

Subject Environment and Natural Resources Policy

Bill S.F. 2904

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Overview

This act includes a number of provisions impacting the environment and natural resources.

Article 1: Electronic License System

This article makes a number of changes to state law to allow the Department of Natural Resources (DNR) to implement a new electronic license system (ELS). A law passed last session required the DNR to offer electronic game and fish licenses by March 1, 2026. The DNR is anticipating that a new system that will meet these requirements will be available by March 5, 2025. The changes become effective upon full implementation of the new ELS.

Section Article 1: Electronic License System

- 1 Procedure for adopting exempt rules; duration.**
Technical.
- 2 Electronic transactions.**
Removes a provision allowing the DNR to assign a number to a person buying a hunting or fishing license that serves as a temporary authorization that will no longer be needed under the new system.
- 3 Electronic licensing system data.**
Changes references to snowmobile trail sticker to snowmobile trail pass.
- 4 Application.**
Removes a requirement that an application for a wild rice dealer's license be made under a written oath.
- 5 Refunds.**
Technical.

Section Article 1: Electronic License System

- 6 **Refunds.**
 Technical.
- 7 **Pass required; fee.**
 Changes snowmobile trail sticker to snowmobile trail pass.
- 8 **Nontrail use registration.**
 Strikes references to sticker for purposes of the snowmobile trail pass.
- 9 **Refunds.**
 Technical.
- 10 **Snowmobile state trail pass.**
 Changes references to snowmobile trail sticker to snowmobile trail pass and removes requirement that it be affixed to the snowmobile and instead requires it to be available for inspection.
- 11 **Money deposited in account.**
 Changes references to snowmobile trail sticker to snowmobile trail pass.
- 12 **Purposes; allocation.**
 Changes references to snowmobile trail sticker to snowmobile trail pass.
- 13 **Refunds.**
 Technical.
- 14 **Pass in possession.**
 Removes reference to signed cross-country-ski passes as they will no longer be required to be signed under changes made in the next section.
- 15 **Issuance.**
 Removes requirement that cross-country-ski passes be signed.
- 16 **Skiing without a pass.**
 Removes reference to signed cross-country-ski passes as they will no longer be required to be signed under changes made in the previous section.
- 17 **Issuance.**
 Removes requirement that horse passes be signed.

Section Article 1: Electronic License System

- 18 **Refunds.**
Technical.
- 19 **Bonus permit.**
Modifies the definition of “bonus permit” for purposes of the game and fish laws to remove reference to deer tags.
- 20 **Validation.**
Defines “validation” for purposes of the game and fish laws to allow documentation to be either electronic or on paper.
- 21 **Electronic devices.**
States that if a person uses an electronic device to display a document to a conservation officer or peace officer as part of an inspection under the game and fish laws, the conservation officer/peace officer is not liable for any damage to the device unless the officer does not exercise due care. Also states that it does not constitute consent for the officer to access other contents on the device.
- 22 **Joint and several liability.**
Allows invalidation of a license revoked and seized.
- 23 **Personal possession.**
Removes references to paper licenses no longer necessary.
- 24 **Duplicate licenses.**
Removes the requirement that an applicant take an oath covering the facts of loss or destruction of a license prior to issuance of a duplicate license.
- 25 **Replacement deer licenses.**
Removes a requirement that a person submit their original deer license and unused tags when being issued a replacement license.
- 26 **Replacement turkey licenses.**
Removes a requirement that a person submit their original turkey license and unused tags when being issued a replacement license.
- 27 **Seizure or invalidation of licenses.**
Allows game and fish licenses to be invalidated (in addition to seized as allowed under current law) when the person violates the game and fish laws.

