

1.1 ..... moves to amend H.F. No. 1097, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 17.114, subdivision 3, is amended to read:

1.4 Subd. 3. **Duties.** (a) The commissioner shall:

1.5 (1) establish a clearinghouse and provide information, appropriate educational  
1.6 opportunities and other assistance to individuals, producers, and groups about sustainable  
1.7 agricultural techniques, practices, and opportunities;

1.8 (2) survey producers and support services and organizations to determine  
1.9 information and research needs in the area of sustainable agricultural practices;

1.10 (3) demonstrate the on-farm applicability of sustainable agriculture practices to  
1.11 conditions in this state;

1.12 (4) coordinate the efforts of state agencies regarding activities relating to sustainable  
1.13 agriculture;

1.14 (5) direct the programs of the department so as to work toward the sustainability of  
1.15 agriculture in this state;

1.16 (6) inform agencies of how state or federal programs could utilize and support  
1.17 sustainable agriculture practices;

1.18 (7) work closely with farmers, the University of Minnesota, and other appropriate  
1.19 organizations to identify opportunities and needs as well as assure coordination and  
1.20 avoid duplication of state agency efforts regarding research, teaching, and extension  
1.21 work relating to sustainable agriculture;

1.22 (8) work cooperatively with local governments and others to strengthen the  
1.23 connection between farmers who practice sustainable farming methods and urban, rural,  
1.24 and suburban consumers, including, but not limited to, promoting local farmers' markets  
1.25 and community-supported agriculture; and

2.1 (9) report to the ~~Environmental Quality Board for review and then to the~~ house of  
2.2 representatives and senate committees with jurisdiction over the environment, natural  
2.3 resources, and agriculture every even-numbered year.

2.4 (b) The report under paragraph (a), clause (9), must include:

2.5 (1) the presentation and analysis of findings regarding the current status and trends  
2.6 regarding the economic condition of producers; the status of soil and water resources  
2.7 utilized by production agriculture; the magnitude of off-farm inputs used; and the amount  
2.8 of nonrenewable resources used by Minnesota farmers;

2.9 (2) a description of current state or federal programs directed toward sustainable  
2.10 agriculture including significant results and experiences of those programs;

2.11 (3) a description of specific actions the Department of Agriculture is taking in the  
2.12 area of sustainable agriculture, including, but not limited to, specific actions to strengthen  
2.13 the connection between sustainable farmers and consumers under paragraph (a), clause (8);

2.14 (4) a description of current and future research needs at all levels in the area of  
2.15 sustainable agriculture; and

2.16 (5) suggestions for changes in existing programs or policies or enactment of new  
2.17 programs or policies that will affect farm profitability, maintain soil and water quality,  
2.18 reduce input costs, or lessen dependence upon nonrenewable resources.

2.19 Sec. 2. Minnesota Statutes 2010, section 17.117, subdivision 6a, is amended to read:

2.20 Subd. 6a. **Review and ranking of applications.** (a) The commissioner shall chair  
2.21 ~~the a~~ subcommittee established in section 103F.761, subdivision 2, paragraph (b), for  
2.22 purposes of reviewing and ranking applications and recommending to the commissioner  
2.23 allocation amounts. The subcommittee consists of representatives of the Departments of  
2.24 Agriculture, Natural Resources, and Health; the Pollution Control Agency; the Board  
2.25 of Water and Soil Resources; the Farm Service Agency and the Natural Resource  
2.26 Conservation Service of the United States Department of Agriculture; the Association of  
2.27 Minnesota Counties; the Minnesota Association of Soil and Water Conservation Districts;  
2.28 and other agencies or associations the commissioner determines are appropriate.

2.29 (b) The subcommittee must use the criteria in clauses (1) to (9) as well as other  
2.30 criteria it determines appropriate in carrying out the review and ranking:

2.31 (1) whether the proposed activities are identified in a comprehensive water  
2.32 management plan or other appropriate local planning documents as priorities;

2.33 (2) the potential that the proposed activities have for improving or protecting  
2.34 environmental quality;

3.1 (3) the extent that the proposed activities support areawide or multijurisdictional  
3.2 approaches to protecting environmental quality based on defined watershed or similar  
3.3 geographic areas;

3.4 (4) whether the activities are needed for compliance with existing environmental  
3.5 laws or rules;

3.6 (5) whether the proposed activities demonstrate participation, coordination, and  
3.7 cooperation between local units of government and other public agencies;

3.8 (6) whether there is coordination with other public and private funding sources  
3.9 and programs;

3.10 (7) whether the applicant has targeted specific best management practices to resolve  
3.11 specific environmental problems;

3.12 (8) past performance of the applicant in completing projects identified in prior  
3.13 applications and allocation agreements; and

3.14 (9) whether there are off-site public benefits.

3.15 Sec. 3. Minnesota Statutes 2010, section 18B.03, subdivision 1, is amended to read:

3.16 Subdivision 1. **Administration by commissioner.** The commissioner shall  
3.17 administer, implement, and enforce this chapter and the Department of Agriculture is  
3.18 the lead state agency for the regulation of pesticides. The commissioner has the sole  
3.19 regulatory authority over the terrestrial application of pesticides. A state agency other than  
3.20 the Department of Agriculture shall not regulate or require permits for the terrestrial  
3.21 application of pesticides.

3.22 Sec. 4. Minnesota Statutes 2010, section 18B.045, is amended to read:

3.23 **18B.045 PESTICIDE MANAGEMENT PLAN.**

3.24 Subdivision 1. **Development.** The commissioner shall develop a pesticide  
3.25 management plan for the prevention, evaluation, and mitigation of occurrences of  
3.26 pesticides or pesticide breakdown products in groundwaters and surface waters of the  
3.27 state. The pesticide management plan must include components promoting prevention,  
3.28 developing appropriate responses to the detection of pesticides or pesticide breakdown  
3.29 products in groundwater and surface waters, and providing responses to reduce or  
3.30 eliminate continued pesticide movement to groundwater and surface water. By September  
3.31 1 of each even-numbered year, the commissioner must submit a status report ~~on the plan~~  
3.32 ~~to the Environmental Quality Board for review and then~~ to the house of representatives  
3.33 and senate committees with jurisdiction over the environment, natural resources, and  
3.34 agriculture.

4.1 Subd. 2. **Coordination.** The pesticide management plan shall be coordinated  
4.2 and developed with other state agency plans and with other state agencies ~~through the~~  
4.3 ~~Environmental Quality Board~~. In addition, the University of Minnesota Extension Service,  
4.4 farm organizations, farmers, environmental organizations, and industry shall be involved  
4.5 in the pesticide management plan development.

4.6 Sec. 5. Minnesota Statutes 2010, section 18E.06, is amended to read:

4.7 **18E.06 REPORT.**

4.8 By December 1 of each year, the Agricultural Chemical Response Compensation  
4.9 Board and the commissioner shall submit to the house of representatives Committee on  
4.10 Ways and Means, the senate Committee on Finance, and the house of representatives  
4.11 and senate committees with jurisdiction over the environment, natural resources, and  
4.12 agriculture, ~~and the Environmental Quality Board~~ a report detailing the board's activities  
4.13 and reimbursements and the expenditures and activities associated with the commissioner's  
4.14 incident response program for which money from the account has been spent during  
4.15 the previous year.

4.16 Sec. 6. Minnesota Statutes 2010, section 41A.105, is amended by adding a subdivision  
4.17 to read:

4.18 Subd. 1a. **Definitions.** For the purpose of this section:

4.19 (1) "biobutanol facility" means a facility at which biobutanol is produced; and

4.20 (2) "biobutanol" means fermentation isobutyl alcohol that is derived from  
4.21 agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets;  
4.22 forest products; or other renewable resources, including residue and waste generated  
4.23 from the production, processing, and marketing of agricultural products, forest products,  
4.24 and other renewable resources.

4.25 Sec. 7. Minnesota Statutes 2010, section 84.033, subdivision 1, is amended to read:

4.26 Subdivision 1. **Acquisition; designation.** The commissioner of natural resources  
4.27 may acquire by gift, lease, easement, exchange, or purchase, in the manner prescribed  
4.28 under chapter 117, in the name of the state, lands or any interest in lands suitable and  
4.29 desirable for establishing and maintaining scientific and natural areas. The commissioner  
4.30 shall designate any land so acquired as a scientific and natural area by written order  
4.31 published in the State Register and shall administer any land so acquired and designated as  
4.32 provided by section 86A.05. Designations of scientific and natural areas are exempt from  
4.33 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

5.1 Sec. 8. Minnesota Statutes 2010, section 84.035, subdivision 6, is amended to read:

5.2 Subd. 6. **Management plans.** The commissioner shall develop in consultation with  
5.3 the affected local government unit a management plan for each peatland scientific and  
5.4 natural area designated under section 84.036 ~~in a manner prescribed by section 86A.09.~~

5.5 The management plan shall address recreational trails. In those peatland scientific  
5.6 and natural areas where no corridor of disturbance was used as a recreational trail on or  
5.7 before January 1, 1992, the plan may permit only one corridor of disturbance, in each  
5.8 peatland scientific and natural area, to be used as a recreational motorized trail.

5.9 Sec. 9. Minnesota Statutes 2010, section 84.925, subdivision 1, is amended to read:

5.10 Subdivision 1. **Program established.** (a) The commissioner shall establish a  
5.11 comprehensive all-terrain vehicle environmental and safety education and training  
5.12 program, including the preparation and dissemination of vehicle information and safety  
5.13 advice to the public, the training of all-terrain vehicle operators, and the issuance of  
5.14 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
5.15 successfully complete the all-terrain vehicle environmental and safety education and  
5.16 training course.

5.17 (b) For the purpose of administering the program and to defray ~~a portion of the~~  
5.18 expenses of training and certifying vehicle operators, the commissioner shall collect a fee  
5.19 ~~of \$15~~ from each person who receives the training. The commissioner shall collect a fee,  
5.20 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle  
5.21 safety certificate. The commissioner shall establish ~~the fee for a duplicate all-terrain~~  
5.22 ~~vehicle safety certificate~~ both fees in a manner that neither significantly overrecovers  
5.23 nor underrecovers costs, including overhead costs, involved in providing the ~~service~~  
5.24 services. The fees are not subject to the rulemaking provisions of chapter 14 and section  
5.25 14.386 does not apply. The fees may be established by the commissioner notwithstanding  
5.26 section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this  
5.27 subdivision, shall be deposited in the all-terrain vehicle account in the natural resources  
5.28 fund and the amount thereof, except for the electronic licensing system commission  
5.29 established by the commissioner under section 84.027, subdivision 15, and issuing fees  
5.30 collected by the commissioner, is appropriated annually to the Enforcement Division of  
5.31 the Department of Natural Resources for the administration of such programs. In addition  
5.32 to the fee established by the commissioner, instructors may charge each person up to the  
5.33 established fee amount for class materials and expenses.

5.34 (c) The commissioner shall cooperate with private organizations and associations,  
5.35 private and public corporations, and local governmental units in furtherance of the

6.1 program established under this section. School districts may cooperate with the  
6.2 commissioner and volunteer instructors to provide space for the classroom portion of the  
6.3 training. The commissioner shall consult with the commissioner of public safety in regard  
6.4 to training program subject matter and performance testing that leads to the certification  
6.5 of vehicle operators. ~~By June 30, 2003,~~ The commissioner shall incorporate a riding  
6.6 component in the safety education and training program.

6.7 Sec. 10. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision  
6.8 to read:

6.9 Subd. 3a. **Decontaminate.** "Decontaminate" means to wash, drain, dry, or thermally  
6.10 or otherwise treat water-related equipment in order to remove or destroy aquatic invasive  
6.11 species using the "Recommended Uniform Minimum Protocol Standards" developed  
6.12 by the United States Fish and Wildlife Service, or other protocols, as prescribed by the  
6.13 commissioner. The commissioner may prescribe protocols in the same manner provided  
6.14 under section 84D.03, subdivision 1, paragraph (d), for designating infested waters.

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

6.16 Sec. 11. Minnesota Statutes 2010, section 84D.01, subdivision 8a, is amended to read:

6.17 Subd. 8a. **Introduce.** "Introduce" means to place, release, or allow the escape of a  
6.18 nonnative species into a free-living state. Introduce does not include:

6.19 (1) the immediate return of a nonnative species to waters of the state from which the  
6.20 nonnative species was removed; or

6.21 (2) the seasonal return of nonnative species attached to water-related equipment,  
6.22 such as a dock or boat lift, that has been stored on riparian property and directly returned  
6.23 to the same waters of the state from which the water-related equipment was removed.

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

6.25 Sec. 12. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision  
6.26 to read:

6.27 Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to  
6.28 determine whether aquatic invasive species, aquatic macrophytes, or water is present and  
6.29 includes removal, drainage, decontamination, or treatment to prevent the transportation  
6.30 and spread of aquatic invasive species, aquatic macrophytes, and water.

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

7.1 Sec. 13. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision  
7.2 to read:

7.3 Subd. 8c. **Inspector.** "Inspector" means an individual trained and authorized by  
7.4 the commissioner to inspect water-related equipment, a conservation officer, or a licensed  
7.5 peace officer.

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

7.7 Sec. 14. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision  
7.8 to read:

7.9 Subd. 15a. **Service provider.** "Service provider" means an individual who installs  
7.10 or removes watercraft, equipment, motor vehicles, docks, boat lifts, rafts, vessels, trailers,  
7.11 or other water-related equipment or structures from waters of the state for compensation.

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

7.13 Sec. 15. Minnesota Statutes 2010, section 84D.01, subdivision 16, is amended to read:

7.14 Subd. 16. **Transport.** "Transport" means to cause or attempt to cause a species to be  
7.15 carried or moved into or within the state, and includes accepting or receiving the species  
7.16 for transportation or shipment. Transport does not include:

7.17 (1) the ~~transport~~ movement of infested water or a nonnative species within a water  
7.18 of the state or to a connected water of the state where the species being transported is  
7.19 already present; or

7.20 (2) the movement of a nonnative species attached to water-related equipment or  
7.21 other water-related structures from a water of the state to the shore of riparian property on  
7.22 that water or the return of water-related equipment or structures from the shore into the  
7.23 same water of the state.

