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Overview

This bill contains supplemental fiscal year 2018 and 2019 budget appropriations for the Pollution Control Agency (PCA) and Department of Natural Resources (DNR). It also contains a number of statutory and other changes related to the environment and natural resources.

Article 1: Environment and Natural Resources Appropriations

Overview

This article contains supplemental fiscal year 2018 and 2019 appropriations for the PCA and DNR.

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- 1 **Environment and natural resources appropriations.** Technical.
- 2 **Pollution Control Agency.** Appropriates \$199,000 from the environmental fund to the PCA for the new voluntary certification program for deicer applicators established in the bill.
- 3 **Natural resources.** Appropriates a total of \$50,000 in fiscal year 2018 and \$2,552,000 in fiscal year 2019 to the DNR for various purposes, including \$750,000 from the general fund for wildlife disease surveillance, response, and enforcement, \$50,000 from the heritage enhancement account for a report on wild rice, and a number of appropriations for all-terrain vehicle (ATV) projects.

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- 4 **Natural resources damages account transfer.** Transfers money from the remediation fund dedicated for natural resources damages to the new statutory natural resources damages account established in the bill.
- 5 **Appropriation; Moose Trail.** Amends a prior appropriation for the Moose Trail to remove a requirement that it convert the snowmobile trail and specifies an end date for the appropriation.
- 6 **Parks and trails management.** Extends a previous appropriation for the Prospectors ATV Trail System.
- 7 **Board of Water and Soil Resources.** Extends and expands the purposes of a previous appropriation to the Board of Water and Soil Resources (BWSR) for a working lands watershed restoration program.
- 8 **Fish and wildlife management.** Amends a previous appropriation to the DNR to add a direct appropriation of money in the deer management account due to the elimination of the statutory appropriation of the account in another section of the bill.
- 9 **Board of Water and Soil Resources.** Extends the availability of a previous appropriation to BWSR that provides money for section 404 assumption efforts.

Article 2: Environment and Natural Resources Policy

Overview

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

- 1 **Legal counsel.** Amends § 84.01, subd. 6. Allows the DNR to appoint attorneys or outside counsel to represent the state in proceedings relating to the vacation of roads.
- 2 **Application.** Amends § 84.0895, subd. 2. Provides a definition of road for purposes of an exemption from certain endangered species protections. Under current law, plants on ditches and roadways are exempt from provisions prohibiting the taking of endangered species. This section would replace “roadway” for purposes of the exemption with “an existing public road right-of way” which is defined as “the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, that is not privately owned” but exclude ground not previously disturbed by construction or maintenance from the exemption.
- 3 **Civil citation; authority to issue.** Amends § 84.775, subd. 1. Technical related to the removal of the ban on snorkel devices for ATVs in section 10.
- 4 **Purposes for the account; allocation.** Amends § 84.83, subd. 3. Increases the minimum amount that must be spent on grant-in-aid snowmobile trails from the snowmobile trails and enforcement account. Under current law, 60 percent of the money in the account from snowmobile registrations and state trail sticker fees must be used for grant-in-aid trails, this

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section would require at least 60 percent of the entire account, which also includes revenues from the unrefunded gas taxes attributed to snowmobiles.

5 Required rules. Amends § 84.86, subd. 1. Allows a snowmobile safety education and training instructor to collect a fee for the cost of a person's online training course in addition to the fee that may be charged for classroom materials and expenses.

6 Acts prohibited. Amends § 84.91, subd. 1. Prohibits a person who commits a DWI offense in any vehicle from operating a snowmobile or all-terrain vehicle for one year. Requires the courts to send notice of all DWI convictions to the Department of Public Safety.

Under current law, a person who operates a snowmobile or ATV while under the influence, in violation of section 169A.20, is prohibited from operating those off-road vehicles for one year. This bill expands the prohibition so that it applies to a person who commits a DWI offense in any vehicle.

7 Training and certification programs established. Amends § 84.925, subd. 1. Establishes a voluntary ATV safety and training program for six- to nine-year-olds and their parents/guardians.

8 Prohibitions on youthful operators. Amends § 84.9256, subd. 1. Increases the minimum age a person must be to take the existing ATV training and certification program.

9 Hayes Lake State Park all-terrain vehicle pilot project. Adds § 84.9258. Establishes a pilot project allowing ATVs to be operated in Hayes Lake State Park at certain campgrounds and access routes designated by the DNR. Requires the ATVs to have a state park permit and restricts the designated areas to areas already used by motorized vehicles. The provision expires January 1, 2021.

