In the order, or by separate order, the commissioner, conservation officer, or peace  
75.33 officer may require restoration or replacement of the wetland or public waters, as determined  
75.34 by the local soil and water conservation district for wetlands and the commissioner of natural

76.1 resources for public waters. Restoration or replacement orders may be recorded or filed in  
76.2 the office of the county recorder or registrar of titles, as appropriate, in the county where  
76.3 the real property is located by the commissioner of natural resources, conservation officers,  
76.4 or peace officers as a deed restriction on the property that runs with the land and is binding  
76.5 on the owners, successors, and assigns until the conditions of the order are met or the order  
76.6 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee  
76.7 for any document filed under this section.

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

76.10 (d) If an order was recorded prior to a court finding there has not been a violation or an  
76.11 order was filed before the effective date of this section and the deed restriction would have  
76.12 been in violation of paragraph (c), the commissioner must remove the deed restriction if  
76.13 the owner of the property requests the commissioner to remove it. Within 30 days of receiving  
76.14 the request for removal from the owner, the commissioner must contact, in writing, the  
76.15 office of the county recorder or registrar of titles where the order is recorded or filed, along  
76.16 with all applicable fees, and have the order removed. Within 30 days of receiving notification  
76.17 from the office of the county recorder or registrar of titles that the order has been removed,  
76.18 the commissioner must inform the owner that the order has been removed and provide the  
76.19 owner with a copy of any documentation provided by the office of the county recorder or  
76.20 registrar of titles.

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

76.22 Sec. 87. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

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

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

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

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

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

77.7 Sec. 88. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

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

77.14 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

77.15 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
77.16 than 100,000,000 gallons per year;

77.17 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than  
77.18 150,000,000 gallons per year;

77.19 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less  
77.20 than 200,000,000 gallons per year;

77.21 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than  
77.22 250,000,000 gallons per year;

77.23 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less  
77.24 than 300,000,000 gallons per year;

77.25 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than  
77.26 350,000,000 gallons per year;

77.27 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less  
77.28 than 400,000,000 gallons per year;

77.29 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than  
77.30 450,000,000 gallons per year;

77.31 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less  
77.32 than 500,000,000 gallons per year; and

78.1 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

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

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

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

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

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

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

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

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

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

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

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

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

78.19 (5) the fee for a facility that temporarily diverts a water of the state from its natural  
78.20 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per  
78.21 year. A permit for such a facility does not count toward the number of permits held by an  
78.22 entity as described in paragraph (d); and

78.23 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to  
78.24 prevent flood damage or to remove flood waters during a period of flooding, as determined  
78.25 by the commissioner.

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

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

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

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

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

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

79.17 Sec. 89. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

79.18 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water  
79.19 without a required permit under subdivision 1 must pay the applicable water-use permit  
79.20 processing fee specified in subdivision 6 for the period during which the unpermitted  
79.21 appropriation occurred. The fees for unpermitted appropriations are required for the previous  
79.22 seven calendar years after being notified of the need for a permit. This fee is in addition to  
79.23 any other fee or penalty assessed. The commissioner may waive payment of fees for past  
79.24 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph  
79.25 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of  
79.26 the state from its natural channel.

79.27 Sec. 90. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

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

80.1 Sec. 91. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision  
80.2 to read:

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

80.7 Sec. 92. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

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

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

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

80.16 (3) information on groundwater quality in terms of the measures of quality commonly  
80.17 specified for the proposed water use and details on water treatment necessary for the proposed  
80.18 use;

80.19 (4) the results of an aquifer test completed according to specifications approved by the  
80.20 commissioner. The test must be conducted at the maximum pumping rate requested in the  
80.21 application and for a length of time adequate to assess or predict impacts to other wells and  
80.22 surface water and groundwater resources. The permit applicant is responsible for all costs  
80.23 related to the aquifer test, including the construction of groundwater and surface water  
80.24 monitoring installations, and water level readings before, during, and after the aquifer test;  
80.25 and

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

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

80.31 (c) The commissioner shall provide an assessment of a proposed well needing a  
80.32 groundwater appropriation permit. The commissioner shall evaluate the information submitted



81.1 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the  
81.2 anticipated appropriation request is likely to meet the applicable requirements of this chapter.  
81.3 If the appropriation request is likely to meet applicable requirements, the commissioner  
81.4 shall provide the person submitting the information with a letter providing preliminary  
81.5 approval to construct the well and the requirements, including test-well information, that  
81.6 will be needed to obtain the permit.

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

81.12 Sec. 93. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

81.13 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate  
81.14 groundwater management areas and limit total annual water appropriations and uses within  
81.15 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
81.16 quality, and the ability of future generations to meet their own needs. Water appropriations  
81.17 and uses within a designated management area must be consistent with a groundwater  
81.18 management area plan approved by the commissioner that addresses water conservation  
81.19 requirements and water allocation priorities established in section 103G.261. At least 30  
81.20 days prior to implementing or modifying a groundwater management area plan under this  
81.21 subdivision, the commissioner shall consult with the advisory team established in paragraph  
81.22 (c).