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

7.25 Sec. 16. Minnesota Statutes 2010, section 84D.01, is amended by adding a subdivision  
7.26 to read:

7.27 Subd. 18a. **Water-related equipment.** "Water-related equipment" means a motor  
7.28 vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or  
7.29 any other associated equipment or container, including but not limited to portable bait  
7.30 containers, live wells, ballast tanks except for those vessels permitted under the Pollution  
7.31 Control Agency vessel discharge program, bilge areas, and water-hauling equipment that

8.1 is capable of containing or transporting aquatic invasive species, aquatic macrophytes,  
8.2 or water.

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

8.4 Sec. 17. Minnesota Statutes 2010, section 84D.01, subdivision 21, is amended to read:

8.5 Subd. 21. **Wild animal.** "Wild animal" ~~means a living creature, not human, wild by~~  
8.6 ~~nature, endowed with sensation and power of voluntary motion~~ has the meaning given  
8.7 under section 97A.015, subdivision 55.

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

8.9 Sec. 18. Minnesota Statutes 2010, section 84D.02, subdivision 6, is amended to read:

8.10 Subd. 6. **Annual report.** By January 15 each year, the commissioner shall submit a  
8.11 report on invasive species of aquatic plants and wild animals to the legislative committees  
8.12 having jurisdiction over environmental and natural resource issues. The report must  
8.13 include:

8.14 (1) detailed information on expenditures for administration, education, management,  
8.15 inspections, and research;

8.16 (2) an analysis of the effectiveness of management activities conducted in the state,  
8.17 including chemical control, harvesting, educational efforts, and inspections;

8.18 (3) information on the participation of other state agencies, local government units,  
8.19 and interest groups in control efforts;

8.20 (4) information on the progress made in the management of each species; and

8.21 (5) an assessment of future management needs and additional measures to protect  
8.22 the state's water resources from human transport and introduction of invasive species.

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

8.24 Sec. 19. Minnesota Statutes 2010, section 84D.03, subdivision 3, is amended to read:

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

8.28 (b) In waters that are designated as infested waters, except those designated because  
8.29 they contain prohibited invasive species of fish or certifiable diseases of fish, as defined  
8.30 under section 17.4982, subdivision 6, ~~the taking of~~ wild animals may be permitted for:

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



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

9.5 (c) Equipment authorized for minnow harvest in a designated infested water by  
9.6 permit issued under paragraph (b) may not be transported to, or used in, any waters other  
9.7 than waters specified in the permit.

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

9.9 Sec. 20. Minnesota Statutes 2010, section 84D.03, subdivision 4, is amended to read:

9.10 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting**  
9.11 **restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors,  
9.12 stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in  
9.13 an infested water that is designated because it contains invasive fish, invertebrates, or  
9.14 certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If  
9.15 a commercial licensee operates in ~~both~~ an infested water designated because it contains  
9.16 invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, ~~and other~~  
9.17 ~~waters,~~ all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or  
9.18 turtle, frog, or crayfish harvesting in waters ~~not~~ designated as infested with invasive fish,  
9.19 invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with  
9.20 tags provided by the commissioner, as specified in the commercial licensee's license or  
9.21 permit, ~~and may not be used in infested waters designated because the waters contain~~  
9.22 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982.~~ This  
9.23 tagging requirement does not apply to commercial fishing equipment used in Lake  
9.24 Superior.

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

10.1 (c) A commercial licensee must remove all aquatic macrophytes from nets and other  
 10.2 equipment when the nets and equipment are removed from waters of the state.

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

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

10.6 Sec. 21. Minnesota Statutes 2010, section 84D.09, is amended to read:

10.7 **84D.09 AQUATIC MACROPHYTES.**

10.8 Subdivision 1. **Transportation prohibited.** A person may not transport aquatic  
 10.9 macrophytes ~~on any state forest road as defined by section 89.001, subdivision 14, any~~  
 10.10 ~~road or highway as defined in section 160.02, subdivision 26, or any other public road,~~  
 10.11 except as provided in this section.

10.12 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport  
 10.13 aquatic macrophytes:

10.14 (1) that are duckweeds in the family Lemnaceae;

10.15 (2) for disposal as part of a harvest or control activity conducted under an aquatic  
 10.16 plant management permit pursuant to section 103G.615, under permit pursuant to section  
 10.17 84D.11, or as specified by the commissioner;

10.18 (3) for purposes of constructing shooting or observation blinds in amounts sufficient  
 10.19 for that purpose, provided that the aquatic macrophytes are emergent and cut above the  
 10.20 waterline;

10.21 (4) when legally purchased or traded by or from commercial or hobbyist sources for  
 10.22 aquarium, wetland or lakeshore restoration, or ornamental purposes;

10.23 (5) when harvested for personal or commercial use if in a motor vehicle;

10.24 (6) to the department, or another destination as the commissioner may direct, in a  
 10.25 sealed container for purposes of identifying a species or reporting the presence of a species;

10.26 (7) when transporting commercial aquatic plant harvesting or control equipment to a  
 10.27 suitable location for purposes of cleaning any remaining aquatic macrophytes;

10.28 (8) that are wild rice harvested under section 84.091; ~~or~~

10.29 (9) in the form of fragments of emergent aquatic macrophytes incidentally  
 10.30 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl  
 10.31 season; or

10.32 (10) when removing water-related equipment from waters of the state for purposes  
 10.33 of cleaning off aquatic macrophytes before leaving a water access site.

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

11.1 Sec. 22. Minnesota Statutes 2010, section 84D.10, subdivision 1, is amended to read:

11.2 Subdivision 1. **Launching prohibited.** A person may not place or attempt to  
 11.3 place into waters of the state a watercraft, a trailer, or aquatic plant harvesting or control  
 11.4 equipment that has aquatic macrophytes, zebra mussels, or prohibited invasive species  
 11.5 attached except as provided in this section.

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

11.7 Sec. 23. Minnesota Statutes 2010, section 84D.10, subdivision 3, is amended to read:

11.8 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed  
 11.9 peace officer may order:

11.10 (1) the removal of aquatic macrophytes or prohibited invasive species from ~~a trailer~~  
 11.11 ~~or watercraft~~ water-related equipment before it is placed into waters of the state;

11.12 (2) confinement of the ~~watercraft~~ water-related equipment at a mooring, dock, or  
 11.13 other location until the ~~watercraft~~ water-related equipment is removed from the water; ~~and~~

11.14 (3) removal of ~~a watercraft~~ water-related equipment from waters of the state  
 11.15 to remove prohibited invasive species if the water has not been designated by the  
 11.16 commissioner as being infested with that species; ~~and~~

11.17 (4) a prohibition on placing water-related equipment into waters of the state when  
 11.18 the water-related equipment has aquatic macrophytes or prohibited invasive species  
 11.19 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
 11.20 has not been removed in violation of subdivision 4.

11.21 (b) An inspector who is not a licensed peace officer may issue orders under  
 11.22 paragraph (a), clauses (1), (3), and (4).

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

11.24 Sec. 24. Minnesota Statutes 2010, section 84D.10, subdivision 4, is amended to read:

11.25 Subd. 4. **Persons leaving public waters; report transporting water-related**  
 11.26 **equipment.** (a) ~~A person~~ When leaving waters of the state a person must drain  
 11.27 ~~boating-related~~ water-related equipment holding water and live wells and bilges by  
 11.28 removing the drain plug before transporting the ~~watercraft and associated~~ water-related  
 11.29 equipment on public roads off the water access site or riparian property.

11.30 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water  
 11.31 from ballast tanks, bilges, and live wells must be removed or opened while transporting  
 11.32 watercraft on a public road water-related equipment.

12.1 (c) Emergency response vehicles and equipment may be transported on a public road  
12.2 with the drain plug or other similar device replaced only after all water has been drained  
12.3 from the equipment upon leaving the water body.

12.4 (d) Marine sanitary systems and portable bait containers are excluded exempt from  
12.5 this requirement subdivision.

12.6 (e) A person must not dispose of bait in waters of the state.

12.7 ~~(b) The commissioner shall report, by January 15 of each odd-numbered year, to~~  
12.8 ~~the chairs and ranking minority members of the house of representatives and senate~~  
12.9 ~~committees and divisions having jurisdiction over water resources policy and finance. The~~  
12.10 ~~report shall advise the legislature on additional measures to protect state water resources~~  
12.11 ~~from human transport of invasive species.~~

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

12.13 Sec. 25. **[84D.105] INSPECTION OF WATERCRAFT AND WATER-RELATED**  
12.14 **EQUIPMENT.**

12.15 Subdivision 1. **Compliance inspections.** Compliance with aquatic invasive species  
12.16 inspection requirements is an express condition of operating or transporting water-related  
12.17 equipment. An inspector may prohibit an individual who refuses to allow an inspection of  
12.18 the individual's water-related equipment or who refuses to remove and dispose of aquatic  
12.19 invasive species, aquatic macrophytes, and water from placing or operating water-related  
12.20 equipment in waters of the state.

12.21 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize  
12.22 individuals to inspect water-related equipment for aquatic macrophytes, aquatic  
12.23 invasive species, and water. Inspectors may visually and tactilely inspect watercraft  
12.24 and water-related equipment to determine whether aquatic invasive species, aquatic  
12.25 macrophytes, or water is present. If a person transporting watercraft or water-related  
12.26 equipment refuses to take required corrective actions or fails to comply with an order  
12.27 under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall  
12.28 refer the violation to a conservation officer or other licensed peace officer.

12.29 (b) In addition to paragraph (a), a conservation officer or other licensed peace officer  
12.30 may inspect any watercraft or water-related equipment that is stopped at a water access  
12.31 site or stopped at any other location in the state if the officer determines there is reason  
12.32 to believe that aquatic invasive species, aquatic macrophytes, or water is present on the  
12.33 watercraft or water-related equipment.

12.34 (c) Conservation officers or other licensed peace officers may utilize check stations  
12.35 in locations, or in proximity to locations, where watercraft or other water-related

13.1 equipment is placed into or removed from waters of the state. Any check stations shall be  
 13.2 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

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

13.4 Sec. 26. **[84D.108] SERVICE PROVIDER PERMIT.**

13.5 Subdivision 1. **Service provider permit required.** (a) Service providers must apply  
 13.6 for and obtain a permit from the commissioner before providing any services described in  
 13.7 section 84D.01, subdivision 15a.

13.8 (b) Service providers must have a valid permit in possession while providing  
 13.9 services described in section 84D.01, subdivision 15a.

13.10 Subd. 2. **Permit requirements.** (a) Service providers must complete invasive  
 13.11 species training provided by the commissioner and pass an examination to qualify for a  
 13.12 permit. Service provider permits are valid for three calendar years.

13.13 (b) A \$50 application and testing fee is required for service provider permit  
 13.14 applications.

13.15 Subd. 3. **Standard for issuing.** The commissioner may issue, deny, modify, or  
 13.16 revoke a permit as provided in section 84D.11, subdivision 3.

13.17 Subd. 4. **Appeal of permit decision.** Permit decisions may be appealed as provided  
 13.18 in section 84D.11, subdivision 4.

13.19 Sec. 27. Minnesota Statutes 2010, section 84D.11, subdivision 2a, is amended to read:

13.20 Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue  
 13.21 a permit to allow the harvest of bait from waters that are designated as infested waters,  
 13.22 except those designated because they contain prohibited invasive species of fish. The  
 13.23 permit shall include conditions necessary to avoid spreading aquatic invasive species.

13.24 (b) Before receiving a permit, or working for a permittee, a person annually  
 13.25 must satisfactorily complete aquatic invasive species-related training provided by the  
 13.26 commissioner.

13.27 Sec. 28. Minnesota Statutes 2010, section 84D.13, subdivision 3, is amended to read:

13.28 Subd. 3. **Criminal penalties.** (a) A person who violates a provision of ~~section~~  
 13.29 ~~sections 84D.03 or 84D.06, 84D.07, 84D.08, or 84D.10~~ to 84D.11, or a rule adopted under  
 13.30 section 84D.12, is guilty of a misdemeanor.

13.31 (b) A person who possesses, transports, or introduces a prohibited invasive species in  
 13.32 violation of section 84D.05 is guilty of a misdemeanor. A person who imports, purchases,

14.1 sells, or propagates a prohibited invasive species in violation of section 84D.05 is guilty  
14.2 of a gross misdemeanor.

14.3 (c) A person who refuses to obey an order of a peace officer or conservation officer  
14.4 to remove prohibited invasive species or aquatic macrophytes from any ~~watercraft, trailer,~~  
14.5 ~~or plant harvesting~~ water-related equipment is guilty of a gross misdemeanor.

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

14.7 Sec. 29. Minnesota Statutes 2010, section 84D.13, subdivision 4, is amended to read:

14.8 Subd. 4. **Warnings; civil citations.** After appropriate training, conservation  
14.9 officers, other licensed peace officers, and other department personnel designated by the  
14.10 commissioner may issue warnings or citations to a person who:

14.11 (1) unlawfully transports prohibited invasive species or aquatic macrophytes;

14.12 (2) unlawfully places or attempts to place into waters of the state ~~a trailer, a~~  
14.13 ~~watercraft, or plant harvesting~~ water-related equipment that has aquatic macrophytes  
14.14 or prohibited invasive species attached;

14.15 (3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed  
14.16 by rule, Eurasian water milfoil;

14.17 (4) fails to remove plugs, open valves, and drain water, ~~as required by rule,~~ from  
14.18 ~~watercraft and~~ water-related equipment before leaving ~~designated zebra mussel, spiny~~  
14.19 ~~water flea, or other invasive plankton infested~~ waters of the state or when transporting  
14.20 water-related equipment as provided in section 84D.10, subdivision 4; or

14.21 (5) transports infested water, in violation of rule, off riparian property.

