

House Research Act Summary

CHAPTER: 289

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TOPIC: Omnibus Environment and Natural Resources Policy

Analyst: Janelle Taylor

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Overview

This act contains various policy provisions related to the environment and natural resources, including a number of provisions recommended by the Department of Natural Resources (DNR).

Section

- 1 Nonindigenous species.** Amends § 17.4982, subd. 18a. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 2 Property disposal; gift acknowledgement; advertising sales.** Amends § 84.027, subd. 12. Removes the restriction on the DNR from giving away items to the public that exceed a total value of \$25,000 per year.
- 3 Game and fish rules.** Amends § 84.027, subd. 13. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 4 Game and fish expedited permanent rules.** Amends § 84.027, subd. 13a. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 5 Permitting efficiency.** Amends § 84.027, subd. 14a. Changes the permitting efficiency report requirement for the DNR from a semiannual report to an annual report.
- 6 Facilities management account.** Amends § 84.0857. Allows the DNR to bill organizational units within the DNR and other governmental units for the costs of operating facilities. Appropriates the funds received under this provision to the DNR to pay the associated costs.

Section

- 7 Off-highway motorcycle safety courses; reciprocity with other states; accepted equivalencies.** Amends § 84.791, subd. 4. States that completing the Motorcycle Safety Foundation Dirtbike School is adequate to meet the off-highway motorcycle safety certificate requirements.
- 8 Snowmobile.** Amends § 84.81, subd. 3. Modifies the definition of snowmobile for purposes of snowmobile registration and other Department of Natural Resources' (DNR) provisions to exclude all-terrain and other vehicles equipped with aftermarket ski and track configurations.
- 9 All-terrain vehicle or vehicle.** Amends § 84.92, subd. 8. Modifies the definition of an all-terrain vehicle (ATV) to mean a vehicle with low pressure or nonpneumatic tires (rather than flotation tires as provided under current law).
- 10 Class 1 all-terrain vehicle.** Amends § 84.92, subd. 9. Increases the maximum weight (from 1,000 to 1,200 pounds) for an ATV to be considered a "class 1" ATV.
- 11 Class 2 all-terrain vehicle.** Amends § 84.92, subd. 9. Increases the minimum weight (from 1,000 to 1,200 pounds) for an ATV to be considered a "class 2" ATV.
- 12 All-terrain vehicle safety courses; reciprocity with other states' accepted equivalencies.** Amends § 84.925, subd. 3. States that completing the ATV RiderCourse offered by the All-Terrain Vehicle Safety Institute is adequate to meet the ATV safety certificate requirements.
- 13 Prohibitions on youthful operators.** Amends § 84.9256, subd. 1. Changes the age requirement for all-terrain vehicle (ATV) safety training back to 16 years of age (last session the age requirement was changed from 16 to 18 years of age).
- 14 Off-road and all-terrain vehicles; limited or managed forests; trails.** Amends § 84.926. Clarifies that certain vehicles, including class 2 ATVs, may be used on forest trails that are designated for off-road vehicles during certain times.
- 15 Infested waters.** Amends § 84D.01, subd. 8. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 16 Inspect.** Amends § 84D.01, subd. 8b. Adds collection and sampling to the list of activities defining "inspect" for purposes of chapter 84D (Invasive Species).
- 17 Prohibited invasive species.** Amends § 84D.01, subd. 13. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 18 Regulated invasive species.** Amends § 84D.01, subd. 15. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 19 Unlisted nonnative species.** Amends § 84D.01, subd. 17. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).

Section

- 20 Unregulated nonnative species.** Amends § 84D.01, subd. 18. Technical (related to the change from a designation process to a listing process for invasive species contained later on in the act).
- 21 Infested waters; restricted activities.** Amends § 84D.03. Changes the way the DNR identifies infested waters for purposes of the invasive species laws from a designation process to a requirement to maintain an accessible list of waters (the waters would no longer be designated by written order published in the State Register).
- 22 Unlisted nonnative species.** Amends § 84D.06. Changes the way the DNR identifies invasive species for purposes of the invasive species laws from a designation process to a listing process.
- 23 Removal and confinement.** Amends § 84D.10, subd. 3. Technical (related to the change from a designation process to a listing process for infested waters).
- 24 Persons transporting water-related equipment.** Amends § 84D.10, subd. 4. Technical (related to the change from a designation process to a listing process for infested waters).
- 25 Inspector authority.** Amends § 84D.105, subd. 2. Modifies the ability of the commissioner to enter into delegation agreements with local units of government and others for purpose of aquatic invasive species inspections to remove the requirement that the delegation agreements have the local government unit (or other entity) assume all legal, financial and administrative responsibilities.
- 26 Harvest of bait from infested waters.** Amends § 84D.11, subd. 2a. Technical (related to the change from a designation process to a listing process for infested waters).
- 27 Rules.** Amends § 84D.12. Changes the way the DNR identifies invasive species for purposes of the invasive species laws from a designation process to a listing process.
- 28 Civil penalties.** Amends § 84D.13, subd. 5. Technical (related to the change from a designation process to a listing process for infested waters).
- 29 Development and establishment of units.** Amends § 86A.09. Modifies master plan requirements for units of the outdoor recreation system (which includes state parks and trails, state recreation areas, scientific and natural areas (SNAs), state forests, wildlife management areas (WMAs), state historic sites, rest areas and other units) to require public meetings rather than public hearings. Removes a requirement that the DNR approve all master plans to eliminate the need for other agencies (such as the Minnesota Historical Society and the Department of Transportation) to seek DNR approval. Establishes a process for amending master plans.