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

81.31 (c) When designating a groundwater management area, the commissioner shall assemble  
81.32 an advisory team to assist in developing a groundwater management area plan for the area.  
81.33 The advisory team members shall be selected from public and private entities that have an  
81.34 interest in the water resources affected by the groundwater management area. A majority

82.1 of the advisory team members shall be public and private entities that currently hold water-use  
82.2 permits for water appropriations from the affected water resources. The commissioner shall  
82.3 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the  
82.4 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships  
82.5 in appointing the local government representatives to the advisory team. The advisory team  
82.6 may also include representatives from the University of Minnesota, the Minnesota State  
82.7 Colleges and Universities, other institutions of higher learning in Minnesota, political  
82.8 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and  
82.9 federal agencies.

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

82.14 Sec. 94. Minnesota Statutes 2016, section 103G.411, is amended to read:

82.15 **103G.411 STIPULATION OF LOW-WATER MARK.**

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

82.25 Sec. 95. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision  
82.26 to read:

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

83.1 Sec. 96. Minnesota Statutes 2016, section 115B.41, subdivision 1, is amended to read:

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

83.11 (b) In an action brought under this subdivision in which the commissioner prevails, the  
83.12 court shall award the commissioner reasonable attorney fees and other litigation expenses  
83.13 incurred by the commissioner to bring the action. All costs, fees, and expenses recovered  
83.14 under this subdivision must be deposited in the remediation fund established in section  
83.15 116.155.

83.16 Sec. 97. Minnesota Statutes 2016, section 115B.421, is amended to read:

83.17 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

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

83.25 Sec. 98. **[115B.431] INDEMNIFYING RESPONSIBLE PERSONS.**

83.26 Subdivision 1. **Indemnification.** In the case of a qualified facility as defined in section  
83.27 115B.39, subdivision 2, paragraph (l), clause (1), located in the city of Burnsville, when  
83.28 the owner or operator has received notice under section 115B.40, subdivision 3, and within  
83.29 15 years after receiving the notice has not entered into an agreement with the commissioner  
83.30 of the Pollution Control Agency, the commissioner must enter into an indemnification  
83.31 agreement with an eligible person under subdivision 2 who requests such indemnification,  
83.32 under which the commissioner indemnifies the eligible person and holds the eligible person  
83.33 harmless for:

84.1 (1) all legal responsibility liability or potential liability for environmental response costs  
84.2 and natural resources damages related to the qualified facility, including any and all liability  
84.3 and potential liability for legal and administrative costs and expenses incurred or to be  
84.4 incurred by the state or federal government or reimbursed by the state or federal government;  
84.5 and

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

84.11 (3) all legal liability or potential liability that has been asserted, could have been asserted  
84.12 or may be asserted in the future against the eligible person under state or federal law, common  
84.13 law, or other legal theory related to the qualified facility including any claim by any person  
84.14 or entity for contribution regarding any matters to which the indemnity applies.

84.15 Subd. 2. **Eligible persons.** (a) A person who is not an owner or operator of a qualified  
84.16 facility is eligible to enter into an indemnification agreement with the commissioner provided  
84.17 the person agrees to:

84.18 (1) waive all claims for environmental response costs related to the facility against all  
84.19 persons other than the owner or operator;

84.20 (2) provide the commissioner with a copy of all applicable comprehensive general  
84.21 liability insurance policies and other liability insurance policies relating to property damage,  
84.22 certificates, or other evidence of insurance coverage held during the life of the facility; and

84.23 (3) enter into a binding agreement with the commissioner to take any actions necessary  
84.24 to preserve the person's rights to payment or defense under insurance policies, cooperate  
84.25 with the commissioner in asserting the claims under the policies, and assign those rights  
84.26 under the policies related to environmental response costs.

84.27 (b) For purposes of this subdivision, "insurance" has the meaning given in section 60A.02,  
84.28 subdivision 3.

84.29 Subd. 3. **Recovery for illegal actions.** The indemnification of eligible person under this  
84.30 section shall not prevent the commissioner from recovery of costs for illegal actions at  
84.31 qualified facilities as provided in section 115B.402.

84.32 Subd. 4. **Commissioner's duties.** (a) In consideration of the indemnitee's agreement to  
84.33 enter into an agreement under this section, the commissioner must not sue or take

85.1 administrative action against the indemnitee, must agree to indemnify and hold the indemnitee  
85.2 harmless and defend the indemnitee against all claims or liability for state or federal  
85.3 environmental response actions at the qualified facility that is the subject of the agreement  
85.4 and claims made by a responsible person or group of responsible persons under state or  
85.5 federal law for payment of response costs and related costs at the qualified facility.

85.6 (b) To the extent allowed under applicable law, a person who enters into an  
85.7 indemnification agreement under this section is not liable for claims for contribution  
85.8 regarding matters addressed in the agreement. As a condition of the agreement, the person  
85.9 must waive the person's rights to seek contribution for any amounts paid on the person's  
85.10 behalf under the agreement. This section does not limit the state's ability to seek contribution  
85.11 on the person's behalf.

85.12 Sec. 99. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

85.13 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
85.14 resource management permits be issued or denied within 90 days for Tier 1 permits or 150  
85.15 days for Tier 2 permits following submission of a permit application. The commissioner of  
85.16 the Pollution Control Agency shall establish management systems designed to achieve the  
85.17 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require  
85.18 individualized actions or public comment periods, and "Tier 2 permits" are permits that  
85.19 require individualized actions or public comment periods.