Section Article 1: Electronic License System

- 28 **License system.**
Allows the DNR to publish a notice in the State Register exempting residents and nonresidents from requirements to possess a license to take game or fish in the event of a disruption to the availability of hunting and angling licenses.
- 29 **Resident lifetime licenses authorized.**
Removes references to deer tags no longer needed under the new system.
- 30 **Lifetime small-game-hunting license; fee.**
Removes reference to turkey stamp validations.
- 31 **Lifetime deer-hunting license; fee.**
Removes reference to deer tags no longer needed under the new system.
- 32 **Lifetime sporting license; fee.**
Removes reference to turkey stamp validations.
- 33 **Lifetime sporting with spearing option license; fee.**
Removes reference to turkey stamp validations.
- 34 **Nonresident lifetime small-game-hunting license; fee.**
Removes reference to turkey stamp validations.
- 35 **License applications; penalty.**
Removes a requirement that game and fish license applications be made in writing.
- 36 **Licenses to be sold and issuing fees.**
Removes a provision allowing the DNR to issue one-day angling licenses in books of ten to fishing guides operating charter boats.
- 37 **Validation required.**
Requires validation rather than tags to possess or transport deer, bear, elk, or moose.
- 38 **Registration required.**
Removes reference to tag requirements being removed in the previous section.
- 39 **Quartering deer allowed.**
Removes references to deer tags no longer needed under the new system.

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- 40 **Transporting by person other than licensee.**
Requires a person other than the licensee transporting deer, bear, elk, or moose to have documentation (rather than a tag) with certain licensee information.
- 41 **Registration.**
Removes requirements to have tags for special fish species and instead requires an endorsement and for the fish to be registered.
- 42 **Venison donations.**
Requires a person donating venison to supply the licensee’s DNR number (rather than a tag).
- 43 **Bear license required; application.**
Removes requirement that an application for a bear license be made on a form.
- 44 **Taking small game by party.**
Removes reference to turkey tags no longer needed under the new system.
- 45 **Registration.**
Removes tagging requirements for prairie chickens for purposes of DNR rule authority.
- 46 **License required to take turkey; registration requirements.**
Removes turkey tagging requirements and replaces them with validation requirements for purposes of DNR’s rulemaking authority.
- 47 **Special fish management registration.**
Allows for special fish management endorsement and registration (rather than tags).
- 48 **Aquatic invasive species affirmation.**
Removes a requirement that the aquatic invasive species affirmation portion of a nonresident angling license be signed.
- 49 **License required.**
Removes the requirement that a dark house, fish house, or shelter have the license tag attached to it.
- 50 **Required rulemaking.**
Allows the DNR to use the good cause exemption to adopt rules to conform to this article.

Section Article 1: Electronic License System

51 Repealer.

Repeals Minn. Stat. § 97A.015, subd. 27a. (definition of “license identification number”) and § 97A.485, subd. 13 (requirement to allow one-day paper fishing licenses to be sold by fishing guides operating charter boats).

52 Effective date.

States that sections 1 to 51 are effective upon full implementation of the replacement ELS.

Article 2: Native Rough Fish

This article makes a number of changes pertaining to native rough fish based on recommendations from the DNR in its recent *Native Fish Conservation Report* which was required by law last session (see Minnesota Laws 2023, ch. 60, art. 4, § 104). One of the recommendations was to change the definition of “rough fish” in statute to “native rough fish” and remove carp from the definition and further define the list of native rough fishes. A number of provisions need updating to accommodate this change.

Section Article 2: Native Rough Fish

1 Acquisition from state.

Requires the DNR, when providing opportunities to make brood stock available to aquatic farms, to not cause adverse impacts to native rough fish (this is currently required for game fish).

2 Listed waters.

Allows the DNR to deny an aquatic farm license for waters containing native rough fish of significant public value under certain circumstances (this is currently allowed for game fish).

3 Aquarium facility.

Requires native rough fish transferred by an aquarium facility to be accompanied by a receipt containing certain information (this is currently required for game fish).

4 Acquisition and purchase.

Prohibits live native rough fish or their viable sperm or eggs from being taken from public waters for aquaculture purposes (this is prohibited for game fish under current law).