Section

- 30 Registry of units.** Amends § 86A.11. Eliminates the requirement that the DNR compile and maintain a list of all units of the outdoor recreation system and instead requires DNR to compile one for the units it administers and the Minnesota Historical Society for the ones it administers (requirements for units administered by the Department of Transportation would be eliminated).
- 31 Policy.** Amends § 89A.02. Updates the policy of the Minnesota Sustainable Forest Resources Act to include maintaining (as well as establishing as required under current law) processes and mechanisms that seek and incorporate a broad array of perspectives when planning and managing the state's forest resources.
- 32 Membership.** Amends § 89A.03, subd. 1. Requires the Minnesota Forest Resources Council (MFRC) member representing owners of nonindustrial, private forests of 40 acres or more to be a representative of an association representing family forest woodlands.
- 33 Biennial report.** Amends § 89A.03, subd. 6. Changes the Minnesota Forest Resources Council's annual report requirement to a biennial report due February 1, each odd numbered year.
- 34 Partnership.** Amends § 89A.04. Updates the state's policy regarding fostering partnerships between landowners, forest managers, and loggers to require the partnerships to be maintained and also to include loggers when addressing landscape-level operations and concerns.
- 35 Development and revision.** Amends § 89A.05, subd. 1. Requires the MFRC to periodically revise comprehensive timber harvesting and forest management guidelines and provides new criteria to be used when doing so (the current criteria, including peer review requirements, are repealed in section 70).
- 36 Application.** Amends § 89A.05, subd. 3. Requires the MFRC to periodically assess implementation goals for the forest management guidelines it develops and requires those goals to sustain forest resources.
- 37 Framework.** Amends § 89A.06, subd. 1. Requires the MFRC to maintain a framework that will enable long-range strategic planning and coordination (the current act requires it to be developed).
- 38 Regional forest resources committees.** Amends § 89A.06, subd. 2. Requires the MFRC to maintain regional forest resource committees (the current act requires them to be established) and modifies their duties, including adding that they periodically recommend that the MFRC undertake revisions of the region's landscape plan.
- 39 Report.** Amends § 89A.06, subd. 4. Requires each regional committee to report on its activities by November 1, each even numbered year.
- 40 Monitoring.** Amends § 89A.07. Requires the Department of Natural Resources (DNR) to maintain a program for monitoring trends and conditions in the state's forest resources and removes a requirement that the DNR report to the council on current information and trends.

Section

Changes the responsibility of evaluating the effectiveness of practices to mitigate impacts of timber harvesting and forest management activities from the DNR to the MFRC.

- 41 Establishment.** Amends § 89A.08, subd. 1. Requires the chair of the MFRC to appoint the chair of the Forest Resources Research Advisory Committee.
- 42 Purpose.** Amends § 89A.08, subd. 2. Updates the purpose of the Forest Resources Research Advisory Committee to include communication with the legislature on funding the council's priority forest resources research activities.
- 43 Research assessment.** Amends § 89A.08, subd. 3. Technical.
- 44 Interagency information cooperative.** Amends § 89A.09. Encourages the dean of the College of Food, Agricultural and Natural Resources Sciences at the University of Minnesota to maintain an Interagency Information Cooperative (the current act encourages its establishment) and modifies the cooperative's purpose by removing conducting a needs assessment for improving the information systems. Requires the cooperative to report to the council on its accomplishments by November 1, each even-numbered year.
- 45 Continuing education.** Amends § 89A.10. Updates the policy of the state to include the encouragement of timber harvesters and forest resource professionals to maintain (the current act encourages the establishment) continuing education programs and adds specific reference to the Minnesota Logger Education Program and the University of Minnesota Sustainable Forests Education Cooperative.
- 46 Implementation.** Amends § 89A.105. States that implementation of the Minnesota Sustainable Forest Resources Act is subject to appropriations from the legislature.
- 47 Sunset.** Amends § 89A.11. Extends the Minnesota Sustainable Forest Resources Act four years to June 30, 2021.
- 48 Reporting invasive carp.** Changes the term "Asian" carp to "invasive" carp for purposes of reporting requirements.
- 49 Possession, sale, and transportation of commercial fish.** Amends § 97C.821. Technical (related to the change from a designation process to a listing process for infested waters).
- 50 Drainage inspectors.** Amends § 103E.065. Prohibits a county commissioner from serving as a drainage inspector.
- 51 Adoption procedure.** Amends § 103F.121, subd. 2. Removes a requirement that the DNR notify affected local governments when technical information related to the delineation of floodplains and floodways on a watercourse become available and removes the corresponding requirement that local governments prepare/amend their floodplain management ordinances within six months of receiving the notice.