85.20 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
85.21 statistics on meeting the goal in paragraph (a) and the criteria for Tier 1 and Tier 2 by permit  
85.22 categories. The report is due August 1 each year. For permit applications that have not met  
85.23 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
85.24 for not meeting the goal, the commissioner shall separately identify delays caused by the  
85.25 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
85.26 level of public engagement. The report must specify the number of days from initial  
85.27 submission of the application to the day of determination that the application is complete.  
85.28 The report must aggregate the data for the year and assess whether program or system  
85.29 changes are necessary to achieve the goal. The report must be posted on the agency's Web  
85.30 site and submitted to the governor and the chairs and ranking minority members of the house  
85.31 of representatives and senate committees having jurisdiction over environment policy and  
85.32 finance.

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

86.1 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
86.2 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~  
86.3 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If  
86.4 the commissioner determines that an application is incomplete, the notice to the applicant  
86.5 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
86.6 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
86.7 determines that the application is complete, the notice must confirm the application's Tier  
86.8 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2  
86.9 permit, provide the permit applicant with a schedule for reviewing the permit application.  
86.10 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
86.11 agreement under chapter 446A.

86.12 (e) For purposes of this subdivision, "permit professional" means an individual not  
86.13 employed by the Pollution Control Agency who:

86.14 (1) has a professional license issued by the state of Minnesota in the subject area of the  
86.15 permit;

86.16 (2) has at least ten years of experience in the subject area of the permit; and

86.17 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency  
86.18 under agency rules and complies with all applicable requirements under chapter 326.

86.19 (f) Upon the agency's request, an applicant relying on a permit professional must  
86.20 participate in a meeting with the agency before submitting an application:

86.21 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at  
86.22 least the following:

86.23 (i) project description, including, but not limited to, scope of work, primary emissions  
86.24 points, discharge outfalls, and water intake points;

86.25 (ii) location of the project, including county, municipality, and location on the site;

86.26 (iii) business schedule for project completion; and

86.27 (iv) other information requested by the agency at least four weeks prior to the scheduled  
86.28 meeting; and

86.29 (2) during the preapplication meeting, the agency shall provide for the applicant at least  
86.30 the following:

86.31 (i) an overview of the permit review program;

87.1 (ii) a determination of which specific application or applications will be necessary to  
87.2 complete the project;

87.3 (iii) a statement notifying the applicant if the specific permit being sought requires a  
87.4 mandatory public hearing or comment period;

87.5 (iv) a review of the timetable established in the permit review program for the specific  
87.6 permit being sought; and

87.7 (v) a determination of what information must be included in the application, including  
87.8 a description of any required modeling or testing.

87.9 (g) The applicant may select a permit professional to undertake the preparation of the  
87.10 permit application and draft permit.

87.11 (h) If a preapplication meeting was held, the agency shall, within seven business days  
87.12 of receipt of an application, notify the applicant and submitting permit professional that the  
87.13 application is complete or is denied, specifying the deficiencies of the application.

87.14 (i) Upon receipt of notice that the application is complete, the permit professional shall  
87.15 submit to the agency a timetable for submitting a draft permit. The permit professional shall  
87.16 submit a draft permit on or before the date provided in the timetable. Within 60 days after  
87.17 the close of the public comment period, the commissioner shall notify the applicant whether  
87.18 the permit can be issued.

87.19 (j) Nothing in this section shall be construed to modify:

87.20 (1) any requirement of law that is necessary to retain federal delegation to or assumption  
87.21 by the state; or

87.22 (2) the authority to implement a federal law or program.

87.23 (k) The permit application and draft permit shall identify or include as an appendix all  
87.24 studies and other sources of information used to substantiate the analysis contained in the  
87.25 permit application and draft permit. The commissioner shall request additional studies, if  
87.26 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and  
87.27 information necessary for the commissioner to perform the commissioner's responsibility  
87.28 to review, modify, and determine the completeness of the application and approve the draft  
87.29 permit.

88.1 Sec. 100. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
88.2 to read:

88.3 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2  
88.4 permit is required, the commissioner must issue the notice with the draft permit within 150  
88.5 days of receiving a completed permit application unless the permit applicant and the  
88.6 commissioner mutually agree to a different date. Upon request of the permit applicant, the  
88.7 commissioner must provide a copy of the draft permit to the permit applicant and consider  
88.8 comments on the draft permit from the permit applicant before issuing the public notice.

88.9 Sec. 101. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
88.10 to read:

88.11 Subd. 8. **Clean Air Act settlement money.** "Clean Air Act settlement money" means  
88.12 money received by or required to be paid to the state as a result of litigation or settlements  
88.13 of alleged violations of the federal Clean Air Act, United States Code, title 42, section 7401,  
88.14 et seq., or rules adopted thereunder, by an automobile manufacturer. Clean Air Act settlement  
88.15 money may not be spent until it is specifically appropriated by law.

88.16 Sec. 102. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

88.17 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
88.18 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
88.19 upon applications for agency permits and implementing and enforcing the conditions of the  
88.20 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
88.21 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
88.22 permitting, implementation, and enforcement. The agency may impose an additional  
88.23 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
88.24 of implementing and enforcing the conditions of a permit under the rules of the agency.  
88.25 Any money collected under this paragraph shall be deposited in the environmental fund.

88.26 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
88.27 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
88.28 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
88.29 facilities subject to a notification, permit, or license requirement under this chapter,  
88.30 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
88.31 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
88.32 indirect reasonable costs, including legal costs, required to develop and administer the  
88.33 notification, permit, or license program requirements of this chapter, subchapters I and V



89.1 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
89.2 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
89.3 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
89.4 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
89.5 applicable regulations; responding to federal guidance; modeling, analyses, and  
89.6 demonstrations; preparing inventories and tracking emissions; and providing information  
89.7 to the public about these activities.