Section Article 2: Native Rough Fish

- 5 **Acquisition of fish for brood stock.**
Allows the state to sell native rough fish brood stock to private fish hatcheries and aquatic farms as is allowed for game fish.
- 6 **White Earth Indian Reservation.**
Modifies a provision allowing an aquatic farm to acquire and transport rough fish from a Tribal member of the White Earth Reservation to limit it to native rough fish.
- 7 **Agricultural resource project; project.**
Modifies the definition of “agricultural resource project” for purposes of provisions related to the Minnesota Agricultural and Economic Development Board under chapter 41A to accommodate the new definition of native rough fish.
- 8 **State jurisdiction over Rainy Lake and other navigable waters; duties of governor, attorney general, and other public officers.**
Technical.
- 9 **Bow fishing.**
Modifies the definition of “bow fishing” to mean the taking of native rough fish and common carp to accommodate the new definition for native rough fish.
- 10 **Protected wild animals.**
Modifies the definition of “protected wild animals” to accommodate the new definition of native rough fish.
- 11 **Native rough fish.**
Modifies the definition of “rough fish” by changing it to “native rough fish,” eliminating carp, and further define the list of native rough fish.
- 12 **Minnesota migratory-waterfowl stamp.**
Clarifies that migratory-waterfowl stamp revenues may be used for common carp barriers in response to the new definition of native rough fish.
- 13 **Liability for restitution.**
Adds native rough fish to the list of species that a person is liable to the state for when killing, injuring, or possession them in violation of the game and fish laws.
- 14 **Issuance after conviction; buying and selling wild animals.**
Adds convictions for buying or selling native rough fish to the list of convictions making a person ineligible to hunt or fish for three years.

Section Article 2: Native Rough Fish

- 15 **Fish packer.**
Establishes a fee for a license to prepare dressed native rough fish of \$40 (the same as the fee for game fish).
- 16 **Fish transported through state.**
Prohibits native rough fish taken in another state or country transported during the closed season or in excess of possession limits unless they are transported by common carrier or tagged/sealed/marked as required by the DNR.
- 17 **Crossbow hunting.**
Modifies crossbow hunting provisions to accommodate the new definition of native rough fish.
- 18 **Restrictions related to motor vehicles.**
Modifies provisions related to transporting a bow for bow fishing to accommodate the new definition of native rough fish.
- 19 **Crossbow permits for hunting and fishing.**
Modifies a provision allowing the DNR to issue crossbow permits to those with a disability to accommodate the new definition of native rough fish.
- 20 **Fishing and motorboats restricted in certain areas.**
Requires DNR to consider the presence of native rough fish when determining whether to prohibit or restrict taking fish or operating a motorboat on waters licensed under a private fish hatchery or aquatic farm license.
- 21 **Taking fish.**
Modifies a provision allowing the DNR to authorize taking fish when fish are in danger to allow common carp taken to be sold (under current law rough fish were allowed to be sold).
- 22 **Commissioner may remove native rough fish.**
Modifies a provision allowing the DNR to take certain fish with seines, nets, and other devices to accommodate the new definition of native rough fish.
- 23 **Removing common carp and native rough fish from boundary waters.**
Modifies a provision that allows the DNR to enter into agreements with neighboring states for purposes of removing rough fish to accommodate the new definition of native rough fish.

Section Article 2: Native Rough Fish

- 24 **No permit required.**
Modifies a provision exempting fish contests from permit requirements to limit the existing rough fish exemption to common carp only.
- 25 **Price of game fish fry and eggs.**
Allows the DNR to sell or barter native fish fry and eggs for no less than the cost associated with their production (this currently applies to game fish only).
- 26 **Species allowed.**
Modifies the species allowed to be taken by spear to accommodate the new definition of native rough fish.
- 27 **Taking native rough fish and common carp by spearing.**
Modifies the fish spearing season to accommodate the new definition of native rough fish and changes the dates for the season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).
- 28 **Season.**
Modifies the dates for the bow-fishing season (moves it from the last Saturday in April to the last Sunday in February to May 1 through the last day in February).
- 29 **Returning native rough fish and common carp to waters.**
Modifies provisions prohibiting rough fish taken by bow from being returned to the water or left on the water bank to accommodate the new native rough fish definition.
- 30 **Harpooning native rough fish.**
Modifies a provision allowing the harpooning of rough fish to accommodate the new definition of native rough fish.
- 31 **Commissioner's authority to regulate winter fishing.**
Requires the DNR to close the corresponding angling season for any waters the DNR closes for spearing for any native rough fish species as well as make the same possession limit reductions made for spearing for the next angling season (this is currently required for game fish). Restricts the DNR from closing more than 50 percent of a county's lakes and streams from spearing of native rough fish.
- 32 **General restrictions.**
Modifies an exemption from the ban on a person selling fish taken from state waters to allow only common carp to be sold (not all rough fish as currently allowed).