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

14.23 Sec. 30. Minnesota Statutes 2010, section 84D.13, subdivision 5, is amended to read:

14.24 Subd. 5. **Civil penalties.** A civil citation issued under this section must impose  
14.25 the following penalty amounts:

14.26 (1) for transporting aquatic macrophytes ~~on a forest road as defined by section~~  
14.27 ~~89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or~~  
14.28 ~~any other public road, \$50~~ in violation of section 84D.09, \$50;

14.29 (2) for placing or attempting to place into waters of the state ~~a watercraft, a trailer, or~~  
14.30 ~~aquatic plant harvesting~~ water-related equipment that has aquatic macrophytes attached,  
14.31 \$100;

14.32 (3) for unlawfully possessing or transporting a prohibited invasive species other  
14.33 than an aquatic macrophyte, \$250;

15.1 (4) for placing or attempting to place into waters of the state ~~a watercraft, a trailer,~~  
 15.2 ~~or aquatic plant harvesting~~ water-related equipment that has prohibited invasive species  
 15.3 attached when the waters are not designated by the commissioner as being infested with  
 15.4 that invasive species, \$500 for the first offense and \$1,000 for each subsequent offense;

15.5 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
 15.6 prescribed by rule, Eurasian water milfoil, \$100;

15.7 (6) for failing to remove plugs, open valves, and drain water, ~~as required by rule,~~  
 15.8 ~~for infested waters and from watercraft and~~ water-related equipment, other than marine  
 15.9 sanitary systems ~~and portable bait containers,~~ before leaving waters of the state, \$50; and

15.10 (7) for transporting infested water off riparian property without a permit as required  
 15.11 by rule, \$200.

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

15.13 Sec. 31. Minnesota Statutes 2010, section 84D.13, subdivision 6, is amended to read:

15.14 Subd. 6. **Watercraft license suspension.** A civil citation may be issued to suspend,  
 15.15 for up to a year, the watercraft license of an owner or person in control of a watercraft  
 15.16 or trailer who refuses to submit to an inspection under section ~~84D.02, subdivision 4,~~  
 15.17 84D.105 or who refuses to comply with a removal order given under this section 84D.13.

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

15.19 Sec. 32. Minnesota Statutes 2010, section 84D.13, subdivision 7, is amended to read:

15.20 Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft  
 15.21 license suspension is effective 30 days after issuance of the civil citation. A civil penalty  
 15.22 collected under this section ~~is payable to~~ must be paid to either: (1) the commissioner  
 15.23 if the citation was issued by a conservation officer and must be credited to the invasive  
 15.24 species account; or (2) the treasury of the unit of government employing the officer who  
 15.25 issued the civil citation.

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

15.27 Sec. 33. Minnesota Statutes 2010, section 84D.15, subdivision 2, is amended to read:

15.28 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under  
 15.29 section 86B.415, subdivision 7, ~~and~~ civil penalties under section 84D.13, and service  
 15.30 provider permits under section 84D.108, shall be deposited in the invasive species account.  
 15.31 Each year, the commissioner of management and budget shall transfer from the game and  
 15.32 fish fund to the invasive species account, the annual surcharge collected on nonresident

16.1 fishing licenses under section 97A.475, subdivision 7, paragraph (b). ~~In fiscal years 2010~~  
16.2 ~~and 2011, the commissioner of management and budget shall transfer \$725,000 from the~~  
16.3 ~~water recreation account under section 86B.706 to the invasive species account.~~

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

16.5 Sec. 34. Minnesota Statutes 2010, section 85.018, subdivision 5, is amended to read:

16.6 Subd. 5. **Motorized vehicle trails restricted.** (a) From December 1 to April 1 in  
16.7 any year no use of a motorized vehicle other than a snowmobile, unless authorized by  
16.8 permit, lease, or easement, shall be permitted on a trail designated for use by snowmobiles.

16.9 (b) ~~From December 1 to April 1 in any year~~ No use of a motorized vehicle other  
16.10 than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized  
16.11 by permit, lease, or easement, shall be permitted on a trail designated for use by all-terrain  
16.12 vehicles, off-road vehicles, or both, and off-highway motorcycles.

16.13 Sec. 35. Minnesota Statutes 2010, section 85.019, subdivision 4b, is amended to read:

16.14 Subd. 4b. **Regional trails.** The commissioner shall administer a program to  
16.15 provide grants to units of government for acquisition and betterment of public land and  
16.16 improvements needed for trails outside the metropolitan area deemed to be of regional  
16.17 significance according to criteria published by the commissioner. Recipients must provide  
16.18 a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If  
16.19 land used for the trails is not in full public ownership, then the recipients must prove it  
16.20 is dedicated to the purposes of the grants for at least 20 years. The commissioner shall  
16.21 make payment to a unit of government upon receiving documentation of reimbursable  
16.22 expenditures. A unit of government may enter into a lease or management agreement  
16.23 for the trail, subject to section 16A.695.

16.24 Sec. 36. Minnesota Statutes 2010, section 85.019, subdivision 4c, is amended to read:

16.25 Subd. 4c. **Trail connections.** The commissioner shall administer a program to  
16.26 provide grants to units of government for acquisition and betterment of public land and  
16.27 improvements needed for trails that connect communities, trails, and parks and thereby  
16.28 increase the effective length of trail experiences. Recipients must provide a nonstate cash  
16.29 match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the  
16.30 trails is not in full public ownership, then the recipients must prove it is dedicated to the  
16.31 purposes of the grants for at least 20 years. The commissioner shall make payment to a  
16.32 unit of government upon receiving documentation of reimbursable expenditures. A unit



17.1 of government may enter into a lease or management agreement for the trail, subject  
17.2 to section 16A.695.

17.3 Sec. 37. Minnesota Statutes 2010, section 85.32, subdivision 1, is amended to read:

17.4 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
17.5 in cooperation with local units of government and private individuals and groups when  
17.6 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,  
17.7 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,  
17.8 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
17.9 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
17.10 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,  
17.11 Blue Earth, Cedar, and Crow Rivers which have historic and scenic values and to mark  
17.12 appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls,  
17.13 whirlpools, and other serious hazards which are dangerous to canoe, kayak, and watercraft  
17.14 travelers.

17.15 Sec. 38. Minnesota Statutes 2010, section 93.0015, subdivision 1, is amended to read:

17.16 Subdivision 1. **Establishment; membership.** The Mineral Coordinating Committee  
17.17 is established to plan for diversified mineral development. The Mineral Coordinating  
17.18 Committee consists of:

- 17.19 (1) the commissioner of natural resources;
- 17.20 (2) the ~~deputy~~ commissioner of the Minnesota Pollution Control Agency;
- 17.21 ~~(3) the director of United Steelworkers of America, District 11, or the director's~~  
17.22 ~~designee;~~
- 17.23 ~~(4)~~ (3) the commissioner of Iron Range resources and rehabilitation;
- 17.24 ~~(5)~~ (4) the director of the Minnesota Geological Survey;
- 17.25 ~~(6)~~ (5) the dean of the University of Minnesota Institute of Technology;
- 17.26 ~~(7)~~ (6) the director of the Natural Resources Research Institute; and
- 17.27 ~~(8) three~~ (7) four individuals appointed by the governor for a four-year term, one  
17.28 each representing the iron ore and taconite, nonferrous metallic minerals, and industrial  
17.29 minerals industries within the state and one representing labor.

17.30 Sec. 39. Minnesota Statutes 2010, section 93.0015, subdivision 3, is amended to read:

17.31 Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to  
17.32 the contrary, the committee expires June 30, ~~2011~~ 2016.

18.1 Sec. 40. Minnesota Statutes 2010, section 97A.055, subdivision 4b, is amended to read:

18.2 Subd. 4b. **Citizen oversight ~~subcommittees~~ committees.** (a) The commissioner  
18.3 shall appoint ~~subcommittees~~ committees of affected persons to review the reports  
18.4 prepared under subdivision 4; review the proposed work plans and budgets for the coming  
18.5 year; propose changes in policies, activities, and revenue enhancements or reductions;  
18.6 review other relevant information; and make recommendations to the legislature and  
18.7 the commissioner for improvements in the management and use of money in the game  
18.8 and fish fund.

18.9 (b) The commissioner shall appoint the following ~~subcommittees~~ committees, each  
18.10 comprised of at least ~~three~~ ten affected persons:

18.11 (1) a Fisheries ~~Operations Subcommittee~~ Oversight Committee to review fisheries  
18.12 funding and expenditures, ~~excluding~~ including activities related to trout and salmon stamp  
18.13 and walleye stamp ~~funding~~; and

18.14 (2) a Wildlife ~~Operations Subcommittee~~ Oversight Committee to review wildlife  
18.15 funding and expenditures, ~~excluding~~ including activities related to migratory waterfowl,  
18.16 pheasant, and wild turkey management ~~funding~~ and ~~excluding~~ review of the amounts  
18.17 ~~available under section 97A.075, subdivision 1, paragraphs (b) and (c); deer and big~~  
18.18 game management

18.19 (3) ~~a Big Game Subcommittee to review the report required in subdivision 4,~~  
18.20 ~~paragraph (a), clause (2);~~

18.21 (4) ~~an Ecological Resources Subcommittee to review ecological services funding;~~

18.22 (5) ~~a subcommittee to review game and fish fund funding of enforcement and~~  
18.23 ~~operations support;~~

18.24 (6) ~~a subcommittee to review the trout and salmon stamp report and address funding~~  
18.25 ~~issues related to trout and salmon;~~

18.26 (7) ~~a subcommittee to review the report on the migratory waterfowl stamp and~~  
18.27 ~~address funding issues related to migratory waterfowl;~~

18.28 (8) ~~a subcommittee to review the report on the pheasant stamp and address funding~~  
18.29 ~~issues related to pheasants;~~

18.30 (9) ~~a subcommittee to review the report on the wild turkey management account and~~  
18.31 ~~address funding issues related to wild turkeys; and~~

18.32 (10) ~~a subcommittee to review the walleye stamp and address funding issues related~~  
18.33 ~~to walleye stocking.~~

18.34 (c) The chairs ~~of each~~ of the ~~subcommittees~~ Fisheries Oversight Committee and the  
18.35 Wildlife Oversight Committee, and four additional members from each committee, shall  
18.36 form a Budgetary Oversight Committee to coordinate the integration of the ~~subcommittee~~

19.1 fisheries and wildlife oversight committee reports into an annual report to the legislature;  
 19.2 recommend changes on a broad level in policies, activities, and revenue enhancements or  
 19.3 reductions; and provide a forum to address issues that transcend the subcommittees; and  
 19.4 ~~submit a report for any subcommittee that fails to submit its report in a timely manner~~  
 19.5 fisheries and wildlife oversight committees.

19.6 (d) The Budgetary Oversight Committee shall develop recommendations for a  
 19.7 biennial budget plan and report for expenditures on game and fish activities. By August 15  
 19.8 of each even-numbered year, the committee shall submit the budget plan recommendations  
 19.9 to the commissioner and to the senate and house of representatives committees with  
 19.10 jurisdiction over natural resources finance.

19.11 (e) ~~Each subcommittee shall choose its own chair, except that~~ The chairs of the  
 19.12 Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen  
 19.13 by their respective committees. The chair of the Budgetary Oversight Committee shall  
 19.14 be appointed by the commissioner and may not be the chair of ~~any of the subcommittees~~  
 19.15 either of the other oversight committees.

19.16 (f) The Budgetary Oversight Committee ~~must~~ may make recommendations to the  
 19.17 commissioner and to the senate and house of representatives committees with jurisdiction  
 19.18 over natural resources finance for outcome goals from expenditures.

19.19 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the  
 19.20 Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary  
 19.21 Oversight Committee ~~and subcommittees~~ do not expire until June 30, ~~2010~~ 2015.

19.22 Sec. 41. **[97A.134] ADOPT-A-WMA PROGRAM.**

19.23 Subdivision 1. Creation. The Minnesota adopt-a-WMA (wildlife management area)  
 19.24 program is established. The commissioner shall coordinate the program through the  
 19.25 regional offices of the Department of Natural Resources.

19.26 Subd. 2. Agreements. (a) The commissioner shall enter into informal agreements  
 19.27 with sporting, outdoor, business, and civic groups or individuals for volunteer services to  
 19.28 maintain and make improvements to real property on state wildlife management areas in  
 19.29 accordance with plans devised by the commissioner after consultation with the groups  
 19.30 or individuals.

19.31 (b) The commissioner may erect appropriate signs to recognize and express  
 19.32 appreciation to groups and individuals providing volunteer services under the  
 19.33 adopt-a-WMA program.

20.1 (c) The commissioner may provide assistance to enhance the comfort and safety of  
20.2 volunteers and to facilitate the implementation and administration of the adopt-a-WMA  
20.3 program.

20.4 Sec. 42. Minnesota Statutes 2010, section 103A.204, is amended to read:

20.5 **103A.204 GROUNDWATER POLICY.**

20.6 (a) The responsibility for the protection of groundwater in Minnesota is vested  
20.7 in a multiagency approach to management. The following is a list of agencies and the  
20.8 groundwater protection areas for which the agencies are primarily responsible; the list is  
20.9 not intended to restrict the areas of responsibility to only those specified:

20.10 (1) ~~Environmental Quality Board~~ Clean Water Council: coordination of state  
20.11 groundwater protection programs;

20.12 (2) Pollution Control Agency: water quality monitoring and reporting and the  
20.13 development of best management practices and regulatory mechanisms for protection of  
20.14 groundwater from nonagricultural chemical contaminants;

20.15 (3) Department of Agriculture: sustainable agriculture, integrated pest management,  
20.16 water quality monitoring, and the development of best management practices and  
20.17 regulatory mechanisms for protection of groundwater from agricultural chemical  
20.18 contaminants;

20.19 (4) Board of Water and Soil Resources: reporting on groundwater education and  
20.20 outreach with local government officials, local water planning and management, and  
20.21 local cost share programs;

20.22 (5) Department of Natural Resources: water quantity monitoring and regulation,  
20.23 sensitivity mapping, and development of a plan for the use of integrated pest management  
20.24 and sustainable agriculture on state-owned lands; and

20.25 (6) Department of Health: regulation of wells and borings, and the development of  
20.26 health risk limits under section 103H.201.