89.8 (c) The agency shall set fees that:

89.9 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
89.10 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
89.11 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of  
89.12 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national  
89.13 primary ambient air quality standard has been promulgated;

89.14 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
89.15 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
89.16 regulated under this chapter or air quality rules adopted under this chapter; and

89.17 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
89.18 needed to match grant funds received by the state under United States Code, title 42, section  
89.19 7405 (section 105 of the federal Clean Air Act).

89.20 The agency must not include in the calculation of the aggregate amount to be collected  
89.21 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
89.22 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge  
89.23 on existing fees. The commissioner may not collect the surcharge after the grant funds  
89.24 become unavailable. In addition, the commissioner shall use nonfee funds to the extent  
89.25 practical to match the grant funds so that the fee surcharge is minimized.

89.26 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
89.27 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
89.28 year by the percentage, if any, by which the Consumer Price Index for the most recent  
89.29 calendar year ending before the beginning of the year the fee is collected exceeds the  
89.30 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
89.31 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
89.32 all-urban consumers published by the United States Department of Labor, as of the close  
89.33 of the 12-month period ending on August 31 of each calendar year. The revision of the

90.1 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
90.2 year 1989 shall be used.

90.3 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
90.4 environmental fund and must be used solely for the activities listed in paragraph (b).

90.5 (f) Permit applicants who wish to construct, reconstruct, or modify a ~~facility~~ project may  
90.6 offer to reimburse the agency for the reasonable costs of staff time or consultant services  
90.7 needed to expedite the preapplication process and permit development process through the  
90.8 final decision on the permit, including the analysis of environmental review documents.

90.9 The reimbursement shall be in addition to permit application fees imposed by law. When  
90.10 the agency determines that it needs additional resources to develop the permit application  
90.11 in an expedited manner, and that expediting the development is consistent with permitting  
90.12 program priorities, the agency may accept the reimbursement. The commissioner must give  
90.13 the applicant an estimate of costs to be incurred by the commissioner. The estimate must  
90.14 include a brief description of the tasks to be performed, a schedule for completing the tasks,  
90.15 and the estimated cost for each task. The applicant and the commissioner must enter into a  
90.16 written agreement detailing the estimated costs for the expedited permit decision-making  
90.17 process to be incurred by the agency and any recourse available to the applicant if the agency  
90.18 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned  
90.19 to the project and describe the commissioner's commitment to make assigned staff available  
90.20 for the project until the permit decision is made. The commissioner must not issue a permit  
90.21 until the applicant has paid all fees in full. The commissioner must refund any unobligated  
90.22 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency  
90.23 for the purpose of developing the permit or analyzing environmental review documents.

90.24 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of  
90.25 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what  
90.26 conditions are included in a permit, or the application of state and federal statutes and rules  
90.27 governing permit determinations; and shall not affect final decisions regarding environmental  
90.28 review.

90.29 (g) The fees under this subdivision are exempt from section 16A.1285.

90.30 Sec. 103. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision  
90.31 to read:

90.32 **Subd. 13. Irrevocability, suspensions, or expiration of permits; environmental**  
90.33 **review.** If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate

91.1 money to the commissioner of the Pollution Control Agency for environmental review and  
 91.2 permitting activities of the agency:

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

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

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

91.12 Sec. 104. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision  
 91.13 to read:

91.14 Subd. 14. **Unadopted rules.** The commissioner of the Pollution Control Agency must  
 91.15 not seek to implement in a permit or enforce a penalty against a person an agency policy,  
 91.16 guideline, bulletin, criterion, manual standard, interpretive statement, or similar  
 91.17 pronouncement. In any proceeding under chapter 14, the commissioner has the burden of  
 91.18 proving the action is not prohibited.

91.19 Sec. 105. Minnesota Statutes 2016, section 116.0714, is amended to read:

91.20 **116.0714 NEW OPEN AIR SWINE BASINS.**

91.21 The commissioner of the Pollution Control Agency or a county board shall not approve  
 91.22 any permits for the construction of new open air swine basins, except that existing facilities  
 91.23 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment  
 91.24 program for resolving pollution problems or to allow conversion of an existing basin of less  
 91.25 than 1,000,000 gallons to a different animal type, provided all standards are met. This section  
 91.26 expires June 30, ~~2017~~ 2022.

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

91.28 Sec. 106. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

91.29 Subd. 2. **Membership.** The members of the board are the commissioner of administration,  
 91.30 the commissioner of commerce, the commissioner of the Pollution Control Agency, the  
 91.31 commissioner of natural resources, the commissioner of agriculture, the commissioner of

92.1 health, the commissioner of employment and economic development, the commissioner of  
92.2 transportation, and the chair of the Board of Water and Soil Resources, and a representative  
92.3 ~~of the governor's office designated by the governor.~~ The governor shall appoint five eight  
92.4 members from the general public to the board, one from each congressional district, subject  
92.5 to the advice and consent of the senate. ~~At least two of~~ The five public members must have  
92.6 knowledge of and be conversant in ~~water management issues in the state~~ environmental  
92.7 review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6,  
92.8 members of the board may not delegate their powers and responsibilities as board members  
92.9 to any other person.