Section

- 52** **Alterations and hazardous uses prohibited.** Amends § 103F.121, subd. 5. Modifies restrictions that apply to alterations to structures in floodplains and other floodplain uses to make them consistent with federal requirements.
- 53** **Application for flood insurance.** Amends § 103F.165, subd. 3. Removes the requirement that local units of government apply for participation in the National Flood Insurance Program.
- 54** **Exceptions.** Amends § 103G.245, subd. 2. Removes an exemption from public water work permit requirements for removal of debris (such as logs) provided it does not alter the original alignment, slope, or cross section of waters.
- 55** **Relationship to surface water resources.** Amends § 103G.287, subd. 2. Clarifies that groundwater appropriations impacting surface waters are subject to additional requirements when the appropriation “will have negative impacts” to surface waters (current law states that the additional requirements apply when the appropriations “have potential impacts” to surface waters).
- 56** **Groundwater management areas.** Amends § 103G.287, subd. 4. Requires the commissioner of natural resources to assemble an advisory team to assist with the development of groundwater management area plans for the area. Specifies the criteria for membership of the team. Requires the commissioner to consult with the advisory team at least 30 days prior to implementing or modifying a groundwater management area plan.
- 57** **General 150-day limit.** Requires the commissioner to act on water use permits within 150 days (rather than 30 days as required under current law) and requires the commissioner to notify an applicant, within 30 days, whether an application is complete. General permitting efficiency laws establish a goal of acting on permits within 150 days and require notification of application completeness.
- 58** **Invasive aquatic plant management permit.** Amends § 103G.615, subd. 3a. Expands the definition of invasive aquatic plant management permits to broaden the scope of what can be included.
- 59** **Definitions.** Amends § 115B.39. Amends definition of “qualified facility” under the Landfill Cleanup Program to allow for an additional facility.
- 60** **When prepared.** Amends § 116D.04, subd. 2a. Exempts from the requirement to complete a mandatory Environmental Impact Statement a plant located outside the seven-county metro area that produces less than 400,000 gallons of biochemicals annually or a biorefinery using cellulosic feedstock.
- 61** **Off-road recreational vehicle.** Adds § 325E.13, subd. 5. Provides a definition of “off-road recreational vehicle” for purposes of odometer tampering prohibitions that includes snowmobiles and off-road vehicles (ATVs, off-highway motorcycles, and off-road vehicles).

Section

- 62 Tampering.** Amends § 325E.14, subd. 1. Prohibits a person from tampering with the odometer of an off-road recreational vehicle in order to reflect lower mileage than what has actually been driven.
- 63 Sales and use restrictions.** Amends § 325E.14, subd. 3. Prohibits a person from selling or installing any device on an off-road recreational vehicle that causes the odometer to register any mileage other than the true mileage.
- 64 Sales restriction.** Amends § 325E.14, subd. 4. Prohibits a person from knowingly selling an off-road recreational vehicle that has mileage registered on the odometer that reflects lower mileage than what has actually been driven without disclosing the fact to prospective purchasers.
- 65 Repair or replacement restriction.** Amends § 325E.14, subd. 6. States that nothing in the section prohibits a person from servicing, repairing, or replacing an odometer.
- 66 Minnesota River Valley; master plan.** Requires the DNR to develop a master plan for the Minnesota River Valley area in Redwood and Renville Counties and specifies requirements for the plan.
- 67 Invasive carp.** Prohibits the commissioner of natural resources from proposing laws that contain the term “Asian carp” and requires the commissioner to use the term “invasive carp” when referring to carp species that are not naturalized to the waters of the state.
- 68 Rulemaking; use of rabbits and hares to train dogs.** Requires the DNR to amend rules to state that a person may use dogs to pursue rabbits/hares without killing/capturing them except between April 16 and July 14. Allows the commissioner to use the good cause exemption from rulemaking when making the change.
- 69 Revisor’s instruction.** Technical. Instructs the revisor to change “designate” to “list” (and similar terms) in Minnesota Rules to reflect the changes made in the act requiring a listing process rather than a designation process for infested waters and invasive species.
- 70 Repealer.** Repeals: § 84.521 (obsolete language related to the temporary suspension of certain wilderness area requirements); § 89.01, subd. 7 (requirement of the DNR to establish forest road coordination committees); § 89A.05, subd. 2a (requirements for reviewing timber harvesting and forest management guidelines, including peer review requirements) and subd. 4 (requirement of the DNR to monitor and report on riparian forests); § 89A.06, subd. 2a (obsolete reporting requirements related to regional forest committees); § 103F.121, subsd. 3 and 4 (provisions related to the adoption of floodplain ordinances that correspond to ordinance adoption requirements eliminated earlier in the act); and § 103F.165, subd. 2 (requirement of the DNR to prepare a list of local government units having areas subject to flooding and notify those affected).