20.27 (b) The ~~Environmental Quality Board~~ Clean Water Council shall prepare a report  
20.28 on policy issues related to its responsibilities listed in paragraph (a), and include these  
20.29 reports with ~~the assessments in section 103A.43 and the "Minnesota Water Plan" in~~  
20.30 section 103B.151.

20.31 Sec. 43. Minnesota Statutes 2010, section 103B.101, subdivision 9, is amended to read:

20.32 Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed  
20.33 elsewhere, the board shall:

21.1 (1) coordinate the water and soil resources planning activities of counties, soil and  
 21.2 water conservation districts, watershed districts, watershed management organizations,  
 21.3 and any other local units of government through its various authorities for approval of  
 21.4 local plans, administration of state grants, and by other means as may be appropriate;

21.5 (2) facilitate communication and coordination among state agencies ~~in cooperation~~  
 21.6 ~~with the Environmental Quality Board~~, and between state and local units of government,  
 21.7 in order to make the expertise and resources of state agencies involved in water and soil  
 21.8 resources management available to the local units of government to the greatest extent  
 21.9 possible;

21.10 (3) coordinate state and local interests with respect to the study in southwestern  
 21.11 Minnesota under United States Code, title 16, section 1009;

21.12 (4) develop information and education programs designed to increase awareness  
 21.13 of local water and soil resources problems and awareness of opportunities for local  
 21.14 government involvement in preventing or solving them;

21.15 (5) provide a forum for the discussion of local issues and opportunities relating  
 21.16 to water and soil resources management;

21.17 (6) adopt an annual budget and work program that integrate the various functions  
 21.18 and responsibilities assigned to it by law; and

21.19 (7) report to the governor and the legislature by October 15 of each even-numbered  
 21.20 year with an assessment of board programs and recommendations for any program  
 21.21 changes and board membership changes necessary to improve state and local efforts  
 21.22 in water and soil resources management.

21.23 The board may accept grants, gifts, donations, or contributions in money, services,  
 21.24 materials, or otherwise from the United States, a state agency, or other source to achieve  
 21.25 an authorized purpose. The board may enter into a contract or agreement necessary or  
 21.26 appropriate to accomplish the transfer. The board may receive and expend money to  
 21.27 acquire conservation easements, as defined in chapter 84C, on behalf of the state and  
 21.28 federal government consistent with the Camp Ripley's Army Compatible Use Buffer  
 21.29 Project.

21.30 Any money received is hereby deposited in an account in a fund other than the  
 21.31 general fund and appropriated and dedicated for the purpose for which it is granted.

21.32 Sec. 44. Minnesota Statutes 2010, section 103B.151, is amended to read:

21.33 **103B.151 COORDINATION OF WATER RESOURCE PLANNING.**

21.34 Subdivision 1. **Water planning.** The ~~Environmental Quality Board~~ Clean Water  
 21.35 Council shall:

22.1 (1) coordinate public water resource management and regulation activities among  
22.2 the state agencies having jurisdiction in the area;

22.3 (2) coordinate comprehensive long-range water resources planning in furtherance of  
22.4 the Environmental Quality Board's "Minnesota Water Plan," published in January 1991,  
22.5 by ~~September 15, 2000, and each ten-year interval afterwards~~ incorporating long-range  
22.6 planning in the council's implementation plan required under section 114D.30, subdivision  
22.7 5;

22.8 (3) coordinate water planning activities of local, regional, and federal bodies with  
22.9 state water planning and integrate these plans with state strategies;

22.10 (4) coordinate development of state water policy recommendations and priorities,  
22.11 and a recommended program for funding identified needs, including priorities for  
22.12 implementing the state water resources monitoring plan;

22.13 (5) administer federal water resources planning with multiagency interests;

22.14 (6) ensure that groundwater quality monitoring and related data is provided and  
22.15 integrated into the Minnesota land management information system according to  
22.16 published data compatibility guidelines. Costs of integrating the data in accordance with  
22.17 data compatibility standards must be borne by the agency generating the data;

22.18 (7) coordinate the development and evaluation of water information and education  
22.19 materials and resources; and

22.20 (8) coordinate the dissemination of water information and education through  
22.21 existing delivery systems.

22.22 Subd. 2. **Governor's representative.** ~~The Environmental Quality Board~~  
22.23 Clean Water Council chair shall represent the governor on interstate water resources  
22.24 organizations.

22.25 Sec. 45. Minnesota Statutes 2010, section 103B.315, subdivision 5, is amended to read:

22.26 Subd. 5. **State review.** (a) After conducting the public hearing but before final  
22.27 adoption, the county board must submit its local water management plan, all written  
22.28 comments received on the plan, a record of the public hearing under subdivision 4,  
22.29 and a summary of changes incorporated as a result of the review process to the board  
22.30 for review. The board shall complete the review within 90 days after receiving a local  
22.31 water management plan and supporting documents. The board shall consult with the  
22.32 Departments of Agriculture, Health, and Natural Resources; the Pollution Control Agency;  
22.33 ~~the Environmental Quality Board;~~ and other appropriate state agencies during the review.

22.34 (b) The board may disapprove a local water management plan if the board  
22.35 determines the plan is not consistent with state law. If a plan is disapproved, the board

23.1 shall provide a written statement of its reasons for disapproval. A disapproved local water  
23.2 management plan must be revised by the county board and resubmitted for approval by the  
23.3 board within 120 days after receiving notice of disapproval of the local water management  
23.4 plan, unless the board extends the period for good cause.

23.5 (c) If the local government unit disagrees with the board's decision to disapprove  
23.6 the plan, it may, within 60 days, initiate mediation through the board's informal dispute  
23.7 resolution process as established pursuant to section 103B.345, subdivision 1. A local  
23.8 government unit may appeal disapproval to the Court of Appeals. A decision of the board  
23.9 on appeal is subject to judicial review under sections 14.63 to 14.69.

23.10 Sec. 46. Minnesota Statutes 2010, section 103B.661, subdivision 2, is amended to read:

23.11 Subd. 2. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G,  
23.12 and 115, and the rules and regulations of the respective agencies and governing bodies  
23.13 vested with jurisdiction and authority under those chapters, the district has the following  
23.14 powers to:

23.15 (1) regulate the types of boats permitted to use the lake and set service fees;

23.16 (2) limit the use of motors, including their types and horsepower, on the lake;

23.17 (3) regulate, maintain, and police public beaches, public docks, and other public  
23.18 facilities for access to the lake within the territory of the municipalities;

23.19 (4) limit by rule the use of the lake at various times and the use of various parts of  
23.20 the lake;

23.21 (5) regulate the speed of boats on the lake and the conduct of other activities on the  
23.22 lake to secure the safety of the public and the most general public use;

23.23 (6) contract with other law enforcement agencies to police the lake and its shores;

23.24 (7) regulate the construction, installation, and maintenance of permanent and  
23.25 temporary docks and moorings consistent with federal and state law;

23.26 (8) regulate the construction and use of mechanical and chemical means of deicing  
23.27 the lake and to regulate the mechanical and chemical means of removal of weeds and  
23.28 algae from the lake;

23.29 (9) regulate the construction, configuration, size, location, and maintenance of  
23.30 commercial marinas and their related facilities including parking areas and sanitary  
23.31 facilities. The regulation shall be consistent with the applicable municipal building codes  
23.32 and zoning ordinances where said marinas are situated;

23.33 (10) contract with other governmental bodies to perform any of the functions  
23.34 of the district;

24.1 (11) undertake research to determine the condition and development of the lake and  
 24.2 the water entering it and to transmit their studies to the Pollution Control Agency and other  
 24.3 interested authorities; and to develop a comprehensive program to eliminate pollution;

24.4 (12) receive financial assistance from and join in projects or enter into contracts  
 24.5 with federal and state agencies for the study and treatment of pollution problems and  
 24.6 demonstration programs related to them;

24.7 (13) petition the board of managers of a watershed district where the White Bear  
 24.8 Lake Conservation District is located for improvements under section 103D.705, for  
 24.9 which a bond may not be required of the district; and

24.10 (14) to require the submission of all plans pertaining to or affecting construction or  
 24.11 other lakeshore use on any lot or parcel of land abutting the shoreline including: length  
 24.12 of setback from the shoreline, adjoining property, or any street or highway; problems of  
 24.13 population density; possible water, air or visual pollution; or height of construction. The  
 24.14 board shall have 60 days after submission of plans or any part thereof for review. If, within  
 24.15 60 days of submission the board finds the plan or any part is inconsistent with its plans or  
 24.16 ordinances, it may recommend that the plan or any part be revised and resubmitted.

24.17 Sec. 47. Minnesota Statutes 2010, section 103F.705, is amended to read:

24.18 **103F.705 PURPOSE.**

24.19 ~~(a)~~ It is the purpose of the legislature in enacting sections 103F.701 to ~~103F.761~~  
 24.20 103F.755 to protect ~~and improve,~~ enhance, and restore surface and ground water in the  
 24.21 state, through financial and technical assistance to local units of government to ~~control~~  
 24.22 prevent water pollution, including that associated with land use and land management  
 24.23 activities, and

24.24 ~~(b) It is also the purpose of the legislature to:~~

24.25 ~~(1) identify water quality problems and their causes;~~

24.26 ~~(2) direct technical and financial resources to resolve water quality problems and to~~  
 24.27 ~~abate their causes;~~

24.28 ~~(3) provide technical and financial resources to local units of government for~~  
 24.29 ~~implementation of water quality protection and improvement projects;~~

24.30 ~~(4) coordinate a nonpoint source pollution control program with elements of the~~  
 24.31 ~~existing state water quality program and other existing resource management programs;~~  
 24.32 ~~and~~

24.33 ~~(5)~~ to provide a legal basis for state implementation of federal laws controlling  
 24.34 nonpoint source water pollution.



25.1 Sec. 48. Minnesota Statutes 2010, section 103F.711, subdivision 8, is amended to read:

25.2 Subd. 8. **Project.** "Project" means the ~~diagnostic study~~ identification of water  
 25.3 pollution ~~caused by nonpoint sources of water pollution~~ and its causes, a plan to ~~implement~~  
 25.4 ~~best management practices~~ prevent water pollution or protect and improve water quality,  
 25.5 and the ~~physical features constructed or actions taken by a local unit of government to~~  
 25.6 ~~implement best management practices~~ measures taken to prevent water pollution or  
 25.7 protect and improve water quality.

25.8 Sec. 49. Minnesota Statutes 2010, section 103F.715, is amended to read:

25.9 **103F.715 CLEAN WATER PARTNERSHIP PROGRAM ESTABLISHED.**

25.10 A clean water partnership program is established as provided in sections 103F.701 to  
 25.11 ~~103F.761~~ 103F.755. The agency shall administer the program in accordance with these  
 25.12 sections. ~~As a basis for the program, the agency and the Metropolitan Council shall~~  
 25.13 ~~conduct an assessment of waters in accordance with section 103F.721.~~ The agency shall  
 25.14 ~~then~~ provide financial and technical assistance in accordance with section 103F.725 to local  
 25.15 units of government for projects in geographical areas that contribute to surface or ground  
 25.16 water flows. The projects shall provide for protection ~~and improvement,~~ enhancement, or  
 25.17 restoration of surface and ground water ~~from nonpoint sources of water pollution.~~

25.18 Sec. 50. Minnesota Statutes 2010, section 103F.725, subdivision 1, is amended to read:

25.19 Subdivision 1. **Grants.** (a) The agency may award grants for up to 50 percent  
 25.20 of the eligible cost for: projects.

25.21 ~~(1) the development of a diagnostic study and implementation plan; and~~

25.22 ~~(2) the implementation of that plan.~~

25.23 (b) The agency shall determine which costs are eligible costs and grants shall be  
 25.24 made and used only for eligible costs.

25.25 Sec. 51. Minnesota Statutes 2010, section 103F.725, subdivision 1a, is amended to  
 25.26 read:

25.27 Subd. 1a. **Loans.** (a) Up to ~~\$36,000,000~~ \$50,000,000 of the balance in the clean  
 25.28 water revolving fund in section 446A.07, as determined by the Public Facilities Authority,  
 25.29 may be provided to the commissioner for ~~the establishment of a clean water partnership~~  
 25.30 ~~loan program.~~

25.31 (b) The agency may award loans for up to 100 percent of the costs associated with  
 25.32 activities identified by the agency as best management practices pursuant to section

26.1 319 and section 320 of the federal Water Quality Act of 1987, as amended, including  
26.2 associated administrative costs.

26.3 (c) Loans may be used to finance clean water partnership grant project eligible costs  
26.4 not funded by grant assistance.

26.5 (d) The interest rate, at or below market rate, and the term, not to exceed 20 years,  
26.6 shall be determined by the agency in consultation with the Public Facilities Authority.

26.7 (e) The repayment must be deposited in the clean water revolving fund under section  
26.8 446A.07.

26.9 (f) The local unit of government receiving the loan is responsible for repayment of  
26.10 the loan.

26.11 (g) For the purpose of obtaining a loan from the agency, a local government unit  
26.12 may provide to the agency its general obligation note. All obligations incurred by a local  
26.13 government unit in obtaining a loan from the agency must be in accordance with chapter  
26.14 475, except that so long as the obligations are issued to evidence a loan from the agency  
26.15 to the local government unit, an election is not required to authorize the obligations  
26.16 issued, and the amount of the obligations shall not be included in determining the net  
26.17 indebtedness of the local government unit under the provisions of any law or chapter  
26.18 limiting the indebtedness.