92.10 Sec. 107. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

92.11 Subd. 2. **Jurisdiction.** ~~(a) The board shall determine which environmental problems of~~  
92.12 ~~interdepartmental concern to state government shall be considered by the board. The board~~  
92.13 ~~shall initiate interdepartmental investigations into those matters that it determines are in~~  
92.14 ~~need of study. Topics for investigation may include but need not be limited to future~~  
92.15 ~~population and settlement patterns, air and water resources and quality, solid waste~~  
92.16 ~~management, transportation and utility corridors, economically productive open space,~~  
92.17 ~~energy policy and need, growth and development, and land use planning.~~

92.18 ~~(b) The board shall review programs of state agencies that significantly affect the~~  
92.19 ~~environment and coordinate those it determines are interdepartmental in nature, and insure~~  
92.20 ~~agency compliance with state environmental policy.~~

92.21 ~~(c) The board may review environmental rules and criteria for granting and denying~~  
92.22 ~~permits by state agencies and may resolve conflicts involving state agencies with regard to~~  
92.23 ~~programs, rules, permits and procedures significantly affecting the environment, provided~~  
92.24 ~~that such resolution of conflicts is consistent with state environmental policy.~~

92.25 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~  
92.26 ~~relating to the environment and the board shall submit a report to the governor and the~~  
92.27 ~~legislature with comments on such major environmental proposals of state agencies.~~

92.28 Sec. 108. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

92.29 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
92.30 effects resulting from any major governmental action, the action shall be preceded by a  
92.31 detailed environmental impact statement prepared by the responsible governmental unit.  
92.32 The environmental impact statement shall be an analytical rather than an encyclopedic  
92.33 document which describes the proposed action in detail, analyzes its significant environmental

93.1 impacts, discusses appropriate alternatives to the proposed action and their impacts, and  
93.2 explores methods by which adverse environmental impacts of an action could be mitigated.  
93.3 The environmental impact statement shall also analyze those economic, employment, and  
93.4 sociological effects that cannot be avoided should the action be implemented. To ensure its  
93.5 use in the decision-making process, the environmental impact statement shall be prepared  
93.6 as early as practical in the formulation of an action.

93.7 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental  
93.8 impact statements and for which environmental assessment worksheets shall be prepared  
93.9 as well as categories of actions for which no environmental review is required under this  
93.10 section. A mandatory environmental assessment worksheet ~~shall~~ is not ~~be~~ required for the  
93.11 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),  
93.12 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
93.13 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
93.14 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or  
93.15 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
93.16 environmental assessment worksheets must be prepared. The responsible governmental unit  
93.17 for an ethanol plant or biobutanol facility project for which an environmental assessment  
93.18 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for  
93.19 supervising or approving the project as a whole.

93.20 (c) A mandatory environmental impact statement ~~shall~~ is not ~~be~~ required for a facility  
93.21 or plant located outside the seven-county metropolitan area that produces less than  
93.22 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
93.23 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
93.24 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
93.25 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that  
93.26 only uses a cellulosic feedstock to produce chemical products for use by another facility as  
93.27 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted  
93.28 under this chapter.

93.29 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion  
93.30 of an environmental assessment worksheet by publishing the notice in at least one newspaper  
93.31 of general circulation in the geographic area where the project is proposed, by posting the  
93.32 notice on a Web site that has been designated as the official publication site for publication  
93.33 of proceedings, public notices, and summaries of a political subdivision in which the project  
93.34 is proposed, or in any other manner determined by the board and shall provide copies of  
93.35 the environmental assessment worksheet to the board and its member agencies. Comments

94.1 on the need for an environmental impact statement may be submitted to the responsible  
 94.2 governmental unit during a 30-day period following publication of the notice that an  
 94.3 environmental assessment worksheet has been completed. The responsible governmental  
 94.4 unit's decision on the need for an environmental impact statement shall be based on the  
 94.5 environmental assessment worksheet and the comments received during the comment period,  
 94.6 and shall be made within 15 days after the close of the comment period. The board's chair  
 94.7 may extend the 15-day period by not more than 15 additional days upon the request of the  
 94.8 responsible governmental unit.

94.9 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed  
 94.10 action whenever material evidence accompanying a petition by not less than 100 individuals  
 94.11 who reside or own property in the state, submitted before the proposed project has received  
 94.12 final approval by the appropriate governmental units, demonstrates that, because of the  
 94.13 nature or location of a proposed action, there may be potential for significant environmental  
 94.14 effects. Petitions requesting the preparation of an environmental assessment worksheet shall  
 94.15 be submitted to the board. The chair of the board shall determine the appropriate responsible  
 94.16 governmental unit and forward the petition to it. A decision on the need for an environmental  
 94.17 assessment worksheet shall be made by the responsible governmental unit within 15 days  
 94.18 after the petition is received by the responsible governmental unit. The board's chair may  
 94.19 extend the 15-day period by not more than 15 additional days upon request of the responsible  
 94.20 governmental unit.

94.21 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part  
 94.22 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
 94.23 review under this chapter and rules of the board, if:

94.24 (1) the proposed action is:

94.25 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

94.26 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity  
 94.27 of less than 1,000 animal units;

94.28 (2) the application for the animal feedlot facility includes a written commitment by the  
 94.29 proposer to design, construct, and operate the facility in full compliance with Pollution  
 94.30 Control Agency feedlot rules; and

94.31 (3) the county board holds a public meeting for citizen input at least ten business days  
 94.32 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the  
 94.33 animal feedlot facility unless another public meeting for citizen input has been held with

95.1 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition  
95.2 to other exemptions provided under other law and rules of the board.