10 Operation generally. Amends § 84.928, subd. 2. Removes the ban on operating an ATV with a snorkel device.

11 Bait harvest from infested waters. Amends § 84D.03, subd. 3. Expands a provision allowing a person to harvest gizzard shad using a cast net in certain infested waters (currently allowed in certain areas of the Mississippi and St. Croix Rivers) to the Minnesota River downstream of Granite Falls and removes the sunset of the provision retroactively (it expired December 1, 2017).

12 Restrictions in infested and noninfested waters; commercial fishing and turtle, frog, and crayfish harvesting. Amends § 84D.03, subd. 4. Modifies tagging requirements that apply to commercial fishing equipment (nets, traps, etc.) used in infested waters by expanding the requirement to waters listed for aquatic plants or aquatic macrophytes, excluding Eurasian watermilfoil, and modifying provisions allowing the tags to be removed if the equipment has been decontaminated according to certain protocols.

13 Gull Lake pilot study. Amends § 84D.108, subd. 2b. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Gull Lake under a permit from the DNR.

14 Cross Lake pilot study. Amends § 84D.108, subd. 2c. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Cross Lake in Crow Wing County under a permit from the DNR.

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- 15** **Advisory council created.** Amends § 85.0146, subd. 1. Modifies the membership of the Cuyuna Country State Recreation Area Citizens Advisory Council by updating the names and organizations represented and requiring a member from the senate and a member from the house of representatives be included (rather than an elected state official as required under current law). The advisory council was established to provide direction on the establishment, planning, development, and operation of the Cuyuna Country State Recreation Area.
- 16** **Marine carbon monoxide detection system.** Amends § 86B.005, subd. 8a. Modifies “Sophia’s Law” passed in 2016 that requires a boat with an “enclosed accommodation compartment” to be equipped with a carbon monoxide detector by modifying the standards that the carbon monoxide detector must meet.
- 17** **Requirements; installation.** Amends § 86B.532, subd. 1. Modifies “Sophia’s Law” by establishing requirements for where the carbon monoxide detector must be located, including requiring the detector to be within 10 feet of any sleeping accommodations and prohibiting it from being located within 5 feet of any cooking appliance.
- 18** **Wildland firefighters; training and licensing.** Adds § 88.10, subd. 3. Exempts forest officers and wildland firefighters from certain training, education, and certification requirements applicable to firefighters generally.
- 19** **Misdemeanor offenses; damages; injunctive relief.** Amends § 88.75, subd. 1. Allows an attorney licensed in Minnesota that is employed by the DNR to represent the commissioner in proceedings related to violations of certain wildfire provisions that are removed to district court from conciliation court.
- 20** **Approved firewood required.** Amends § 89.551. Removes a provision that subjects a firewood dealer possessing firewood that is not DNR approved as required to confiscation and a \$100 penalty for each firewood sale.
- 21** **Summary of fish and game laws.** Amends § 97A.051, subd. 2. Removes a requirement that the DNR supply license vendors with one copy of the fishing, hunting, and trapping regulations for each person getting a license.
- 22** **Deer, bear, and lifetime licenses.** Amends § 97A.075, subd. 1. Increases the amount of money from each resident and nonresident adult deer hunting license sold that is deposited in the deer management account from \$2 to \$16. Removes the statutory appropriation from the account and formally establish the account in state statute.
- 23** **Voter registration information.** Amends § 97A.409. Requires the DNR to include voter registration eligibility requirements and information on how to register on the department’s Web site for purchasing game and fish licenses and for printing licenses. Also requires printed and digital versions of game and fish regulations to include the information and requires voter registration applications in the printed version.
- 24** **Discretionary separate selection; eligibility.** Amends § 97A.433, subd. 5. Allows landowners/tenants of land eligible for a separate selection process for elk hunting licenses to sell the license to any state resident eligible to hunt elk. The license may not be sold for more

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than the original cost of the license. Removes the requirement that landowners allow public elk hunting on their land in order to be eligible for the separate selection process.