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- 33 **Continuous season for certain species.**
Modifies a provision establishing a continuous season to take fish to accommodate the new definition of native rough fish.
- 34 **Possession of minnow dealers.**
Modifies a provision exempting fish under four inches incidentally taken with lawfully set nets and traps by minnow dealers from possession restrictions to add native rough fish.
- 35 **Commercial fish netting on Mississippi River.**
Modifies a provision requiring a commercial fishing license to take rough fish with seines on a portion of the Mississippi River and that limits how a person can take rough fish so that the provisions apply to taking native rough fish.
- 36 **Open season.**
Allows the DNR to close waters for netting lake whitefish and ciscoes if necessary to protect native rough fish (this is currently allowed for game fish).
- 37 **No limit on native rough fish netted.**
Allows native rough fish netted while taking lake whitefish and ciscoes to be retained. Current law allows all rough fish.
- 38 **Commercial fish defined.**
Modifies the definition of commercial fishing for purposes of inland commercial fishing provisions to mean common carp and native rough fish, excluding bowfin.
- 39 **Lake whitefish, common carp, and native rough fish.**
Modifies a provision allowing rough fish to be taken from Namakan Lake and Sand Point Lake by licensed commercial fishing operator to accommodate the new definition of native rough fish.
- 40 **Types of fish permitted.**
Modifies a provision allowing commercial fishing of Lake Superior to accommodate the new definition of native rough fish.
- 41 **Pound nets and trap nets.**
Modifies a provision allowing certain nets to be used to take fish from Lake Superior to accommodate the new definition of native rough fish.

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42 License required; records.

Requires a person engaged in business providing services to people fishing to have a fish packer's license to prepare dressed native rough fish for shipment (this is required for dressed game fish).

43 Required rulemaking.

Allows the DNR to use the good cause exemption from rulemaking to adopt rules to conform with this article.

44 Revisor instruction.

Instructs the revisor of statutes to renumber certain statutes to incorporate changes in the game and fish definitions in this article to keep them in alphabetical order.

Article 3: Board of Water and Soil Resources

This article contains a number of policy provisions impacting the Board of Water and Soil Resources (BWSR) and its programs, including modifications to provisions governing soil and water conservation districts (SWCDs), watershed districts, the Reinvest in Minnesota (RIM) Reserve program, and the Wetland Conservation Act.

Section Article 3: Board of Water and Soil Resources

1 Drainage stakeholder coordination.

Adds recommendations for updates to the Minnesota Public Drainage Manual to the list of recommendations BWSR must work with drainage stakeholders on. Provides a definition of the manual for purposes of the requirement.

2 Soil and water conservation policy.

Adds soil health to the list of practices that are encouraged under the state's soil and water conservation policy.

3 Changing location of principal office.

Removes a requirement that BWSR approve changes to SWCD office locations.

4 Surveys, investigations, and research.

Removes a requirement that a SWCD conduct surveys, investigations, or research in cooperation with a state or federal agency.

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- 5 Demonstration projects.**
Removes reference to a soil and water conservation policy being repealed in the article that was used for purposes of a statute pertaining to SWCD demonstration projects and replaces it with a reference to a similar soil and water conservation policy amended in section 3.
- 6 Implementing practices.**
Removes reference to the soil and water conservation policy being repealed in this article and certain practices to allow an SWCD to implement practices to achieve any statutory purpose of the SWCD. Allows a SWCD to implement practices on any publicly owned or administered lands in cooperation with the owner/administrator.
- 7 Implementing soil and water conservation policy.**
Removes reference to the soil and water conservation policy being repealed in this article for purposes of SWCD agreements to allow agreements to implement any statutory responsibilities of the SWCD.
- 8 Acquiring and maintaining property.**
Allows a SWCD to receive income from properties it acquires to fulfill all statutory responsibilities (not just those under chapter 103C or soil erosion provisions as is currently allowed).
- 9 Using machinery and supplies.**
Expands a SWCD's ability to make machinery and supplies available to land occupiers by allowing this for practices to implement all SWCD statutory authorities (not just those listed under the soil and water conservation policy as is currently allowed).
- 10 Constructing improvements.**
Allows a SWCD to construct and operate structures to perform any authorized operation (not just those under chapter 103C or soil erosion provisions as is currently allowed).
- 11 Comprehensive plan.**
Modifies provisions related to SWCD comprehensive plans, including allowing the plans to include other practices, projects, programs, and systems to fulfill statutory responsibilities; removing certain plan requirements; requiring a public hearing; and requiring approval of the plan by BWSR before adopting the plan.
- 12 Assuming other conservation projects.**
Allows a SWCD to take over and administer certain projects undertaken by any public agency (under current law this is allowed only for federal and state agencies).