95.3 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require  
95.4 preparation of an environmental assessment worksheet by a responsible governmental unit  
95.5 selected by the board for any action where environmental review under this section has not  
95.6 been specifically provided for by rule or otherwise initiated.

95.7 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental  
95.8 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or  
95.9 location of the project, have the potential for significant environmental effects. The same  
95.10 process shall be utilized to determine the form, content, and level of detail of the statement  
95.11 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In  
95.12 addition, the permits ~~which~~ that will be required for the proposed action shall be identified  
95.13 during the scoping process. Further, the process shall identify those permits for which  
95.14 information will be developed concurrently with the environmental impact statement. The  
95.15 board shall provide in its rules for the expeditious completion of the scoping process. The  
95.16 determinations reached in the process shall be incorporated into the order requiring the  
95.17 preparation of an environmental impact statement.

95.18 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
95.19 and ensure coordination between state and federal environmental review and between  
95.20 environmental review and environmental permitting. Whenever practical, information  
95.21 needed by a governmental unit for making final decisions on permits or other actions required  
95.22 for a proposed project shall be developed in conjunction with the preparation of an  
95.23 environmental impact statement. When an environmental impact statement is prepared for  
95.24 a project requiring multiple permits for which two or more agencies' decision processes  
95.25 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before  
95.26 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to  
95.27 the contrary, conduct the hearings in a single consolidated hearing process if requested by  
95.28 the proposer. All agencies having jurisdiction over a permit that is included in the  
95.29 consolidated hearing shall participate. The responsible governmental unit shall establish  
95.30 appropriate procedures for the consolidated hearing process, including procedures to ensure  
95.31 that the consolidated hearing process is consistent with the applicable requirements for each  
95.32 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest  
95.33 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
95.34 a permit identified in the draft environmental impact statement must accept and begin

96.1 reviewing any permit application upon publication of the notice of preparation of the  
 96.2 environmental impact statement.

96.3 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined  
 96.4 within 280 days after notice of its preparation unless the time is extended by consent of the  
 96.5 parties or by the governor for good cause. The responsible governmental unit shall determine  
 96.6 the adequacy of an environmental impact statement, unless within 60 days after notice is  
 96.7 published that an environmental impact statement will be prepared, the board chooses to  
 96.8 determine the adequacy of an environmental impact statement. If an environmental impact  
 96.9 statement is found to be inadequate, the responsible governmental unit shall have 60 days  
 96.10 to prepare an adequate environmental impact statement.

96.11 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the  
 96.12 responsible governmental unit a preliminary draft environmental impact statement under  
 96.13 this section on that action for review, modification, and determination of completeness and  
 96.14 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 96.15 statement prepared by the project proposer and submitted to the responsible governmental  
 96.16 unit shall identify or include as an appendix all studies and other sources of information  
 96.17 used to substantiate the analysis contained in the preliminary draft environmental impact  
 96.18 statement. The responsible governmental unit shall require additional studies, if needed,  
 96.19 and obtain from the project proposer all additional studies and information necessary for  
 96.20 the responsible governmental unit to perform its responsibility to review, modify, and  
 96.21 determine the completeness and adequacy of the environmental impact statement.

96.22 Sec. 109. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

96.23 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an  
 96.24 environmental assessment worksheet, the need for an environmental impact statement, or  
 96.25 the adequacy of an environmental impact statement is entitled to judicial review of the  
 96.26 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
 96.27 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of  
 96.28 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after  
 96.29 the ~~party receives the final decision and order of the~~ responsible governmental unit provides  
 96.30 notice of the decision as required by law. Proceedings for review under this section must  
 96.31 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon  
 96.32 the responsible governmental unit and by promptly filing the proof of service in the Office  
 96.33 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by  
 96.34 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the



97.1 attorney general at the time of service. Copies of the writ must be served, personally or by  
 97.2 certified mail, upon the responsible governmental unit and the project proposer. The filing  
 97.3 of the writ of certiorari does not stay the enforcement of any other governmental action,  
 97.4 provided that the responsible governmental unit may stay enforcement or the Court of  
 97.5 Appeals may order a stay upon terms it deems proper. A bond may be required under section  
 97.6 562.02 unless at the time of hearing on the application for the bond the petitioner-relator  
 97.7 has shown that the claim is likely to succeed on the merits. The board may initiate judicial  
 97.8 review of decisions referred to herein and the board or a project proposer may intervene as  
 97.9 of right in any proceeding brought under this subdivision.

97.10 Sec. 110. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

97.11 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

97.12 (1) assess the proposer of a specific action for the responsible governmental unit's  
 97.13 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.  
 97.14 The costs shall must be determined by the responsible governmental unit pursuant according  
 97.15 to the rules promulgated adopted by the board; and

97.16 (2) authorize a proposer of a specific action to prepare a draft environmental impact  
 97.17 statement for that action for submission to and review, modification, and determination of  
 97.18 completeness and adequacy by the responsible governmental unit.