26.19 Sec. 52. Minnesota Statutes 2010, section 103F.731, subdivision 2, is amended to read:

26.20 Subd. 2. **Eligibility; documents required.** (a) Local units of government are  
26.21 eligible to apply for assistance. An applicant for assistance shall submit ~~the following~~  
26.22 ~~to the agency:~~

26.23 (1) ~~an application~~ a project proposal form as prescribed by the agency; and

26.24 (2) evidence that the applicant has consulted with the involved local soil and  
26.25 water conservation districts and watershed districts, where they exist, in preparing the  
26.26 application; ~~and.~~

26.27 ~~(3)~~ (b) The proposed project must be identified in at least one of the following  
26.28 documents:

26.29 ~~(i)~~ (1) the comprehensive water plan authorized under sections 103B.301 to  
26.30 103B.355;

26.31 ~~(ii)~~ (2) a surface water management plan required under section 103B.231;

26.32 ~~(iii)~~ (3) an overall plan required under chapter 103D; ~~or~~

26.33 ~~(iv)~~ (4) any other local plan that provides an inventory of existing physical and  
26.34 hydrologic information on the area, a general identification of water quality problems

27.1 and goals, and that demonstrates a local commitment to water quality protection ~~or~~  
 27.2 ~~improvement~~, enhancement, or restoration;

27.3 (5) an approved total maximum daily load (TMDL) or a TMDL implementation  
 27.4 plan; or

27.5 (6) a watershed protection and restoration strategy implementation plan.

27.6 ~~(b) After July 1, 1991, only projects that are a part of, or are responsive to, a local~~  
 27.7 ~~water plan under the Comprehensive Local Water Management Act, chapter 103D, or~~  
 27.8 ~~sections 103B.211 to 103B.255, will be eligible under paragraph (a), clause (3).~~

27.9 ~~(c) The document submitted in compliance with paragraph (a), clause (2), must~~  
 27.10 ~~identify existing and potential nonpoint source water pollution problems and must~~  
 27.11 ~~recognize the need and demonstrate the applicant's commitment to abate or prevent water~~  
 27.12 ~~pollution from nonpoint sources in the geographic areas for which the application is~~  
 27.13 ~~submitted.~~

27.14 Sec. 53. Minnesota Statutes 2010, section 103F.735, is amended to read:

27.15 **103F.735 AGENCY REVIEW OF APPLICATIONS PROPOSALS.**

27.16 Subdivision 1. **Ranking of applications proposals.** The agency shall rank  
 27.17 applications proposals for technical and financial assistance in order of priority and shall,  
 27.18 within the limits of available appropriations, grant those applications proposals having  
 27.19 the highest priority. The agency shall by rule adopt appropriate criteria to determine  
 27.20 the priority of projects.

27.21 Subd. 2. **Criteria.** (a) The criteria shall give the highest priority to projects that best  
 27.22 demonstrate compliance with the objectives in paragraphs (b) to ~~(c)~~ (d).

27.23 (b) The project demonstrates participation, coordination, and cooperation between  
 27.24 local units of government ~~and~~ and other public agencies, ~~including soil and water conservation~~  
 27.25 ~~districts or watershed districts, or both those districts~~ and local stakeholders.

27.26 (c) The degree of water quality ~~improvement or protection~~, enhancement, or  
 27.27 restoration is maximized relative to the cost of implementing the best management  
 27.28 practices.

27.29 (d) Best management practices provide a feasible means to abate or prevent nonpoint  
 27.30 source water pollution.

27.31 ~~(e) The project goals and objectives are consistent with the state water quality~~  
 27.32 ~~management plans, the statewide resource assessment conducted under section 103F.721,~~  
 27.33 ~~and other applicable state and local resource management programs.~~

27.34 Sec. 54. Minnesota Statutes 2010, section 103F.741, subdivision 1, is amended to read:

28.1 Subdivision 1. **Implementation according to law and contract.** A local unit  
 28.2 of government receiving technical or financial assistance, or both, from the agency  
 28.3 shall carry out the ~~implementation plan~~ project approved by the agency according to the  
 28.4 terms of the plan, the provisions of a contract or grant agreement made with the agency  
 28.5 and according to sections 103F.701 to ~~103F.761~~ 103F.755, the rules of the agency, and  
 28.6 applicable federal requirements.

28.7 Sec. 55. Minnesota Statutes 2010, section 103F.745, is amended to read:

28.8 **103F.745 RULES.**

28.9 (a) The agency shall adopt rules necessary to implement sections 103F.701 to  
 28.10 ~~103F.761~~ 103F.755. The rules shall contain at a minimum:

28.11 (1) procedures to be followed by local units of government in applying for technical  
 28.12 or financial assistance or both;

28.13 (2) conditions for the administration of assistance;

28.14 (3) ~~procedures for the development, evaluation, and implementation of best~~  
 28.15 ~~management practices~~ requirements for a project;

28.16 (4) ~~requirements for a diagnostic study and implementation plan~~ criteria for the  
 28.17 evaluation and approval of a project;

28.18 (5) ~~criteria for the evaluation and approval of a diagnostic study and implementation~~  
 28.19 ~~plan~~;

28.20 (6) ~~criteria for the evaluation of best management practices~~;

28.21 (7) ~~criteria for the ranking of projects in order of priority for assistance~~;

28.22 (8) ~~(6)~~ (6) criteria for defining and evaluating eligible costs and cost-sharing by local  
 28.23 units of government applying for assistance;

28.24 (7) requirements for providing measurable outcomes; and

28.25 (9) ~~(8)~~ (8) other matters as the agency and the commissioner find necessary for the proper  
 28.26 administration of sections 103F.701 to ~~103F.761~~ 103F.755, including any rules determined  
 28.27 by the commissioner to be necessary for the implementation of federal programs to ~~control~~  
 28.28 ~~nonpoint source water pollution~~ protect, enhance, or restore water quality.

28.29 (b) For financial assistance by loan under section 103F.725, subdivision 1a, criteria  
 28.30 established by rule ~~for the clean water partnership grants program~~ shall guide requirements  
 28.31 and administrative procedures ~~for the loan program until January 1, 1996, or the effective~~  
 28.32 ~~date of the administrative rules~~ for the clean water partnership loan program, ~~whichever~~  
 28.33 ~~occurs first~~.

28.34 Sec. 56. Minnesota Statutes 2010, section 103F.751, is amended to read:

29.1 **103F.751 NONPOINT SOURCE POLLUTION ~~CONTROL~~ MANAGEMENT**  
 29.2 **PLAN AND PROGRAM EVALUATION.**

29.3 To coordinate the programs and activities used to control nonpoint sources of  
 29.4 pollution to achieve the state's water quality goals, the agency shall:

29.5 ~~(1) develop a state plan for the control of nonpoint source water pollution to meet~~  
 29.6 ~~the requirements of the federal Clean Water Act, and,~~

29.7 ~~(2) work through the Environmental Quality Board to coordinate the activities~~  
 29.8 ~~and programs of federal, state, and local agencies involved in nonpoint source pollution~~  
 29.9 ~~control and, as appropriate, develop agreements with federal and state agencies to~~  
 29.10 ~~accomplish the purposes and objectives of the state nonpoint source pollution control~~  
 29.11 ~~management plan; and,~~

29.12 ~~(3) evaluate the effectiveness of programs in achieving water quality goals~~  
 29.13 ~~and recommend to the legislature, under section 3.195, subdivision 1, any necessary~~  
 29.14 ~~amendments to sections 103F.701 to 103F.761.~~

29.15 Sec. 57. Minnesota Statutes 2010, section 103G.005, subdivision 10e, is amended to  
 29.16 read:

29.17 Subd. 10e. **Local government unit.** "Local government unit" means:

29.18 (1) outside of the seven-county metropolitan area, a city council, county board of  
 29.19 commissioners, or a soil and water conservation district or their delegate;

29.20 (2) in the seven-county metropolitan area, a city council, a town board under section  
 29.21 368.01, a watershed management organization under section 103B.211, or a soil and water  
 29.22 conservation district or their delegate; ~~and~~

29.23 (3) on state land, the agency with administrative responsibility for the land; and

29.24 (4) for wetland banking projects established solely for replacing wetland impacts  
 29.25 under a permit to mine under section 93.481, the commissioner of natural resources.

29.26 Sec. 58. Minnesota Statutes 2010, section 103G.005, is amended by adding a  
 29.27 subdivision to read:

29.28 Subd. 10f. **Electronic transmission.** "Electronic transmission" means the transfer  
 29.29 of data or information through an electronic data interchange system consisting of, but not  
 29.30 limited to, computer modems and computer networks. Electronic transmission specifically  
 29.31 means electronic mail, unless other means of electronic transmission are mutually agreed  
 29.32 to by the sender and recipient.

29.33 Sec. 59. Minnesota Statutes 2010, section 103G.2212, is amended to read:

30.1           **103G.2212 CONTRACTOR'S RESPONSIBILITY WHEN WORK DRAINS**  
30.2 **OR FILLS WETLANDS.**

30.3           Subdivision 1. **Conditions for employees and agents to drain or fill wetlands.**

30.4           An agent or employee of another may not drain or fill a wetland, wholly or partially,  
30.5 unless the agent or employee has:

30.6           (1) obtained a signed statement from the property owner stating that the wetland  
30.7 replacement plan required for the work has been obtained or that a replacement plan  
30.8 is not required; and

30.9           (2) mailed or sent by electronic transmission a copy of the statement to the local  
30.10 government unit with jurisdiction over the wetland.

30.11           Subd. 2. **Violation is separate offense.** Violation of this section is a separate and  
30.12 independent offense from other violations of sections 103G.2212 to 103G.237.

30.13           Subd. 3. **Form for compliance with this section.** The board shall develop a form  
30.14 to be distributed to contractors' associations, local government units, and soil and water  
30.15 conservation districts to comply with this section. The form must include:

30.16           (1) a listing of the activities for which a replacement plan is required;

30.17           (2) a description of the penalties for violating sections 103G.2212 to 103G.237;

30.18           (3) the telephone number to call for information on the responsible local government  
30.19 unit;

30.20           (4) a statement that national wetland inventory maps are on file with the soil and  
30.21 water conservation district office; and

30.22           (5) spaces for a description of the work and the names, mailing addresses or other  
30.23 contact information, and telephone numbers of the person authorizing the work and the  
30.24 agent or employee proposing to undertake it.

30.25           Sec. 60. Minnesota Statutes 2010, section 103G.222, subdivision 1, is amended to read:

30.26           Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly  
30.27 or partially, unless replaced by restoring or creating wetland areas of at least equal  
30.28 public value under a replacement plan approved as provided in section 103G.2242, a  
30.29 replacement plan under a local governmental unit's comprehensive wetland protection  
30.30 and management plan approved by the board under section 103G.2243, or, if a permit to  
30.31 mine is required under section 93.481, under a mining reclamation plan approved by  
30.32 the commissioner under the permit to mine. For project-specific wetland replacement  
30.33 conducted under a permit to mine within the Great Lakes and Rainy River watershed  
30.34 basins, those basins shall be considered a single watershed for purposes of determining  
30.35 wetland replacement ratios. Mining reclamation plans shall apply the same principles

31.1 and standards for replacing wetlands by restoration or creation of wetland areas that  
31.2 are applicable to mitigation plans approved as provided in section 103G.2242. Public  
31.3 value must be determined in accordance with section 103B.3355 or a comprehensive  
31.4 wetland protection and management plan established under section 103G.2243. Sections  
31.5 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently  
31.6 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

31.20 For a project involving the draining or filling of wetlands in an amount not exceeding  
31.21 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
31.22 paragraph (a), the local government unit may make an on-site sequencing determination  
31.23 without a written alternatives analysis from the applicant.

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

31.28 (d) If a wetland is drained under section 103G.2241, subdivision 2, paragraphs  
31.29 (b) and (e), the local government unit may require a deed restriction that prohibits  
31.30 nonagricultural use for at least ten years unless the drained wetland is replaced as provided  
31.31 under this section. The local government unit may require the deed restriction if it  
31.32 determines the wetland area drained is at risk of conversion to a nonagricultural use within  
31.33 ten years based on the zoning classification, proximity to a municipality or full service  
31.34 road, or other criteria as determined by the local government unit.

31.35 (e) Restoration and replacement of wetlands must be accomplished in accordance  
31.36 with the ecology of the landscape area affected and ponds that are created primarily to

32.1 fulfill storm water management, and water quality treatment requirements may not be  
32.2 used to satisfy replacement requirements under this chapter unless the design includes  
32.3 pretreatment of runoff and the pond is functioning as a wetland.

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

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

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

32.12 (i) Except in a greater than 80 percent area, only wetlands that have been restored  
32.13 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
32.14 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
32.15 created by dikes or dams associated with the restoration of previously drained or filled  
32.16 wetlands may be used in a statewide banking program established in rules adopted under  
32.17 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally  
32.18 occurring wetlands from one type to another are not eligible for enrollment in a statewide  
32.19 wetlands bank.

32.20 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
32.21 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
32.22 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
32.23 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
32.24 to believe that the wetland characteristics may change substantially, the panel shall  
32.25 postpone its recommendation until the wetland has stabilized.

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

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

32.34 (m) A replacement plan for wetlands is not required for individual projects that  
32.35 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,  
32.36 or replacement of a currently serviceable existing state, city, county, or town public road



33.1 necessary, as determined by the public transportation authority, to meet state or federal  
33.2 design or safety standards or requirements, excluding new roads or roads expanded solely  
33.3 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
33.4 transportation projects that:

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

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

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

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

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

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

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

34.5 (o) A local government unit may request the board to reclassify a county or  
 34.6 watershed on the basis of its percentage of presettlement wetlands remaining. After  
 34.7 receipt of satisfactory documentation from the local government, the board shall change  
 34.8 the classification of a county or watershed. If requested by the local government unit,  
 34.9 the board must assist in developing the documentation. Within 30 days of its action to  
 34.10 approve a change of wetland classifications, the board shall publish a notice of the change  
 34.11 in the Environmental Quality Board Monitor.

