

HOUSE RESEARCH

Bill Summary

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Overview

This bill would make a number of changes to the Wetland Conservation Act including removing deed restriction requirements, increasing the amount of de minimis area of a project that does not require a wetland replacement plan by standardizing requirements for most types and eliminating special requirements currently applicable in the metropolitan area, and providing additional authority to the Board of Water and Soil Resources (BWSR).

- 1 Requirements.** Amends § 103G.222, subd. 1. Removes a deed restriction requirement (applicable when wetlands are restored on cultivated lands) and instead requires that the lands not be converted to a nonagricultural use for at least ten years. Allows local units of government to require the deed restriction.
- 2 De minimis.** Amends § 103G.2241, subd. 9. Increases the amount of de minimis area of a project that does not require a wetland replacement plan in some circumstances by increasing certain amounts and making the requirements the same regardless of the type of wetlands (except for white cedar and tamarack wetlands) or whether the area is in the metropolitan area.
- 3 Replacement completion.** Amends § 103G.2242, subd. 3. Allows the BWSR to establish a wetland banking program for impacts that occur in greater than 80 percent areas and for public road projects. Requires coordination with the commissioners of natural resources, the Pollution Control Agency, the U.S. Army Corps of Engineers, and the Natural Resources Conservation Services (NRCS) of the U.S. Department of Agriculture.
- 4 Assumption of section 404 of federal Clean Water Act.** Allows the BWSR to adopt rules to establish a program for regulating the discharge of fill material into the waters of the state that are necessary to gain approval from the U.S. Environmental Protection Agency (EPA) to administer the permitting and wetland banking programs under section 404 of the Clean Water Act. Prohibits the rules from being more restrictive than the program under section 404 or state law. Section 404 of the Clean Water Act requires that a permit from the U.S. Army Corps of Engineers be obtained before discharging dredged or fill material into waters of the U.S. The EPA provides regulatory oversight of the program.