97.19 Sec. 111. Minnesota Statutes 2016, section 160.06, is amended to read:

97.20 **160.06 TRAIL OR PORTAGE DEDICATION.**

97.21 Any trail or portage between public or navigable bodies of water or from public or  
 97.22 navigable water to a public highway in this state ~~which~~ that has been in continued and  
 97.23 uninterrupted use by the general public for 15 years or more as a trail or portage for the  
 97.24 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or  
 97.25 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~  
 97.26 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~  
 97.27 to the same extent as public highways. The width of all trails and portages dedicated by  
 97.28 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

97.29 Sec. 112. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

97.30 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall  
 97.31 issue state parks and trails plates to an applicant who:

98.1 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup  
98.2 truck, or motorcycle;

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

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

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

98.6 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation  
98.7 account established in section 85.056; and

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

98.10 (b) The state parks and trails plate application must indicate that the contribution specified  
98.11 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the  
98.12 applicant may make an additional contribution to the account.

98.13 (c) State parks and trails plates may be personalized according to section 168.12,  
98.14 subdivision 2a.

98.15 Sec. 113. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

98.16 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts  
98.17 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution  
98.18 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.  
98.19 These amounts, together with interest and penalties for delinquency in payment, paid or  
98.20 collected pursuant to the provisions of this chapter, must be computed for each six-month  
98.21 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~  
98.22 April 1 following each six-month period.

98.23 Sec. 114. Laws 2013, chapter 114, article 4, section 105, is amended to read:

98.24 Sec. 105. **RULES; SILICA SAND.**

98.25 (a) The commissioner of the Pollution Control Agency shall adopt rules pertaining to  
98.26 the control of particulate emissions from silica sand projects. The rulemaking is exempt  
98.27 from Minnesota Statutes, section 14.125.

98.28 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation  
98.29 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

99.1 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based  
99.2 value for silica sand.

99.3 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental  
99.4 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and  
99.5 processing to take into account the increased activity in the state and concerns over the size  
99.6 of specific operations. The Environmental Quality Board shall consider whether the  
99.7 requirements of Minnesota Statutes, section 116C.991, should remain part of the  
99.8 environmental review requirements for silica sand and whether the requirements should be  
99.9 different for different geographic areas of the state. The rulemaking is exempt from Minnesota  
99.10 Statutes, section 14.125.

99.11 Sec. 115. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended  
99.12 to read:

99.13 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

99.14 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
99.15 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
99.16 all independent research and publicly funded research and to include criteria for identifying  
99.17 waters and a list of waters subject to the standard, implementation of the wild rice water  
99.18 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
99.19 following, unless the permittee requests additional conditions:

99.20 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
99.21 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
99.22 rice, and in doing so shall be limited by the following conditions:

99.23 (i) the agency shall not require permittees to expend money for design or implementation  
99.24 of sulfate treatment technologies or other forms of sulfate mitigation; and

99.25 (ii) the agency may require sulfate minimization plans in permits; and

99.26 (2) the agency shall not list waters containing natural beds of wild rice as impaired for  
99.27 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,  
99.28 section 1313, until the rulemaking described in this paragraph takes effect.

99.29 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits  
99.30 issued or reissued after the effective date of this section as needed to include numeric permit  
99.31 limits based on the wild rice water quality standard.

100.1 (c) The commissioner shall complete the rulemaking described in paragraph (a) by  
100.2 January 15, ~~2018~~ 2019.

100.3 Sec. 116. Laws 2016, chapter 189, article 3, section 46, is amended to read:

100.4 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

100.5 The commissioner of natural resources, in cooperation with prescribed burning  
100.6 professionals, nongovernmental organizations, and local and federal governments, must  
100.7 develop criteria for certifying an entity to conduct a prescribed burn under a ~~general~~ an open  
100.8 burning permit. The certification requirements must include training, equipment, and  
100.9 experience requirements and include an apprentice program to allow entities without  
100.10 experience to become certified. The commissioner must establish provisions for decertifying  
100.11 entities. The commissioner must not require additional certification or requirements for  
100.12 burns conducted as part of normal agricultural practices not currently subject to prescribed  
100.13 burn specifications. The commissioner must submit a report with recommendations and  
100.14 any legislative changes needed to the chairs and ranking minority members of the house of  
100.15 representatives and senate committees and divisions with jurisdiction over environment and  
100.16 natural resources by January 15, 2017.

100.17 Sec. 117. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

100.18 A solid waste permit issued by the Pollution Control Agency to an existing class I  
100.19 demolition debris landfill facility that is operating under the Pollution Control Agency  
100.20 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota  
100.21 Rules, part 7001.0160, for five years, unless a new permit is issued for the facility by the  
100.22 Pollution Control Agency after the effective date of this section.

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

100.24 Sec. 118. **EQB MEMBERSHIP TRANSITION.**

100.25 (a) Until the governor has appointed members of the Environmental Quality Board from  
100.26 each congressional district as required under this act, this section governs membership of  
100.27 the board.

100.28 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the  
100.29 expiration of their terms.

100.30 (c) No later than October 1, 2017, the governor shall appoint board members from the  
100.31 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

101.1 (d) No later than October 1, 2018, the governor shall appoint a board member from the  
101.2 third congressional district for a term to begin January 8, 2019.

101.3 (e) No later than October 1, 2019, the governor shall appoint a board member from the  
101.4 fourth congressional district for a term to begin January 7, 2020.

101.5 (f) No later than October 1, 2020, the governor shall appoint a board member from the  
101.6 fifth congressional district for a term to begin January 5, 2021.

101.7 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the  
101.8 sixth congressional district for a term to begin January 4, 2022.