- 25** **Mandatory separate selection.** Amends § 97A.433, subd. 5. Requires the DNR to put the name of a person who is unsuccessful in a separate elk license drawing for those who have applied at least ten times without receiving one to be put in the drawing for the remaining licenses.
- 26** **Prohibited actions; penalty.** Amends § 97A.56, subd. 2. Allows a person to keep a feral swine if they shoot it and notify the DNR within 24 hours, as required, if the DNR authorizes the person to keep it.
- 27** **Provisional certificate for persons with permanent physical or developmental disability.** Amends § 97B.015, subd. 6. Allows a person with a permanent physical disability to receive a provisional firearms safety certificate when they are unable to pass the firearms safety certificate requirements (a similar provision exists for those with a developmental disability).
- 28** **Exceptions.** Amends § 97B.081, subd. 3. Modifies a provision allowing those hunting fox/coyotes to use artificial lights by removing the requirement that they use only a handheld artificial light.
- 29** **Hunting by persons with a permanent physical or developmental disability.** Amends § 97B.1055. Defines “permanent physical disability” for purposes of the expanded provisional firearms safety certificate option provided in section 27.
- 30** **Cast nets for gizzard shad.** Amends § 97C.345, subd. 3a. Makes conforming changes to accommodate the expansion and sunset removal for the gizzard shad provision in section 9 and restricts the cast nets used to those five feet in radius or less and prohibiting more than two cast nets from being used at one time. Removes an obsolete reporting requirement.
- 31** **Financial assistance.** Amends § 103B.3369, subd. 5. Expands the types of financial assistance BWSR can provide by allowing contracts and payments, allows the assistance to go to other local units of government (in addition to counties which is allowed under current law), and allows the assistance to be awarded using a watershed-based approach in addition to performance-based as provided under current law.
- 32** **Criteria.** Amends § 103B.3369, subd. 9. Allows BWSR to develop and use eligibility criteria to award base amounts of state funding to local governments.
- 33** **Red River Basin Commission.** Adds § 103B.3369, subd. 10. Allows BWSR to provide information and technical or financial support to the Red River Basin Commission.
- 34** **Program purposes.** Amends § 103B.801, subd. 2. Technical related to the changes in the Clean Water Legacy Act contained later on in the bill.
- 35** **Timelines; administration.** Amends § 103B.801, subd. 5. Restricts BWSR from amending its transition plan for watershed-based planning to no more than once every two years.
- 36** **Incremental establishment of vegetated ditch buffer strips and side inlet controls.** Amends § 103E.021, subd. 6. Authorizes a drainage authority to make findings and order establishment of permanent buffer strips of perennial vegetation, side inlet controls, or both, adjacent to a public drainage ditch. Provides that the drainage authority’s finding that these

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practices are necessary is sufficient to confer jurisdiction to the authority. Under current law, a county, joint county board, or watershed district may serve as a drainage authority

- 37 County attorney.** Provides that a county without a county attorney may hire any competent attorney to represent the county in all drainage proceedings.
- 38 Fees established.** Amends § 103G.2242, subd. 14. Requires BWSR to establish fees for single-user or dedicated wetland mitigation banks based on the costs to the agency.
- 39 Transfer of permit.** Amends § 103G.271, subd. 7. Prohibits the DNR from requiring additional conditions or additional testing when transferring a water appropriation permit to a new property owner.
- 40 Irrigation test wells.** Adds § 103G.276. Requires the DNR to cover the costs of a test well required by the department for purposes of a water appropriation permit if the permit is denied.
- 41 Management plans.** Adds § 103G.287, subd. 6. Requires the DNR, before restricting water use under a management plan for the appropriation of water, to demonstrate to affected permit holders the data used to make the decision to restrict water use supports the decision. Requires the commissioner to consider the economic impact when approving or modifying a management plan.
- 42 Comprehensive local water management plan.** Adds § 114D.15, subd. 3a. Defines “comprehensive local water management plan” for purposes of the Clean Water Legacy Act.
- 43 Comprehensive watershed management plan.** Adds § 114D.15, subd. 3b. Defines “comprehensive watershed management plan” for purposes of the Clean Water Legacy Act.
- 44 Restoration.** Amends § 114D.15, subd. 7. Modifies the definition of “restoration” for purposes of the Clean Water Legacy Act.
- 45 Total maximum daily load (TMDL) implementation plan.** Amends § 114D.15, subd. 7. Adds, if the PCA determines they are sufficient, comprehensive watershed management plans, comprehensive local watershed management plans, and existing statewide or regional strategies published by the PCA to the definition of what a “TMDL implementation plan” can mean for purposes of the Clean Water Legacy Act.
- 46 Watershed restoration and protection strategy or WRAPS.** Amends § 114D.15, subd. 13. Modifies the definition of watershed restoration and protection strategy (WRAPS) to allow the strategy to apply to a more flexible area.
- 47 Goals for implementation.** Amends § 114D.20, subd. 2. Modifies the Clean Water Legacy Act goals.
- 48 Implementation policies.** Amends § 114D.20, subd. 3. Modifies the Clean Water Legacy Act implementation policies.
- 49 Priorities for preparing WRAPSs and TMDL’s.** Amends § 114D.20, subd. 5. Requires the PCA to establish priorities for scheduling and preparing WRAPSs and TMDL’s, in consultation with the Clean Water Council (CWC) and coordination with DNR, Department of Health (MDH), Department of Agriculture (MDA), BWSR, and the Minnesota Forest Resources Council (rather than requiring the CWC to make recommendations on the

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priorities), and adds groundwater protection and other items to the list of considerations that must be made when doing so.