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

34.18 Sec. 61. Minnesota Statutes 2010, section 103G.222, subdivision 3, is amended to read:

34.19 Subd. 3. **Wetland replacement siting.** (a) ~~Siting wetland replacement~~ Impacted  
 34.20 wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less  
 34.21 than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in  
 34.22 a less than 50 percent area. All wetland replacement must follow this priority order:

34.23 (1) on site or in the same minor watershed as the ~~affected~~ impacted wetland;  
 34.24 (2) in the same watershed as the ~~affected~~ impacted wetland;  
 34.25 (3) in the same county or wetland bank service area as the ~~affected~~ impacted wetland;  
 34.26 (4) ~~for replacement by wetland banking, in the same wetland bank service area as~~  
 34.27 ~~the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in~~  
 34.28 ~~a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a~~  
 34.29 ~~less than 50 percent area;~~

34.30 (5) ~~for project specific replacement, in an adjacent watershed to the affected wetland,~~  
 34.31 ~~or for replacement by wetland banking, in an adjacent~~ another wetland bank service  
 34.32 area, ~~except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent~~  
 34.33 ~~area and impacts in a less than 50 percent area must be replaced in a less than 50 percent~~  
 34.34 ~~area; and~~

35.1 ~~(6)~~ (5) statewide for public transportation projects, except that wetlands ~~affected~~  
35.2 impacted in less than 50 percent areas must be replaced in less than 50 percent areas, and  
35.3 wetlands ~~affected~~ impacted in the seven-county metropolitan area must be replaced at a  
35.4 ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan  
35.5 counties, or (iii) in one of the major watersheds that are wholly or partially within the  
35.6 seven-county metropolitan area, but at least one to one must be replaced within the  
35.7 seven-county metropolitan area.

35.8 (b) ~~Notwithstanding paragraph (a), siting wetland replacement in greater than 80~~  
35.9 ~~percent areas may follow the priority order under this paragraph: (1) by wetland banking~~  
35.10 ~~after evaluating on-site replacement and replacement within the watershed; (2) replaced~~  
35.11 ~~in an adjacent wetland bank service area if wetland bank credits are not reasonably~~  
35.12 ~~available in the same wetland bank service area as the affected wetland, as determined by~~  
35.13 ~~a comprehensive inventory approved by the board; and (3) statewide.~~

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

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

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

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

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

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

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

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

35.35 (e) Applicants and local government units shall rely on board approved  
35.36 comprehensive inventories of replacement opportunities and watershed conditions,

36.1 including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January  
36.2 2010), in determining whether reasonable, practicable, and environmentally beneficial  
36.3 replacement opportunities are available.

36.4 ~~(g)~~ (f) Regulatory agencies, local government units, and other entities involved in  
36.5 wetland restoration shall collaborate to identify potential replacement opportunities within  
36.6 their jurisdictional areas.

36.7 Sec. 62. Minnesota Statutes 2010, section 103G.2242, subdivision 2a, is amended to  
36.8 read:

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

36.16 (b) A local government unit that receives an application under paragraph (a) may  
36.17 seek the advice of the Technical Evaluation Panel as described in subdivision 2, and,  
36.18 if necessary, expand the Technical Evaluation Panel. The local government unit may  
36.19 delegate the decision authority for wetland boundary or type determinations to designated  
36.20 staff, or establish other procedures it considers appropriate.

36.21 (c) The local government unit decision must be made in compliance with section  
36.22 15.99. Within ten calendar days of the decision, the local government unit decision must  
36.23 be mailed or sent by electronic transmission to the landowner, members of the Technical  
36.24 Evaluation Panel, the watershed district or watershed management organization, if one  
36.25 exists, and individual members of the public who request a copy.

36.26 ~~(d) Appeals of decisions made by designated local government staff must be made~~  
36.27 ~~to the local government unit. Notwithstanding any law to the contrary, a ruling on an~~  
36.28 ~~appeal must be made by the local government unit within 30 days from the date of the~~  
36.29 ~~filing of the appeal.~~

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

36.33 Sec. 63. Minnesota Statutes 2010, section 103G.2242, subdivision 6, is amended to  
36.34 read:

37.1 Subd. 6. **Notice of application.** (a) ~~Except as provided in paragraph (b), within ten~~  
 37.2 ~~days of receiving an~~ Application for approval of a replacement plan under this section;  
 37.3 must be reviewed by the local government according to section 15.99, subdivision 3,  
 37.4 paragraph (a). Copies of the complete application must be mailed or sent by electronic  
 37.5 transmission to the members of the Technical Evaluation Panel, the managers of the  
 37.6 watershed district if one exists, and the commissioner of natural resources. Individual  
 37.7 members of the public who request a copy shall be provided information to identify the  
 37.8 applicant and the location and scope of the project.

37.9 (b) ~~Within ten days of receiving an application for approval of a replacement plan~~  
 37.10 ~~under this section for an activity affecting less than 10,000 square feet of wetland, a~~  
 37.11 ~~summary of the application must be mailed to the members of the Technical Evaluation~~  
 37.12 ~~Panel, individual members of the public who request a copy, and the commissioner~~  
 37.13 ~~of natural resources.~~

37.14 (c) For the purpose of this subdivision, "application" includes a revised application  
 37.15 for replacement plan approval and an application for a revision to an approved replacement  
 37.16 plan if:

37.17 (1) the wetland area to be drained or filled under the revised replacement plan is at  
 37.18 least ten percent larger than the area to be drained or filled under the original replacement  
 37.19 plan; or

37.20 (2) the wetland area to be drained or filled under the revised replacement is located  
 37.21 more than 500 feet from the area to be drained or filled under the original replacement plan.

37.22 Sec. 64. Minnesota Statutes 2010, section 103G.2242, subdivision 7, is amended to  
 37.23 read:

37.24 Subd. 7. **Notice of decision.** Within ten days of the approval or denial of a  
 37.25 replacement plan under this section, ~~a summary of the approval or denial~~ notice of the  
 37.26 decision must be mailed or sent by electronic transmission to members of the Technical  
 37.27 Evaluation Panel, the applicant, individual members of the public who request a copy,  
 37.28 the managers of the watershed district, if one exists, and the commissioner of natural  
 37.29 resources.

37.30 Sec. 65. Minnesota Statutes 2010, section 103G.2242, subdivision 9, is amended to  
 37.31 read:

37.32 Subd. 9. **Appeal Appeals to the board.** (a) Appeal of a replacement plan,  
 37.33 sequencing, exemption, wetland banking, wetland boundary or type determination, or  
 37.34 no-loss decision, ~~or restoration order~~ may be obtained by mailing a petition and payment

38.1 of a filing fee, which shall be retained by the board to defray administrative costs, to  
38.2 the board within 30 days after the postmarked date of the mailing or date of sending by  
38.3 electronic transmission specified in subdivision 7. If appeal is not sought within 30 days,  
38.4 the decision becomes final. If the petition for hearing is accepted, the amount posted must  
38.5 be returned to the petitioner. Appeal may be made by:

38.6 (1) the wetland owner;

38.7 (2) any of those to whom notice is required to be mailed or sent by electronic  
38.8 transmission under subdivision 7; or

38.9 (3) 100 residents of the county in which a majority of the wetland is located.

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

38.13 (1) the appeal is ~~meritless~~ without significant merit, trivial, or brought solely for the  
38.14 purposes of delay;

38.15 (2) the petitioner has not exhausted all local administrative remedies;

38.16 (3) expanded technical review is needed;

38.17 (4) the local government unit's record is not adequate; or

38.18 (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required  
38.19 by the local government unit.

38.20 (c) In determining whether to grant the appeal, the board, executive director, or  
38.21 dispute resolution committee shall also consider the size of the wetland, other factors in  
38.22 controversy, any patterns of similar acts by the local government unit or petitioner, and  
38.23 the consequences of the delay resulting from the appeal.

38.24 (d) ~~All appeals~~ If an appeal is granted, the appeal must be heard by the committee  
38.25 for dispute resolution of the board, and a decision must be made by the board within 60  
38.26 days of filing the local government unit's record and the written briefs submitted for  
38.27 the appeal and the hearing. The decision must be served by mail ~~or~~ or by electronic  
38.28 transmission to the parties to the appeal, and is not subject to the provisions of chapter  
38.29 14. A decision whether to grant a petition for appeal and a decision on the merits of an  
38.30 appeal must be considered the decision of an agency in a contested case for purposes of  
38.31 judicial review under sections 14.63 to 14.69.

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

39.1 Sec. 66. Minnesota Statutes 2010, section 103G.2242, is amended by adding a  
39.2 subdivision to read:

39.3 Subd. 9a. Appeals of restoration or replacement orders. A landowner or other  
39.4 responsible party may appeal the terms and conditions of a restoration or replacement  
39.5 order within 30 days of receipt of written notice of the order. The time frame for the appeal  
39.6 may be extended beyond 30 days by mutual agreement, in writing, between the landowner  
39.7 or responsible party, the local government unit, and the enforcement authority. If the  
39.8 written request is not submitted within 30 days, the order is final. The board's executive  
39.9 director must review the request and supporting evidence and render a decision within 60  
39.10 days of receipt of a petition. A decision on an appeal must be considered the decision of an  
39.11 agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

39.12 Sec. 67. Minnesota Statutes 2010, section 103G.2242, subdivision 14, is amended to  
39.13 read:

39.14 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank  
39.15 accounts and transactions as follows:

39.16 (1) account maintenance annual fee: one percent of the value of credits not to  
39.17 exceed \$500;

39.18 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not  
39.19 to exceed \$1,000 per establishment, deposit, or transfer; and

39.20 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

39.21 (b) The board may establish fees at or below the amounts in paragraph (a) for  
39.22 single-user or other dedicated wetland banking accounts.

39.23 (c) Fees for single-user or other dedicated wetland banking accounts established  
39.24 pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment  
39.25 of a wetland banking account and are assessed at the rate of 6.5 percent of the value of  
39.26 the credits not to exceed \$1,000.

39.27 Sec. 68. Minnesota Statutes 2010, section 103G.2251, is amended to read:

39.28 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**  
39.29 **CREDIT.**

39.30 In greater than 80 percent areas, preservation of wetlands ~~owned by the state or a~~  
39.31 ~~local unit of government~~, protected by a permanent conservation easement as defined  
39.32 under section 84C.01 and held by the board, may be eligible for wetland replacement  
39.33 or mitigation credits, according to rules adopted by the board. To be eligible for credit  
39.34 under this section, a conservation easement must be established after May 24, 2008,

40.1 and approved by the board. Wetland areas preserved under this section are not eligible  
40.2 for replacement or mitigation credit if the area has received financial assistance from  
40.3 a public conservation program.

40.4 Sec. 69. **[103G.2373] ELECTRONIC TRANSMISSION.**

40.5 For purposes of sections 103G.2112 to 103G.2372, notices and other documents  
40.6 may be sent by electronic transmission unless the recipient has provided a mailing address  
40.7 and specified that mailing is preferred.

40.8 Sec. 70. Minnesota Statutes 2010, section 103G.311, subdivision 5, is amended to read:

40.9 Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made  
40.10 issuing or denying the permit, the applicant, the managers of the watershed district, the  
40.11 board of supervisors of the soil and water conservation district, or the ~~mayor~~ council or  
40.12 board of the municipality may file a demand for hearing on the application. The demand  
40.13 for a hearing must be filed within 30 days after mailed notice of the order with the bond  
40.14 required by subdivision 6.

40.15 (b) The commissioner must give notice as provided in subdivision 2, hold a hearing  
40.16 on the application, and make a determination on issuing or denying the permit as though  
40.17 the previous order had not been made.

40.18 (c) The order issuing or denying the permit becomes final at the end of 30 days after  
40.19 mailed notice of the order to the applicant, the managers of the watershed district, the  
40.20 board of supervisors of the soil and water conservation district, or the ~~mayor~~ council or  
40.21 board of the municipality, and an appeal of the order may not be taken if:

- 40.22 (1) the commissioner waives a hearing and a demand for a hearing is not made; or  
40.23 (2) a hearing is demanded but a bond is not filed as required by subdivision 6.

40.24 Sec. 71. Minnesota Statutes 2010, section 103G.615, subdivision 1, is amended to read:

40.25 Subdivision 1. ~~Authorization~~ **Issuance; validity.** (a) The commissioner may issue  
40.26 permits, with or without a fee, to:

40.27 (1) gather or harvest aquatic plants, or plant parts, other than wild rice from public  
40.28 waters;

40.29 (2) transplant aquatic plants into public waters;

40.30 (3) destroy harmful or undesirable aquatic vegetation or organisms in public waters  
40.31 under prescribed conditions to protect the waters, desirable species of fish, vegetation,  
40.32 other forms of aquatic life, and the public.

40.33 (b) Application for a permit must be accompanied by a permit fee, if required.



41.1 (c) An aquatic plant management permit is valid for one growing season and expires  
 41.2 on December 31 of the year it is issued unless the commissioner stipulates a different  
 41.3 expiration date in rule or in the permit.

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

41.5 Sec. 72. Minnesota Statutes 2010, section 103G.615, is amended by adding a  
 41.6 subdivision to read:

41.7 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant  
 41.8 management permit" means an aquatic plant management permit as defined in Minnesota  
 41.9 Rules, part 6280.0100, subpart 2b, that authorizes the selective control of invasive aquatic  
 41.10 plants at a scale to cause a significant lakewide or baywide reduction in the abundance of  
 41.11 the invasive aquatic plant.

41.12 (b) The commissioner may waive the dated signature of approval requirement in  
 41.13 Minnesota Rules, part 6280.0450, subpart 1a, for invasive aquatic plant management  
 41.14 permits if obtaining signatures would create an undue burden on the permittee or if  
 41.15 the commissioner determines that aquatic plant control is necessary to protect natural  
 41.16 resources.

41.17 (c) If the signature requirement is waived under paragraph (b) because obtaining  
 41.18 signatures would create an undue burden on the permittee, the commissioner shall require  
 41.19 an alternate form of landowner notification, including news releases or public notices in  
 41.20 a local newspaper, a public meeting, or a mailing to the most recent permanent address  
 41.21 of affected landowners. The notification must be given annually and must include: the  
 41.22 proposed date of treatment, the target species, the method of control or product being  
 41.23 used, and instructions on how the landowner may request that control not occur adjacent  
 41.24 to the landowner's property.