101.9 Sec. 119. **SAND DUNES STATE FOREST MANAGEMENT; PLAN REQUIRED.**

101.10 Subdivision 1. **Forest management.** When managing the Sand Dunes State Forest, the  
101.11 commissioner of natural resources must:

101.12 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land  
101.13 unless it is done as a result of a contract entered into before the effective date of this section;

101.14 (2) require all prairie seeds planted to be from native species of a local ecotype to  
101.15 Sherburne or Benton County; and

101.16 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in  
101.17 residential areas.

101.18 Subd. 2. **Forest management plan; county approval.** Within two years of the effective  
101.19 date of this section, the commissioner must develop and submit a forest management plan  
101.20 for the Sand Dunes State Forest that has been approved by the county board to the chairs  
101.21 and ranking minority members of the house of representatives and senate committees and  
101.22 divisions with jurisdiction over the environment and natural resources.

101.23 Subd. 3. **Prescribed burns; notification.** At least 40 days before conducting a prescribed  
101.24 burn, the commissioner must:

101.25 (1) publish a notice in a newspaper of general circulation in the area;

101.26 (2) notify the county and township, in writing; and

101.27 (3) notify residents within a quarter mile of the prescribed burn, in writing.

101.28 Subd. 4. **School trust lands.** Nothing in this section restricts the ability of the  
101.29 commissioner or the school trust lands director from managing school trust lands within  
101.30 the Sand Dunes State Forest for economic return.

102.1 Subd. 5. **Township road.** If the commissioner of natural resources finds that any portion  
102.2 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the  
102.3 commissioner must convey an easement over and across state-owned lands administered  
102.4 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width  
102.5 of 233rd Avenue.

102.6 Subd. 6. **Sunset.** This section expires two years from the day following final enactment.

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

102.8 **Sec. 120. FORT RIDGELY STATE PARK GOLF COURSE.**

102.9 (a) By May 1, 2017, the commissioner of natural resources must work out an agreement  
102.10 with the city of Fairfax that allows the city to lease and operate the golf course at Fort  
102.11 Ridgely State Park. The agreement must include:

102.12 (1) lease and operation of the existing golf course;

102.13 (2) lease of the irrigation system, including the ability to maintain and repair it;

102.14 (3) lease of the upper level of the Fort Ridgely State Park Chalet;

102.15 (4) lease of Storage Building 4-292;

102.16 (5) the ability for golf carts to be used by users of the golf course;

102.17 (6) the ability to offer liquor for sale;

102.18 (7) public access to the golf course without requiring a state park permit;

102.19 (8) the ability to improve the golf course, including improvements to golf-cart paths and  
102.20 the chalet; and

102.21 (9) terms that ensure there is not a negative fiscal impact to the Department of Natural  
102.22 Resources.

102.23 (b) The agreement must allow the city to lease the golf course for 12 months and renew  
102.24 the lease annually for at least ten years. The rental fee must not exceed eight percent of the  
102.25 total green fees received, excluding golf-cart rental fees. The commissioner must ensure  
102.26 that the golf course has a playable surface when the lease begins and the city of Fairfax  
102.27 must ensure the golf course has a playable surface should the lease expire.

102.28 (c) Admission to property leased under this section is exempt from state park permit  
102.29 fees required under Minnesota Statutes, chapter 85.

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

103.1 Sec. 121. **HILL ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**  
103.2 **PLAN.**

103.3 The commissioner of natural resources must work with the commissioner of the Iron  
103.4 Range Resources and Rehabilitation Board and representatives from the city of Calumet,  
103.5 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating  
103.6 model for local management and operation of Hill Annex Mine State Park until mining  
103.7 resumes on the property. The commissioner of natural resources must submit a management  
103.8 and operation plan to the chairs and ranking minority members of the house of representatives  
103.9 and senate committees and divisions with jurisdiction over environment and natural resources  
103.10 by January 15, 2018.

103.11 Sec. 122. **BASE BUDGET REPORT.**

103.12 (a) The commissioners of natural resources and the Pollution Control Agency must each  
103.13 submit a report that contains the details of their base budgets, by fiscal year, including:

103.14 (1) appropriation riders for the previous biennium and the year the rider was first used;

103.15 (2) anticipated appropriation riders for the fiscal year 2020-2021 biennium;

103.16 (3) statutory appropriations; and

103.17 (4) explanation on the use of funds for each appropriation not covered by a rider.

103.18 (b) The reports must be submitted to the chairs and ranking minority members of the  
103.19 house of representatives and senate committees and divisions with jurisdiction over the  
103.20 environment and natural resources by October 15, 2018.

103.21 Sec. 123. **RULEMAKING; MINNOW LICENSES.**

103.22 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,  
103.23 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The  
103.24 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,  
103.25 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section  
103.26 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

103.27 Sec. 124. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

103.28 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,  
103.29 part 7001.0150, subpart 2, item A, by inserting the following:

104.1 "For a municipality that constructs a publicly owned treatment works facility or an  
104.2 industrial national pollutant discharge elimination system/state disposal system permit holder  
104.3 who constructs a treatment works facility to comply with a new or modified effluent  
104.4 limitation, compliance with any new or modified effluent limitation adopted after construction  
104.5 begins that would require additional capital investment is required no sooner than 16 years  
104.6 after the date of initiation of operation of the facility."

104.7 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
104.8 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
104.9 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
104.10 section 14.388.

104.11 Sec. 125. **REPEALER.**

104.12 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;  
104.13 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; and 116C.04, subdivisions 3 and 4, are  
104.14 repealed.

104.15 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;  
104.16 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed."

104.17 Amend the title accordingly