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- 13 **Authority to sue and contract.**
Expands a SWCD’s use of certain authorities for purposes of all their statutory authorities.
- 14 **Compensation for work or projects.**
Allows a SWCD to assist landowners with operation and maintenance and require compensation for those benefits.
- 15 **Agreements for state or federal assistance.**
Allows a SWCD to apply for state funding similar to its authority to apply for federal funding and allows for the acquisition of land without the restriction that there is no cost to the federal government.
- 16 **Budget.**
Technical.
- 17 **Water and soil resource management.**
Allows a SWCD to initiate, construct, operate, and maintain water and soil resource management practices, projects, programs, and systems within its boundaries and coordinate contributions from state, federal, Tribal, or local governments and private entities for similar purposes.
- 18 **Loans.**
Allows a SWCD to obtain loans.
- 19 **Engineer.**
Modifies the definition of “engineer” for purposes of chapter 103D (Watershed Districts) to reference existing licensing requirements.
- 20 **Specific purposes.**
Modifies the purposes for which a watershed district may be established.
- 21 **Filing establishment petitions.**
Removes a requirement that a watershed district petition be filed with both the commissioner of natural resources and a Department of Natural Resources (DNR) division director to avoid duplication.
- 22 **Petition signatures.**
Modifies signature thresholds for watershed district boundary petitions to be at least 50 resident owners or 50 percent of the resident owners, whichever is less, within the area to be added or removed by the boundary change.

Section Article 3: Board of Water and Soil Resources

23 Hearing.

Requires BWSR to mail a notice of a hearing for a watershed district boundary change at least ten days prior to the hearing.

24 Withdrawing territory.

Allows the majority of watershed district managers to file a petition to withdraw territory from a watershed district. Requires BWSR to mail a notice of a hearing for a watershed district boundary change to each affected watershed district at least ten days prior to the hearing and to file a certified copy of the findings and order of withdrawal with the secretary of state, the auditor of each affected county, the commissioner of natural resources, and the watershed district.

25 Petition.

Allows the majority of watershed district managers to file a petition to enlarge an existing watershed district. Requires BWSR to mail a notice of a hearing for a watershed district enlargement to each affected watershed district at least ten days prior to the hearing.

26 Board order.

Requires BWSR to file a certified copy of the findings and order of watershed district enlargement with the auditor of each affected county, the director of the Division of Ecological and Water Resources of the DNR, and the watershed district (in addition to the secretary of state which is required under current law).

27 Termination hearing order.

Allows a watershed termination hearing to be at the nearest publicly accessible facility outside the watershed district if a publicly accessible facility is not available within the district. Requires BWSR to have each watershed district manager personally served with a copy of the termination order.

28 More than one affected county.

Requires BWSR to consider a county's portion of the land area and net tax capacity of the watershed district when distributing managers when there is more than one affected county.

29 Redistribution.

Allows BWSR to redistribute watershed district managers' terms when redistributing or increasing the number of managers.

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30 Petition signatures.

Requires a petition to increase the number of watershed district managers made by the managers of the district to be adopted by resolution approved by a majority of the managers.

31 Hearing.

Requires BWSR to file a certified copy of the findings and order to increase the number of watershed district managers with the secretary of state, auditor of each affected county, the director of the Division of Ecological and Water Resources of the DNR, and the watershed district and specifies what must be in the order.

32 Record of appointed managers.

Allows the administrator of a watershed district to receive records of appointment.

33 First meeting of managers.

Increases the number of days watershed district managers have to hold the first meeting of watershed district from ten to 30 days.

34 Meetings.

Removes a requirement that a watershed district secretary mail a notice of a meeting to each of its members at least eight days before the meeting and states that meetings are subject to the open meeting law (chapter 13D).

35 Unavailable public facilities.

Allows publicly accessible facilities to be used for watershed district meetings (not only public facilities as required under current law) and states that the principal place of business for a watershed district is the location of the district's office or, if they do not have an office, the location of its regular meetings.

36 Members.

States that if practicable, watershed district advisory board members should include a representative of each federally recognized Tribal government within the watershed district.

37 Acquiring or disposing of property.

Allows a watershed district to dispose of property when it no longer serves a purpose of the watershed district.

38 Requirement.

Clarifies rulemaking authority of watershed district managers.

