

1.1 ..... moves to amend H.F. No. 4149 as follows:

1.2 Page 6, after line 13, insert:

1.3 "Sec. 12. Minnesota Statutes 2024, section 103G.2241, subdivision 1, is amended to read:

1.4 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not required  
1.5 for:

1.6 (1) impacts to wetlands on agricultural land ~~labeled prior-converted cropland and impacts~~  
1.7 ~~to wetlands~~ resulting from drainage maintenance activities that do not exceed the scope and  
1.8 effect of drainage manipulations that occurred before December 23, 1985, and are authorized  
1.9 by the United States Department of Agriculture, Natural Resources Conservation Service,  
1.10 on areas labeled ~~farmed wetland, farmed wetland pasture, and wetland.~~ The prior-converted  
1.11 cropland, farmed wetland, farmed-wetland pasture, or wetland ~~must be labeled~~ on a valid  
1.12 final certified wetland determination issued by the Natural Resources Conservation Service  
1.13 ~~in accordance with Code of Federal Regulations, title 7, part 12, as amended.~~ It is the  
1.14 responsibility of the owner or operator of the land to provide a copy of the final certified  
1.15 wetland determination to, and allow the Natural Resources Conservation Service to share  
1.16 related information with, the local government unit and the board for purposes of verification;

1.17 (2) until October 31, 2031, impacts to wetlands on agricultural land that:

1.18 (i) was planted with annually seeded crops before July 1, except for crops that are  
1.19 normally planted after that date, in eight out of the ten most recent years before the impact;

1.20 (ii) was in a crop rotation seeding of pasture grass, cover crop, or legumes or was fallow  
1.21 for a crop production purpose in eight out of the ten most recent years before the impact;

1.22 or

1.23 (iii) was enrolled in a state or federal land conservation program and met the requirements  
1.24 of clause (i) or (ii) before enrollment;

2.1 ~~(2)~~ (3) activities in a wetland conducted as part of normal farming practices. For purposes  
2.2 of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching  
2.3 activities such as plowing, seeding, cultivating, and harvesting for the production of feed,  
2.4 food, and fiber products, but does not include activities that result in the draining of wetlands;

2.5 ~~(3)~~ (4) soil and water conservation practices approved by the soil and water conservation  
2.6 district, after review by the Technical Evaluation Panel;

2.7 ~~(4)~~ (5) wetland impacts resulting from aquaculture activities, including pond excavation  
2.8 and construction and maintenance of associated access roads and dikes, authorized under  
2.9 and conducted in accordance with a permit issued by the United States Army Corps of  
2.10 Engineers under section 404 of the federal Clean Water Act, United States Code, title 33,  
2.11 section 1344, but not including construction or expansion of buildings;

2.12 ~~(5)~~ (6) wetland impacts resulting from wild rice production activities, including necessary  
2.13 diking and other activities, authorized under and conducted in accordance with a permit  
2.14 issued by the United States Army Corps of Engineers under section 404 of the federal Clean  
2.15 Water Act, United States Code, title 33, section 1344; or

2.16 ~~(6)~~ (7) agricultural activities on agricultural land that is subject to the swampbuster  
2.17 provisions of the federal farm program restrictions, including the use of an agricultural  
2.18 wetland bank, consistent with a memorandum of understanding and related agreements  
2.19 between the board and the United States Department of Agriculture, Natural Resources  
2.20 Conservation Service.

2.21 Sec. 13. Minnesota Statutes 2024, section 103G.2241, subdivision 2, is amended to read:

2.22 Subd. 2. **Drainage.** (a) A replacement plan is not required for draining or filling of  
2.23 wetlands, except for draining wetlands that have been in existence for more than 25 years,  
2.24 resulting from maintenance and repair of existing drainage systems, including public drainage  
2.25 systems. Public drainage systems can meet this requirement with documentation:

2.26 (1) that a repair of the drainage system ordered by the drainage authority was completed  
2.27 within the past 25 years in accordance with section 103E.701; or

2.28 (2) of ditch inspections completed within the past 25 years as required under section  
2.29 103E.705 and a repair was not ordered by the drainage authority.

2.30 (b) The exemption under paragraph (a) may only be applied to wetlands within or adjacent  
2.31 to the part of the system that has been documented to have been repaired or inspected under  
2.32 paragraph (a), clause (1) or clause (2).

3.1        ~~(b)~~ (c) A public drainage authority may, as part of the repair of a public drainage system,  
3.2 as defined in section 103E.005, subdivision 12, install control structures, realign the ditch,  
3.3 construct dikes along the ditch, or make other modifications as necessary to prevent the  
3.4 drainage of wetlands."

3.5        Renumber the sections in sequence and correct the internal references

3.6        Amend the title accordingly