- 50** **Priorities for funding prevention actions.** Amends § 114D.20, subd. 5. Expands the types of water the CWC may provide recommendations for funding for to include waters that have an approved TMDL.
- 51** **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** Adds § 114D.20, subd. 8. Allows the PCA to submit a comprehensive watershed management plan or comprehensive local water management plan as an alternative to a TMDL in certain circumstances. States that a TMDL implementation plan or WRAPS is not needed if the PCA determines that a comprehensive watershed management plan, comprehensive local water management plan, or statewide/regional plan published by the agency is sufficient and allows the PCA to request BWSR to evaluate the implementation of these plans and to revoke or amend a determination after the evaluation is conducted.
- 52** **Coordinating of municipal and local water quality activities.** Adds § 114D.20, subd. 9. States that certain projects, practices, and programs for water quality improvement or protection may be considered as contributing to the requirements of a storm water pollution prevention plan for purposes of municipal separate storm sewer system (MS4) permits unless already documented as contributing.
- 53** **Watershed restoration and protection strategies.** Amends § 114D.26. Updates WRAPS requirements, including requiring the PCA and BWSR to coordinate the schedule, budget, scope, and use of WRAPS, and requiring completion of WRAPS for the state's major watersheds by June 30, 2023, unless a comprehensive watershed management plan or comprehensive local water management plan is determined to be sufficient.
- 54** **Public and stakeholder participation.** Amends § 114D.35, subd. 1. Requires public agencies and private entities implementing restoration and protection activities identified in comprehensive watershed management plans or comprehensive local water management plans to make efforts to inform, consult, and involve the public and requires the PCA and BWSR to coordinate public and stakeholder participation.
- 55** **Education.** Amends § 114D.35, subd. 3. Expands the requirement of the CWC to develop education and engagement strategies to strategies regarding the entire Clean Water Legacy Act.
- 56** **Generally.** Amends § 115.03, subd. 1. Prohibits the PCA from increasing fees to train water pollution control personnel without legislative approval.
- 57** **Agency authority; national pollutant discharge elimination system.** Amends § 115.03, subd. 5. Exempts an activity that conveys or connects waters of the state without subjecting the water to intervening industrial, municipal, or commercial use from national pollutant discharge elimination (NPDES) permit requirements unless the activity introduces pollutants to the water.
- 58** **External peer review of water quality standards.** Amends § 115.035. Amends peer review requirements for water quality standards to require that new and revised numeric water quality standards be supported by a technical support document providing the scientific basis for the standard and that it has undergone external, scientific peer review. The requirement

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would not apply when the water quality standard is not changed from a United States Environmental Protection Agency (EPA) criterion that has been through peer review. Requires the technical support document to be released for public comment and external peer review before finalization and details the process and purpose of the review.

- 59 Effluent limitations; compliance.** Adds § 115.455. Exempts, to the extent permitted under federal law, a municipality or an industrial NPDES or state disposal system permit holder that constructs a publicly owned treatment works in order to comply with a new or modified effluent limitation from being required to make additional capital investments to comply with new effluent limits adopted after construction begins for at least 16 years.
- 60 Fees.** Amends § 115.77, subd. 1. Prohibits the PCA from increasing fees for reviewing applications and issuing certifications for water supply system operators and wastewater treatment facility operators without legislative approval.
- 61 Rules.** Amends § 115.84, subd. 2. Prohibits the PCA from increasing fees to cover the costs of certifying wastewater laboratories without legislative approval by removing an exemption from the legislative approval requirement.
- 62 Fees.** Amends § 115.84, subd. 3. Prohibits the PCA from increasing fees to cover the costs of certifying wastewater laboratories without legislative approval.
- 63 Application requirements.** Amends § 115A.51. Modifies application requirements for PCA's financial assistance program for solid waste projects to include analysis of whether the proposed facility displaces capacity of existing facilities and how it conforms with existing statutes encouraging private ownership of solid waste facilities.
- 64 Local authority.** Amends § 115A.94, subd. 2. Technical.
- 65 Committee establishment.** Amends § 115A.94, subd. 4a. Technical.
- 66 Committee duties.** Amends § 115A.94, subd. 4b. Broadens the options a committee established to examine alternative solid waste collection methods must analyze to include the existing collection system.
- 67 Governing body; implementation.** Amends § 115A.94, subd. 4c. Technical.
- 68 Participating collectors proposal requirement.** Amends § 115A.94, subd. 4d. Gives cities the option of extending the present 60-day period during which exclusive negotiations take place with licensed solid waste collectors to examine developing a proposal to divide a city into zones designating for specific collectors.
- 69 Parties to meet and confer.** Adds § 115A.94, subd. 4e. Requires city officials to meet with existing solid waste collectors prior to the meetings specified in section 68 in order to discuss issues including pricing, street deterioration, and organized collection.
- 70 Joint liability limited.** Adds § 115A.94, subd. 4f. Provides that an organized collection agreement cannot obligate a collector to be liable for damages to a third party caused by another licensed collector.
- 71 County organized collection.** Amends § 115A.94, subd. 5. Technical.
- 72 Testing for private wells; east metropolitan area.** Adds § 115B.171. Requires the PCA to test private wells in the east metropolitan area for per- and poly-fluorinated chemicals