41.25 (d) For an invasive aquatic plant management permit, the commissioner may allow  
 41.26 dated signatures of approval obtained to satisfy Minnesota Rules, part 6280.0450, subpart  
 41.27 1a, to remain valid for three years if property ownership remains unchanged.

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

41.29 Sec. 73. Minnesota Statutes 2010, section 103H.151, subdivision 4, is amended to read:

41.30 Subd. 4. **Evaluation.** The commissioners of agriculture and the Pollution Control  
 41.31 Agency shall, through field audits and other appropriate means, monitor the use and  
 41.32 effectiveness of best management practices developed and promoted under this section.  
 41.33 The information collected must be submitted to the ~~Environmental Quality Board, which~~

42.1 ~~must include the information in the report required in section 103A.43, paragraph (d)~~  
42.2 Clean Water Council.

42.3 Sec. 74. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

42.4 Subd. 3. **Report.** In each even-numbered year, the Pollution Control Agency, in  
42.5 cooperation with other agencies participating in the monitoring of water resources, shall  
42.6 provide a draft report on the status of groundwater monitoring to ~~the Environmental~~  
42.7 ~~Quality Board for review and then to the house of representatives and senate committees~~  
42.8 with jurisdiction over the environment, natural resources, and agriculture as part of the  
42.9 report in section 103A.204.

42.10 Sec. 75. Minnesota Statutes 2010, section 115.03, is amended by adding a subdivision  
42.11 to read:

42.12 Subd. 11. **Aquatic application of pesticides.** (a) The agency may issue National  
42.13 Pollutant Discharge Elimination System permits for pesticide applications to waters of the  
42.14 United States that are required by federal law or rule. The agency shall not require permits  
42.15 for aquatic pesticide applications beyond what is required by federal law or rule.

42.16 (b) The agency shall not regulate or require permits for the terrestrial application  
42.17 of pesticides.

42.18 Sec. 76. Minnesota Statutes 2010, section 115.55, subdivision 2, is amended to read:

42.19 Subd. 2. **Local ordinances.** (a) All counties must adopt ordinances that comply  
42.20 with revisions to the subsurface sewage treatment system rules within two years of the  
42.21 final adoption by the agency unless all towns and cities in the county have adopted such  
42.22 ordinances. County ordinances must apply to all areas of the county other than cities or  
42.23 towns that have adopted ordinances that comply with this section and are as strict as  
42.24 the applicable county ordinances.

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

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

42.29 Sec. 77. Minnesota Statutes 2010, section 115A.03, subdivision 25a, is amended to  
42.30 read:

42.31 Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are  
42.32 separated from mixed municipal solid waste for the purpose of recycling or composting,

43.1 including paper, glass, plastics, metals, automobile oil, ~~and batteries~~, and source-separated  
43.2 compostable materials. Refuse-derived fuel or other material that is destroyed by  
43.3 incineration is not a recyclable material.

43.4 Sec. 78. Minnesota Statutes 2010, section 115A.95, is amended to read:

43.5 **115A.95 RECYCLABLE MATERIALS.**

43.6 (a) Recyclable materials must be delivered to the appropriate materials processing  
43.7 facility as outlined in Minnesota Rules, parts 7035.2836 and 7035.2845, or any other  
43.8 facility permitted to recycle or compost the materials.

43.9 (b) A disposal facility or a resource recovery facility that is composting mixed  
43.10 municipal solid waste, burning waste, or converting waste to energy or to materials for  
43.11 combustion may not accept source-separated recyclable materials, and a solid waste  
43.12 collector or transporter may not deliver source-separated recyclable materials to such a  
43.13 facility, except for recycling or transfer to a recycler, unless the commissioner determines  
43.14 that no other person is willing to accept the recyclable materials.

43.15 Sec. 79. Minnesota Statutes 2010, section 115B.20, subdivision 6, is amended to read:

43.16 Subd. 6. **Report to legislature.** Each year, the commissioner of agriculture and  
43.17 the agency shall submit to the senate Finance Committee, the house of representatives  
43.18 Ways and Means Committee, the Environment and Natural Resources Committees of  
43.19 the senate and house of representatives, the Finance Division of the senate Committee  
43.20 on Environment and Natural Resources, and the house of representatives Committee  
43.21 on Environment and Natural Resources Finance, ~~and the Environmental Quality Board~~  
43.22 a report detailing the activities for which money has been spent pursuant to this section  
43.23 during the previous fiscal year.

43.24 Sec. 80. Minnesota Statutes 2010, section 115B.412, subdivision 8, is amended to read:

43.25 Subd. 8. **Transfer of title; disposal of property.** The owner of a qualified facility  
43.26 may, as part of the owner's activities under section 115B.40, subdivision 4 or 5, offer to  
43.27 transfer title to all or any portion of the property described in the facility's most recent  
43.28 permit, including any property adjacent to that property the owner wishes to transfer, to  
43.29 the commissioner. The commissioner may accept the transfer of title if the commissioner  
43.30 determines that to do so is in the best interest of the state. If, after transfer of title to the  
43.31 property, the commissioner determines that no further response actions are required on the  
43.32 portion of the property being disposed of under sections 115B.39 to 115B.445 and it is in  
43.33 the best interest of the state to dispose of property acquired under this subdivision, the

44.1 commissioner may do so under section 115B.17, subdivision 16. The property disposed of  
44.2 under this subdivision is no longer part of the qualified facility.

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

44.4 Sec. 81. Minnesota Statutes 2010, section 115B.412, is amended by adding a  
44.5 subdivision to read:

44.6 Subd. 8a. **Boundary modification.** The commissioner may modify the boundaries  
44.7 of a qualified facility to exclude certain property if the commissioner determines that no  
44.8 further response actions are required to be conducted under sections 115B.39 to 115B.445  
44.9 on the excluded property and the excluded property is not affected by disposal activities  
44.10 on the remaining portions of the qualified facility. Any property excluded under this  
44.11 subdivision is no longer part of the qualified facility.

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

44.13 Sec. 82. Minnesota Statutes 2010, section 115B.412, is amended by adding a  
44.14 subdivision to read:

44.15 Subd. 8b. **Delisting.** If all solid waste from a qualified facility has been relocated  
44.16 outside the qualified facility's boundaries and the commissioner has determined that no  
44.17 further response actions are required on the property under sections 115B.39 to 115B.445,  
44.18 the commissioner may delist the facility by removing it from the priority list established  
44.19 under section 115B.40, subdivision 2, after which the property shall no longer be a  
44.20 qualified facility. The commissioner has no further responsibilities under sections 115B.39  
44.21 to 115B.445 for a facility delisted under this subdivision.

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

44.23 Sec. 83. Minnesota Statutes 2010, section 116C.24, subdivision 2, is amended to read:

44.24 Subd. 2. **Board.** "Board" means the ~~Minnesota~~ Environmental Quality Board  
44.25 convened under section 116D.035.

44.26 Sec. 84. Minnesota Statutes 2010, section 116C.842, subdivision 1a, is amended to  
44.27 read:

44.28 Subd. 1a. **Facility Siting Policy Development Committee.** Following Minnesota's  
44.29 designation as a host state by the Interstate Commission, and within 60 days after a  
44.30 compact facility located in the host state immediately preceding Minnesota begins  
44.31 operation, the governor shall, in consultation with the commissioner, establish and appoint

45.1 the membership of a Facility Siting Policy Development Committee. The committee shall  
45.2 study the issues relevant to developing a facility and make recommendations concerning  
45.3 appropriate facility siting criteria and development requirements. The committee shall  
45.4 number no more than 12 voting members, at least eight of whom shall be individuals  
45.5 with expertise in a range of scientific disciplines relevant to site development. The  
45.6 committee shall include at least one representative each from local government and  
45.7 generators of low-level radioactive waste, and two representatives from public interest  
45.8 groups. In addition, ~~the Environmental Quality Board~~, the Minnesota Geological Survey,  
45.9 the Departments of Natural Resources, Transportation, and Health, and the agency shall  
45.10 have nonvoting membership on the committee and shall provide information and technical  
45.11 assistance to the committee as needed. The committee shall report its findings and  
45.12 recommendations to the governor and the legislature no later than one year following the  
45.13 establishment of the committee.

45.14 Sec. 85. Minnesota Statutes 2010, section 116C.842, subdivision 2a, is amended to  
45.15 read:

45.16 Subd. 2a. **Administration.** The ~~Environmental Quality Board~~ Pollution Control  
45.17 Agency shall provide administrative assistance to the committee.

45.18 Sec. 86. Minnesota Statutes 2010, section 116C.91, subdivision 2, is amended to read:

45.19 Subd. 2. **Board.** "Board" means the Environmental Quality Board convened under  
45.20 section 116D.035.

45.21 Sec. 87. **[116D.035] ENVIRONMENTAL QUALITY BOARD.**

45.22 Subdivision 1. Definition. For the purposes of this chapter "board" means the  
45.23 Environmental Quality Board convened under subdivision 2.

45.24 Subd. 2. Creation; rules. The Environmental Quality Board shall convene itself  
45.25 as necessary to carry out the duties of the board required under subdivision 4. The  
45.26 membership of the board is as follows:

45.27 (1) the commissioner of administration;

45.28 (2) the commissioner of commerce;

45.29 (3) the commissioner of the Pollution Control Agency;

45.30 (4) the commissioner of natural resources;

45.31 (5) the commissioner of agriculture;

45.32 (6) the commissioner of health;

45.33 (7) the commissioner of employment and economic development;

- 46.1 (8) the commissioner of transportation;  
46.2 (9) the chair of the Board of Water and Soil Resources; and  
46.3 (10) a representative of the governor's office designated by the governor.

46.4 Subd. 3. **Chair.** The representative of the governor's office shall serve as chair of  
46.5 the board.

46.6 Subd. 4. **Duties.** The Environmental Quality Board shall carry out the duties of the  
46.7 board specified under this chapter, sections 116C.22 to 116C.34, and sections 116C.91 to  
46.8 116C.97.

46.9 Subd. 5. **Support.** Consultant and administrative support services for board  
46.10 activities and implementation and administration of the rules adopted by the board under  
46.11 this chapter shall be provided by the Pollution Control Agency.

46.12 Sec. 88. Minnesota Statutes 2010, section 116D.04, subdivision 2a, as amended by  
46.13 Laws 2011, chapter 4, section 6, is amended to read:

46.14 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
46.15 effects resulting from any major governmental action, the action shall be preceded by a  
46.16 detailed environmental impact statement prepared by the responsible governmental unit.  
46.17 The environmental impact statement shall be an analytical rather than an encyclopedic  
46.18 document which describes the proposed action in detail, analyzes its significant  
46.19 environmental impacts, discusses appropriate alternatives to the proposed action and  
46.20 their impacts, and explores methods by which adverse environmental impacts of an  
46.21 action could be mitigated. The environmental impact statement shall also analyze those  
46.22 economic, employment and sociological effects that cannot be avoided should the action  
46.23 be implemented. To ensure its use in the decision-making process, the environmental  
46.24 impact statement shall be prepared as early as practical in the formulation of an action.  
46.25 No mandatory environmental impact statement may be required for an ethanol plant,  
46.26 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
46.27 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
46.28 metropolitan area.

46.29 (a) The board shall by rule establish categories of actions for which environmental  
46.30 impact statements and for which environmental assessment worksheets shall be prepared  
46.31 as well as categories of actions for which no environmental review is required under this  
46.32 section. A mandatory environmental assessment worksheet shall not be required for the  
46.33 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
46.34 (b), or the conversion of an ethanol plant to a biobutanol facility as defined in section  
46.35 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to

47.1 produce alcohol fuel, but must be required if the ethanol plant meets or exceeds thresholds  
47.2 of other categories of actions for which environmental assessment worksheets must be  
47.3 prepared. The responsible governmental unit for an ethanol plant project for which an  
47.4 environmental assessment worksheet is prepared shall be the state agency with the greatest  
47.5 responsibility for supervising or approving the project as a whole.

47.6 (b) The responsible governmental unit shall promptly publish notice of the  
47.7 completion of an environmental assessment worksheet in a manner to be determined by  
47.8 the board and shall provide copies of the environmental assessment worksheet to the board  
47.9 and its member agencies. Comments on the need for an environmental impact statement  
47.10 may be submitted to the responsible governmental unit during a 30-day period following  
47.11 publication of the notice that an environmental assessment worksheet has been completed.  
47.12 The responsible governmental unit's decision on the need for an environmental impact  
47.13 statement shall be based on the environmental assessment worksheet and the comments  
47.14 received during the comment period, and shall be made within 15 days after the close of  
47.15 the comment period. The board's chair may extend the 15-day period by not more than 15  
47.16 additional days upon the request of the responsible governmental unit.

47.17 (c) An environmental assessment worksheet shall also be prepared for a proposed  
47.18 action whenever material evidence accompanying a petition by not less than 25  
47.19 individuals, submitted before the proposed project has received final approval by the  
47.20 appropriate governmental units, demonstrates that, because of the nature or location of a  
47.21 proposed action, there may be potential for significant environmental effects. Petitions  
47.22 requesting the preparation of an environmental assessment worksheet shall be submitted to  
47.23 the board. The chair of the board shall determine the appropriate responsible governmental  
47.24 unit and forward the petition to it. A decision on the need for an environmental assessment  
47.25 worksheet shall be made by the responsible governmental unit within 15 days after the  
47.26 petition is received by the responsible governmental unit. The board's chair may extend  
47.27 the 15-day period by not more than 15 additional days upon request of the responsible  
47.28 governmental unit.