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39 Bond; financial assurance.

Allows a watershed district to require other forms of financial assurance from permit applicants instead of a bond.

40 Requirement.

Requires a watershed district to submit its annual audit report to BWSR and the state auditor's office within 180 days of the watershed district's fiscal year.

41 Removal of managers.

Allows a watershed district manager to be removed after a hearing before the appointing authority by a majority vote of the appointing authority for violation of the district's code of ethics, malfeasance, nonfeasance, or misfeasance.

42 Watershed management plan.

States that a watershed district's authority to adopt and maintain a watershed management plan is retained if participating in comprehensive watershed management planning for metropolitan watersheds under chapter 103B and removes various roles for the Metropolitan Council. Changes the timing for hearings on proposed watershed management plans. Makes the watershed district in charge of submitting its draft plan, comments, and other records to BWSR for final review. States that BWSR may not prescribe a plan, but may disapprove of all or a portion of the plan. Requires review of the plan to be within 90 days and allows a watershed district to seek reconsideration of BWSR's decision. Provides a process for adopting the plan and amendments.

43 Requirements.

Places responsibility for revising the watershed management plan solely on the watershed district by removing the responsibility from BWSR.

44 Appeals from managers' orders.

Allows the administrator of a watershed district to give notice of an order authorizing a project that has been appealed.

45 Project initiation.

Allows a watershed district project to be initiated by resolution of the majority of managers (instead of unanimously). Requires all projects, not just those paid for by assessment, to be initiated either by petition, resolution of the managers, or as otherwise prescribed by law.

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46 Requirements.

Allows a watershed district project petition to request that the managers adopt a resolution allowing sources of funding other than assessments to be used.

47 Determination.

Recodifies language pertaining to making a watershed district project determination that is being removed in section 50.

48 Projects initiated by managers.

Provides a process for the majority of watershed district managers to initiate a project. Allows the projects to be funded from one or more sources of funding. States that the projects are subject to certain statutory procedures for appointing appraisers and determining benefits.

49 State and federal projects.

Allows an engineer to omit certain items from the engineer's report (rather than require it).

50 Hearing after unfavorable engineer's report.

Specifies that certain hearing requirements when there is an unfavorable engineer's report apply when the project has been initiated by petition.

51 Notice for final hearing; timing.

Allows watershed district managers to decide at any time not to proceed with a final hearing on a project initiated by the managers.

52 Appointment.

Clarifies that only projects proposed to be funded by assessments of benefitted land are subject to the requirements for appraisers to be appointed.

53 Establishment.

Technical.

54 Procedure.

Updates references to statutes to accommodate the repeal of one section and add a cross reference to another.

55 Appraisers' report; examination.

Modifies watershed district manager determinations of benefits and damages to instruct the determinations to be for each property assessed.

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- 56 **Establishing project.**
Modifies watershed district manager findings to require project benefits exceed costs for each property assessed.
- 57 **Filing managers' order establishing project.**
Allows an order establishing a watershed district project and authorizing construction to be filed with the watershed district administrator.
- 58 **Awarding contract.**
Removes a requirement that watershed district project contracts be signed by the president, secretary, and contractor (the contract must be approved by managers as required under current law), and specifies bond requirements.
- 59 **County funding.**
Removes language applicable under a section being repealed later on in the article.
- 60 **Sunset.**
Extends the sunset of the alternative option for apportioning drainage repair costs from July 31, 2024, to July 31, 2029.
- 61 **Definitions.**
Modifies the definition of "with jurisdiction" for purposes of riparian protection requirements ("buffer law") to require a county or watershed district to implement its rules/ordinances/official controls in order to have jurisdiction and specify that the jurisdiction determination is revocable by board action for noncompliance.
- 62 **Agricultural crop production.**
Defines "agricultural crop production" for purposes of the RIM Reserve program (a similar definition in Minnesota Rules is being repealed in the article).
- 63 **Agricultural land.**
Defines "agricultural land" for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).
- 64 **Approved practice.**
Defines "approved practice" for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).
- 65 **Conservation easement program.**
Defines "conservation easement program" for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

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66 Conservation plan.

Defines “conservation plan” for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

67 Food plot.

Defines “food plot” for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

68 Land with crop history.

Defines “land with crop history” for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

69 Pasture.

Defines “pasture” for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

70 Perennial cover.

Defines “perennial cover” for purposes of the RIM Reserve program (a definition for it in Minnesota Rules is being repealed in the article).

