

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1489  
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### Overview

This bill modifies the Wetland Conservation Act, which governs wetland replacement requirements.

#### Section

- 1 Wetland stakeholder coordination.** Adds § 103B.101, subd. 16. Requires the Board of Water and Soil Resources (BWSR) to “foster mutual understanding and provide recommendations for improvements” regarding the management of wetlands and related resources. Allows BWSR to convene informal working groups or work teams to provide recommendations, information, and education for those purposes.
- 2 Wetland functions for determining public values.** Amends § 103B.3355. Requires BWSR to identify high priority areas for wetland replacement and exempts designations of high priority areas from rulemaking requirements. Allows local units of government to recommend priority areas to BWSR through local water plans.
- 3 Application.** Amends § 103F.612, subd. 2. Conforming change to reflect the changes made in section 2.
- 4 In-lieu fee program.** Adds § 103G.005. Adds a definition of “in-lieu fee program” for purposes of chapter 103G.
- 5 Requirements.** Amends § 103G.222, subd. 1. Modifies wetland replacement requirements to require wetlands that are drained or filled to be replaced by “actions” that provide at least equal public value, rather than “restoring or creating” wetlands.
- 6 Wetland replacement siting.** Amends § 103G.222, subd. 3. Modifies the wetland replacement priority order by: eliminating requirements for public transportation projects in

## Section

less than 50 percent areas and in the seven-county metropolitan area; and allowing wetland replacement done under wetland banking to skip the first two priorities (on-site or in the same minor watershed or in the same watershed). Requires BWSR to establish wetland replacement ratios and wetland bank service area priorities.

- 7 **Rules.** Amends § 103G.2242, subd. 1. Allows BWSR to adopt rules for an in-lieu fee program and requires the program to conform to federal mitigation requirements.
- 8 **Evaluation.** Amends § 103G.2242, subd. 2. Requires BWSR to establish an interagency team to help identify and evaluate potential wetland replacement sites and specifies the membership of the team.
- 9 **Replacement completion.** Amends § 103G.2242, subd. 3. Allows wetland replacement done through a new in-lieu fee program to be completed after the wetlands being replaced are drained/filled. Expands the authority BWSR has under its wetland banking program and allows the board to establish in-lieu fee payment amounts. Appropriates the payments to the board for establishing replacement wetlands and administering the wetland banking program.
- 10 **Decision.** Amends § 103G.2242, subd. 4. Technical.
- 11 **Replacement credits.** Amends § 103G.2242, subd. 12. Removes a requirement that wetland restoration, enhancement or construction for replacement credit be done prior to draining/filling wetlands.
- 12 **Fees established.** Amends § 103G.2242, subd. 14. Allows BWSR to assess a fee to pay the costs associated with establishing conservation easements or other long-term protection mechanisms on property used for wetland replacement.
- 13 **State conservation easements; wetland bank credit.** Amends § 103G.2251. Expands the types of resources that can be protected by conservation easements that are eligible for wetland replacement credit within greater than 80 percent areas.
- 14 **Report.** Requires BWSR, in cooperation with the Department of Natural Resources, to report to the legislature by March 15, 2016, on the proposals to implement high priority areas, in-lieu fees, and alternative actions eligible for wetland replacement credit. Requires the board and department to consult with stakeholders and agencies in developing the report.
- 15 **Revisor's instruction.** Technical.