47.29 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
47.30 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
47.31 review under this chapter and rules of the board, if:

47.32 (1) the proposed action is:

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

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

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

48.4 (3) the county board holds a public meeting for citizen input at least ten business  
48.5 days prior to the Pollution Control Agency or county issuing a feedlot permit for the  
48.6 animal feedlot facility unless another public meeting for citizen input has been held with  
48.7 regard to the feedlot facility to be permitted. The exemption in this paragraph is in  
48.8 addition to other exemptions provided under other law and rules of the board.

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

48.13 (f) An early and open process shall be utilized to limit the scope of the environmental  
48.14 impact statement to a discussion of those impacts, which, because of the nature or location  
48.15 of the project, have the potential for significant environmental effects. The same process  
48.16 shall be utilized to determine the form, content and level of detail of the statement as well  
48.17 as the alternatives which are appropriate for consideration in the statement. In addition,  
48.18 the permits which will be required for the proposed action shall be identified during the  
48.19 scoping process. Further, the process shall identify those permits for which information  
48.20 will be developed concurrently with the environmental impact statement. The board  
48.21 shall provide in its rules for the expeditious completion of the scoping process. The  
48.22 determinations reached in the process shall be incorporated into the order requiring the  
48.23 preparation of an environmental impact statement.

48.24 (g) The responsible governmental unit shall, to the extent practicable, avoid  
48.25 duplication and ensure coordination between state and federal environmental review  
48.26 and between environmental review and environmental permitting. Whenever practical,  
48.27 information needed by a governmental unit for making final decisions on permits or  
48.28 other actions required for a proposed project shall be developed in conjunction with the  
48.29 preparation of an environmental impact statement.

48.30 (h) An environmental impact statement shall be prepared and its adequacy  
48.31 determined within 280 days after notice of its preparation unless the time is extended by  
48.32 consent of the parties or by the governor for good cause. The responsible governmental  
48.33 unit shall determine the adequacy of an environmental impact statement, unless within 60  
48.34 days after notice is published that an environmental impact statement will be prepared,  
48.35 the board chooses to determine the adequacy of an environmental impact statement. If an



49.1 environmental impact statement is found to be inadequate, the responsible governmental  
49.2 unit shall have 60 days to prepare an adequate environmental impact statement.

49.3 (i) The proposer of a specific action may include in the information submitted to the  
49.4 responsible governmental unit a preliminary draft environmental impact statement under  
49.5 this section on that action for review, modification, and determination of completeness and  
49.6 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
49.7 statement prepared by the project proposer and submitted to the responsible governmental  
49.8 unit shall identify or include as an appendix all studies and other sources of information  
49.9 used to substantiate the analysis contained in the preliminary draft environmental impact  
49.10 statement. The responsible governmental unit shall require additional studies, if needed,  
49.11 and obtain from the project proposer all additional studies and information necessary for  
49.12 the responsible governmental unit to perform its responsibility to review, modify, and  
49.13 determine the completeness and adequacy of the environmental impact statement.

49.14 Sec. 89. Minnesota Statutes 2010, section 116D.11, subdivision 2, is amended to read:

49.15 Subd. 2. **Primary responsibility.** The ~~Environmental Quality Board~~ commissioner  
49.16 of the Pollution Control Agency shall have the primary responsibility for preparing the  
49.17 energy and environmental strategy report of the state, as required by section 116D.10.  
49.18 The ~~board~~ commissioner shall assemble all preliminary reports prepared pursuant to  
49.19 subdivision 1 under a timetable established by the board and shall use the preliminary  
49.20 reports in the preparation of the draft energy and environmental strategy report of the  
49.21 state. Each department or agency designated by the governor to prepare a preliminary  
49.22 strategy report shall submit a copy of the preliminary strategy report to the governor and  
49.23 to the ~~board~~ commissioner at the same time.

49.24 Sec. 90. Minnesota Statutes 2010, section 116D.11, subdivision 3, is amended to read:

49.25 Subd. 3. **Report to governor.** On or before October 1 of each odd-numbered year,  
49.26 the ~~Environmental Quality Board~~ commissioner of the Pollution Control Agency shall  
49.27 transmit to the governor a draft of the written report on the energy and environmental  
49.28 strategy of the state. The governor may change the report and may request additional  
49.29 information or data from any department or agency of the state responsible for issues  
49.30 listed in section 116D.10, clause (1). Any such requested additional information or data  
49.31 shall be prepared and submitted promptly to the governor.

49.32 Sec. 91. Minnesota Statutes 2010, section 216C.052, subdivision 1, is amended to read:

50.1 Subdivision 1. **Responsibilities.** (a) There is established the position of reliability  
 50.2 administrator in the Department of Commerce. The administrator shall act as a source  
 50.3 of independent expertise and a technical advisor to the commissioner, the commission  
 50.4 and the public on issues related to the reliability of the electric system. In conducting its  
 50.5 work, the administrator shall provide assistance to the commissioner in administering and  
 50.6 implementing the department's duties under sections 216B.1612, 216B.1691, 216B.2422,  
 50.7 216B.2425, and 216B.243; chapters 216E, 216F, and 216G; and rules associated with  
 50.8 those provisions and shall also:

50.9 (1) model and monitor the use and operation of the energy infrastructure in the  
 50.10 state, including generation facilities, transmission lines, natural gas pipelines, and other  
 50.11 energy infrastructure;

50.12 (2) develop and present to the commission and parties technical analyses of proposed  
 50.13 infrastructure projects, and provide technical advice to the commission;

50.14 (3) present independent, factual, expert, and technical information on infrastructure  
 50.15 proposals and reliability issues at public meetings hosted by the task force, ~~the~~  
 50.16 ~~Environmental Quality Board~~, the department, or the commission.

50.17 (b) Upon request and subject to resource constraints, the administrator shall  
 50.18 provide technical assistance regarding matters unrelated to applications for infrastructure  
 50.19 improvements to the task force, the department, or the commission.

50.20 (c) The administrator may not advocate for any particular outcome in a commission  
 50.21 proceeding, but may give technical advice to the commission as to the impact on the  
 50.22 reliability of the energy system of a particular project or projects.

50.23 Sec. 92. Minnesota Statutes 2010, section 216C.18, subdivision 2, is amended to read:

50.24 Subd. 2. **Draft report; public meeting.** Prior to the preparation of a final report,  
 50.25 the commissioner shall issue a draft report to ~~the Environmental Quality Board~~ and any  
 50.26 person, upon request, and shall hold a public meeting. Notice of the public meeting shall  
 50.27 be provided to each regional development commission.

50.28 Sec. 93. Minnesota Statutes 2010, section 398.33, subdivision 2, is amended to read:

50.29 Subd. 2. **Fees.** For the purposes of sections 398.31 to 398.36, the county board of  
 50.30 any county may prescribe and provide for the collection of fees for the use of any county  
 50.31 park or other unit of the county park system or any facilities, accommodations, or services  
 50.32 provided for public use therein, ~~such fees not to exceed that prescribed in state parks.~~

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

51.1 Sec. 94. Laws 2010, chapter 361, article 4, section 73, is amended to read:

51.2 Sec. 73. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**  
51.3 **ADOPTION DELAY.**

51.4 (a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county  
51.5 may adopt an ordinance by February 4, ~~2012~~ 2016, to comply with the February 4, 2008,  
51.6 revisions to subsurface sewage treatment system rules. By April 4, 2011, the Pollution  
51.7 Control Agency shall adopt the final rule amendments to the February 4, 2008, subsurface  
51.8 sewage treatment system rules. A county must continue to enforce its current ordinance  
51.9 until a new one has been adopted.

51.10 (b) By January 15, 2011, the agency, after consultation with the Board of Water and  
51.11 Soil Resources and the Association of Minnesota Counties, shall report to the chairs and  
51.12 ranking minority members of the senate and house of representatives environment and  
51.13 natural resources policy and finance committees and divisions on:

51.14 (1) the technical changes in the rules for subsurface sewage treatment systems  
51.15 that were adopted on February 4, 2008;

51.16 (2) the progress in local adoption of ordinances to comply with the rules; and

51.17 (3) the progress in protecting the state's water resources from pollution due to  
51.18 subsurface sewage treatment systems.

51.19 Sec. 95. **WATER RULEMAKING MORATORIUM.**

51.20 (a) For purposes of this section, "agency" means the Pollution Control Agency,  
51.21 Department of Natural Resources, Board of Water and Soil Resources, Environmental  
51.22 Quality Board, Department of Agriculture, and Department of Health.

51.23 (b) Unless required by federal law or rule, no agency shall adopt rules related to  
51.24 water quality or water resource protection during the period beginning July 1, 2011,  
51.25 and ending June 30, 2012.

51.26 (c) Unless the rule is under judicial challenge, this section does not apply to:

51.27 (1) proposed rules listed in a notice of intent to adopt rules published under  
51.28 Minnesota Statutes, chapter 14, before July 1, 2011;

51.29 (2) rules required by law for which rulemaking was to begin by January 15, 2010;

51.30 (3) emergency rules authorized by statute;

51.31 (4) rules adopted or amended under Minnesota Statutes, section 14.386; and

51.32 (5) rules proposed under Minnesota Statutes, section 14.388, subject to approval  
51.33 of the Office of Administrative Hearings.

51.34 Sec. 96. **EVALUATION REQUIRED.**

52.1 (a) The commissioner of administration shall evaluate state and local water-related  
52.2 programs, policies, and permits to make recommendations for cost savings, increased  
52.3 productivity, and the elimination of duplication among public agencies.

52.4 (b) The evaluation must:

52.5 (1) identify current rules relating to surface and groundwater, including those related  
52.6 to storm water, residential, industrial, and agricultural use, shorelands, floodplains, wild  
52.7 and scenic rivers, wetlands, feedlots, and subsurface sewage treatment systems, and for  
52.8 each rule specify:

52.9 (i) the statutory authority;

52.10 (ii) intended outcomes;

52.11 (iii) the cost to state and local government and the private sector; and

52.12 (iv) the relationship of the rule to other local, state, and federal rules;

52.13 (2) assess the pros and cons of alternative approaches to implementing water-related  
52.14 programs, policies, and permits, including local, state, and regional-based approaches;

52.15 (3) identify inconsistencies and redundancy between local, state, and federal rules;

52.16 (4) identify means to coordinate rulemaking and implementation so as to achieve  
52.17 intended outcomes more effectively and efficiently;

52.18 (5) identify a rule assessment and evaluation process for determining whether each  
52.19 identified rule should be continued or repealed;

52.20 (6) rely on scientific, peer-reviewed data, including the studies of the National  
52.21 Academy of Sciences;

52.22 (7) evaluate current responsibilities of the Pollution Control Agency, Department of  
52.23 Natural Resources, Board of Water and Soil Resources, Environmental Quality Board,  
52.24 Department of Agriculture, and Department of Health for developing and implementing  
52.25 water-related programs, policies, and permits and make recommendations for reallocating  
52.26 responsibilities among the agencies; and

52.27 (8) assess the current role of the clean water fund in supporting water-related  
52.28 programs and policies and make recommendations for allocating resources among the  
52.29 agencies that collaborate and partner in spending the clean water fund consistent with  
52.30 the other recommendations of the study.

52.31 (c) The commissioner of administration must submit the study results and make  
52.32 recommendations to agencies listed under paragraph (a) and to the chairs and ranking  
52.33 minority party members of the senate and house of representatives committees having  
52.34 primary jurisdiction over environment and natural resources policy and finance no later  
52.35 than January 15, 2012.

53.1       Sec. 97. **SHALLOW LAKES MANAGEMENT REPORT.**

53.2           By January 1, 2012, the commissioner of natural resources shall submit a report to  
 53.3 the senate and house of representatives committees and divisions with jurisdiction over  
 53.4 natural resources policy that includes:

53.5           (1) a summary of the science and ecology of shallow lakes;

53.6           (2) a summary of the significance of shallow lakes to continental and state waterfowl  
 53.7 populations and Minnesota's waterfowl heritage;

53.8           (3) examples and documented results of previous temporary water-level management  
 53.9 activities;

53.10          (4) a list of current statutes and rules applicable to shallow lakes including, but not  
 53.11 limited to, water-level management of shallow lakes and drainage law under chapter  
 53.12 103E; and

53.13          (5) a list of any changes to statute necessary that would allow the commissioner of  
 53.14 natural resources, through shallow lake management, to better achieve the state's wildlife  
 53.15 habitat and clean water goals and address the threats of invasive species, including carp  
 53.16 and the use of fish barriers.

53.17       Sec. 98. **REVISOR'S INSTRUCTION.**

53.18          (a) The revisor of statutes shall change the range reference "sections 103F.701 to  
 53.19 103F.761" wherever it appears in Minnesota Statutes and Minnesota Rules to "sections  
 53.20 103F.701 to 103F.755."

53.21          (b) The revisor of statutes shall change the term "Environmental Quality Board," or  
 53.22 "board" when referring thereto, to "commissioner of natural resources," or "commissioner"  
 53.23 wherever it appears in Minnesota Statutes, sections 116G.01 to 116G.14, and section  
 53.24 116G.151.

53.25       Sec. 99. **REPEALER.**

53.26          (a) Minnesota Statutes 2010, sections 40A.122; 84.02, subdivisions 1, 2, 3, 4, 5, 6,  
 53.27 7, and 8; 85.013, subdivision 2b; 103A.403; 103A.43; 103F.614; 103F.711, subdivision  
 53.28 7; 103F.721; 103F.731, subdivision 1; 103F.761; 115A.32; 115A.33; 115A.34; 115A.35;  
 53.29 115A.36; 115A.37; 115A.38; 115A.39; 116C.02; 116C.03, subdivisions 1, 2, 2a, 3a, 4,  
 53.30 5, and 6; 116C.04, subdivisions 1, 2, 3, 4, 7, 10, and 11; 116C.06; 116C.08; 116C.71,  
 53.31 subdivisions 1c and 2a; 116C.721; 116C.722; 116C.723; 116C.724, subdivisions 2 and 3;  
 53.32 and 473H.15, are repealed.

53.33          (b) Minnesota Statutes 2010, section 84D.02, subdivision 4, is repealed.

53.34          **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment."

54.1 Amend the title accordingly