71 Reinvest in Minnesota reserve program.

Makes a number of modifications to the RIM Reserve program, including: adding land in a floodplain or that is in an environmentally sensitive area to the list of lands eligible for the program; removing the requirement that land be at least five acres in size and have been in agricultural crop production at least two of the last five years; requiring easements to prohibit mining of gravel, rock or topsoil; removing a requirement that other land with native vegetation owned or leased as part of the same farm operation will not be converted to crop production or pasture; removing a provision allowing BWSR to use nonstate funds to exceed payment limits under the program; and modifying easement enforcement options to allow the use of an administration penalty order (APO) with forgivable penalties.

Codifies certain requirements of landowners and other provisions that are currently in Minnesota Rules being repealed in this article.

72 Conservation practices.

Codifies RIM Reserve program rules with some modifications pertaining to approved conservation practices and augmenting money available to pay for the practices from other sources.

Section Article 3: Board of Water and Soil Resources

- 73 **Soil and water conservation district responsibilities.**
Codifies various RIM Reserve program rules being repealed in this article.
- 74 **Altering conservation easements.**
Allows BWSR to adopt policies and procedures to implement provisions allowing for the alteration, release, or termination of conservation easements. Requires a landowner to compensate BWSR for the damages/loss of benefits resulting from the alteration, release, or termination. Existing rules governing alterations, releases, and terminations are repealed in this article.
- 75 **Project.**
Modifies the definition of “project” for purposes of chapter 103G (Waters of the State) to prohibit a project from being split into components/phases for the purpose of gaining an exemption (under current law the split is prohibited only if gaining an exemption is the sole purpose for the split).
- 76 **Wetland type.**
Modifies the definition of wetland type for purposes of chapter 103G to eliminate the existing types in statute and replace it with reference to the classifications under the United States Army Corps of Engineer’s *A Hydrogeomorphic Classification for Wetlands* (1993) and any supplementary guidance, or replacements as determined by BWSR. NOTE: This change is being recommended by BWSR as the hydrogeomorphic (HGM) classification system is a more updated classification system.
- 77 **Wetlands.**
Modifies the definition of wetlands for purposes of chapter 103G, to add deepwater aquatic habitats defined in the *Corps of Engineers Wetlands Delineation Manual* by the United States Army Corps of Engineers (1987). NOTE: This and some of the other changes being made to the Wetland Conservation Act in this article are being recommended by BWSR in response to a recent United States Supreme Court decision (*Sackett v. Environmental Protection Agency*) to ensure wetlands in Minnesota maintain a similar level of protection as they had prior to the decision.
- 78 **Requirements.**
Removes references to wetland types and requirements being removed under the article and clarifies that the state is responsible for wetland replacement for projects occurring on state roads.
- 79 **Agricultural activities.**
Modifies wetland replacement plan exemptions for certain activities by removing obsolete language and exemptions based on wetland types. Establishes new

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exemptions for wetland impacts on land designated as prior converted cropland by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS).

80 Drainage.

Modifies wetland replacement plan exemptions for public drainage system maintenance and repairs by removing exemptions based on wetland types and making them subject to the same exemptions available to other drainage system maintenance and repair projects.

81 Utilities; public works.

Modifies wetland replacement plan exemptions for utilities work by adding realignments to the exemption and requiring certain activities to be authorized under a federal permit from the United States Army Corps of Engineers. Removes a provision allowing local governments to issue seasonal or annual exemption certificates for maintenance, repair, and replacement.

82 De minimis.

Modifies de minimis amounts (the amount of wetlands that may be impacted without requiring a wetland replacement plan) by removing references to wetland types. Changes the unit of measure to acres (from square feet) for some exemptions resulting in higher de minimis amounts in greater than 80 percent and less than 50 percent areas, and lower amounts in 50 to 80 percent areas. Establishes 100 square feet de minimis amount for all wetlands for certain projects in a shoreland wetland protection zone. Removes certain exemptions applicable in the 11-county metropolitan area. Establishes new requirements applicable to permanent and semipermanent flooded areas. States that when the total area of impacts to wetlands as part of the project exceeds the applicable de minimis amount that a replacement plan is required.

