

HOUSE RESEARCH

Bill Summary

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Overview

This bill would make a number of changes to the Wetland Conservation Act being recommended by the Board of Water and Soil Resources (BWSR).

- 1 **Local government unit.** Amends § 103G.005, subd. 10e. Establishes the Department of Natural Resources (DNR) as the responsible party for implementation of the Wetland Conservation Act for wetland banking projects included in a permit to mine metallic minerals.
- 2 **Electronic transmission.** Amends § 103G.005, subd. 10f. Defines "electronic transmission" for purposes of the Wetland Conservation Act.
- 3 **Contractor's responsibility when work drains or fills wetlands.** Amends § 103G.2212. Provides contractors the option to email required wetland replacement plan statements to local governments.
- 4 **Wetland replacement siting.** Amends § 103G.222, subd. 3. Allows an impacted wetland in an area with 50 percent to less than 80 percent of the presettlement wetland acreage intact to be replaced in a 50 to 80 percent area or in an area with less than 50 percent. Currently, they are required to be replaced in the same type of area. Establishes a single standard for wetland replacement rather than having separate standards for project-specific replacements and wetland banking replacements. Allows BWSR to approve alternative siting criteria for wetland replacement based on a comprehensive inventory of replacement opportunities and watershed conditions and provides a process for those approvals.
- 5 **Wetland boundary or type determination.** Amends § 103G.2242, subd. 2a. Provides a local government the option to email its decision on a wetland boundary or type determination. Removes language regarding appeals of decisions which are modified and recodified later on in the bill. States that local government decisions are valid for five years (increased from three).
- 6 **Notice of application.** Amends § 103G.2242, subd. 6. Removes specific standards for notifications of the receipt of an application for a wetland replacement plan approval and references the general 60 day rule. Allows copies of completed applications to be sent by email.
- 7 **Notice of decision.** Amends § 103G.2242, subd. 7. Allows required notices of the approval or denial

of a replacement plan to be sent by email.

- 8** **Local appeals.** Adds § 103G.2242, subd. 8a. Provides an additional 15 days (a total of 45 days) for local governments to make a decision on an appeal of a wetland replacement plan decision.
- 9** **Appeals to the board.** Amends § 103G.2242, subd. 9. Adds an appeal of sequencing decisions made by local units of government to the list of items that may be appealed to BWSR and removes restoration orders which are recodified and modified later in the bill. Allows an appeal to be made and noticed by email.
- 10** **Fees established.** Amends § 103G.2242, subd. 14. Allows BWSR to establish fees that are at or below the standard fees for wetland banking accounts and transactions for single-user or other dedicated accounts. Establishes a maximum limit of \$1,000 for fees for single-user and other dedicated accounts for wetland banking projects included in permits to mine.
- 11** **Appeals of restoration or replacement orders.** Adds § 103G.2242, subd. 9a. Establishes a separate appeals process for restoration and replacement orders. Requires the appeal to be made within 30 days or the order is final. Allows the timeframe for the appeal to be extended by mutual agreement. Requires the executive director of BWSR to make a decision on the appeal within 60 days.
- 12** **State conservation easements; wetland bank credit.** Amends § 103G.2251. Allows all wetlands protected with a permanent conservation easement and held by BWSR to be eligible for wetland replacement or mitigation credits in areas with greater than 80 percent of the presettlement wetland acreage intact. Currently, only conservation easements on public land (land owned by the state or a local government) are eligible.
- 13** **Electronic transmission.** Adds § 103G.2373. States that notices and other documents may be sent by electronic transmission unless the recipient has provided a mailing address and specified that a mailed copy is preferred.