83 Rules.

Requires certain wetland rules adopted by BWSR to protect or mitigate impacts to intermittent and perennial watercourses upstream of public waters.

84 Evaluation.

Requires the Technical Evaluation Panel to use *A Hydrogeomorphic Classification for Wetlands*, United States Army Corps, and an updated version of the *Classification of Wetlands and Deepwater Habitats* of the United State Fish and Wildlife Services.

Section Article 3: Board of Water and Soil Resources

85 Wetland boundary or type determination.

Requires BWSR to establish, by rule, timelines for project review and comment for wetland banking projects notwithstanding a 60-day decision requirement in statute.

86 Replacement completion.

Allows BWSR to establish, sponsor, or administer a wetland banking program that includes monetary payments.

87 Revisor instruction.

Requires the revisor of statutes to: (1) renumber certain subdivisions to accommodate new definitions in the RIM Reserve program statutes; and (2) replace references to Minn. Stat. § 103A.206 (soil and water conservation policy being repealed in the next section) with § 103C.005 (soil and water conservation policy).

88 Repealer.

Repeals the following statutes: §§ 103A.206 (soil and water conservation policy); § 103D.315, subd. 4 (requiring watershed district managers to adopt a seal for the watershed); § 103D.405, subds. 2-6 and § 103D.411 (provisions pertaining to amendments and revisions by watershed districts to their watershed management plans); § 103D.601 (provisions pertaining to the process for watershed districts to initiate a project); § 103D.605, subds. 1- 5 and § 103D.611 (procedures for watershed districts to follow when undertaking certain projects); § 103F.511, subd. 8b (definition of “reinvest in Minnesota reserve program”); and § 103F.950 (beaver damage control grant program).

Repeals the following rules: parts 8400.3000; 8400.3030; 8400.3110; 8400.3210; 8400.3260; 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; and 8400.3930 (conservation easement/RIM Reserve program rules).

Article 4: Environment and Natural Resources Miscellaneous Provisions

This article contains a number of provisions related to the environment and natural resources.

Section Article 4: Environment and Natural Resources Miscellaneous Provisions

1 Definition.

Modifies the definition of “native prairie” for purposes of the native prairie bank program. The program allows the DNR to purchase conservation easements to protect native prairie.

2 Easement acquisition.

Allows native prairie bank easements to be placed on school trust lands. Requires the DNR to get advice from the school trust lands director prior to acquiring such easements.

3 Payments.

Increases the payment rate for native prairie bank easements from 65 percent of the permanent marginal agricultural land payment rate established by the Board of Water and Soil Resources (BWSR) to up to ten percent more than the noncrop easement rate BWSR pays (payment rates vary by township). Allows the DNR to pay up to 65 percent of this rate for easements of a limited duration. Allows the DNR to acquire land in fee under the program if the landowner requests and allows the DNR to pay up to 25 percent more than BWSR’s noncrop easement payment rate for the acquisition. Requires the DNR to establish payment rates if BWSR does not establish noncrop easement payment rates and specifies the factors that must be considered when establishing the rates. Requires easements on school trust lands to be no less than 100 percent of the easement’s appraised value.

4 Fish and Wildlife Advisory Committee.

Consolidates three citizen oversight committees (Fisheries Oversight Committee, Wildlife Oversight Committee, and Budgetary Oversight Committee) currently providing recommendations to the DNR into one Fish and Wildlife Advisory Committee. The committee would be made up of at least 15 affected people appointed by the commissioner of natural resources.

The committee would be required to submit a report to the commissioner and the legislature by September 15 each year. Reports in even-number years must focus on biennial budget outcomes achieved with game and fish fund expenditures, and reports in odd-numbered years must focus on outcomes related to protecting, restoring and enhancing habitat, fish and wildlife population management, fish and wildlife monitoring and research, and communications and engagement.

Requires the committee to hold an annual meeting, that allows for virtual participation, to allow the public to review proposed priorities for the next reporting period.

The committee would expire June 30, 2033.

Section Article 4: Environment and Natural Resources Miscellaneous Provisions

5 Definition.

Establishes a definition of “domestic hogs” and “release” and modifies the definition of “feral swine” for purposes of feral swine release prohibitions.

6 Conditions.

Requires a person who applies manure in a level 2 or higher drinking water supply management area (DWSMA) to follow a manure management plan and requires the plan to include the Department of Agriculture’s recommended best management practices for that DWSMA.



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