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(PFCs), upon request. Requires additional testing if the well test measures contamination at or above 50 percent of the health-based advisory value or health risk limit for PFCs. Requires the PCA to report to the communities and the legislature on the results of the testing. Defines the east metropolitan area for purposes of the requirement.

- 73** **Natural resources damages account.** Adds § 115B.172. Statutorily creates the natural resources damages account used by the PCA and DNR for purposes of tracking money received from certain natural resource damages related settlements and other actions (excluding money received under the 3M settlement). Requires the DNR to submit work plans to the commissioner of management and budget on how the funds are spent (similar to current practice). Requires the DNR to report to the legislature by November 1 each year on the expenditures from the account.
- 74** **Purposes for which money may be spent.** Amends § 115B.20, subd. 2. Technical change related to the establishment of the account in the previous section.
- 75** **Water quality and sustainability account.** Adds § 115B.52. Establishes a dedicated account in the remediation fund (water quality and sustainability account) for the money received by the state as a result of a lawsuit the state filed against the 3M Company accusing the company of causing natural resource damages by its manufacture, distribution, disposal and other environmental management of per- and poly-fluorinated chemicals (PFCs). Money in the account is statutorily appropriated to the PCA and DNR. Requires the PCA and DNR to submit biannual reports on the expenditures of the fund and an annual report with the expenditures and spending plan to the legislature.
- 76** **Water quality and sustainability stakeholders.** Adds § 115B.53. Requires the PCA and DNR to work with stakeholders to identify and recommend projects to be funded with money in the water quality and sustainability account established in the previous section, including representatives of the PCA, DNR, east metropolitan area municipalities and the 3M Company.
- 77** **Exemption from standards for temporary storage facilities subject to control.** Amends § 116.07, subd. 2c. Exempts temporary storage facilities located at dry bulk agricultural commodity facilities, such as grain elevators and ethanol plants, from fugitive dust emission limits contained in Minnesota Rules, provided that the temporary storage facility is serviced with portable equipment.
- 78** **Permit fees.** Amends § 116.07, subd. 4d. Prohibits the PCA from increasing fees for water quality permits without legislative approval.
- 79** **New open-air swine basins.** Amends § 116.0714. Clarifies that the prohibition on allowing the PCA or a county to permit the construction of a new open-air swine basin does not apply to a storage basin for effluent basins used solely to hold wastewater from a truck-washing facility.
- 80** **Creation.** Amends § 116.155, subd. 1. Technical.
- 81** **Water quality and sustainability account.** Adds § 116.155, subd. 5a. Adds the new water quality and sustainability account to the list of accounts in the remediation fund.

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82 Natural resources damages account. Adds § 116.155, subd. 5b. Adds the natural resources damages account to the list of accounts in the remediation fund.

83 Deicer applicators; voluntary certification program. Adds § 116.2025.

Subd. 1. Definitions. Defines “certified commercial applicator,” “commercial applicator,” “deicer,” and “owner” for purposes of the new voluntary deicer certification program.

Subd. 2. Voluntary certification program; best management practices. Requires the PCA to develop a training program that promotes best management practices for removing snow and ice and applying deicers and to allow applicators to become certified as water-friendly applicators. Requires the PCA to provide certification training statewide and online and to post the best management practices on the agency’s Web site. Allows the PCA to charge a fee of no more than \$250 for the program.

Subd. 3. Liability. Provides liability protection for an applicator, or the owner/lessee of land maintained by an applicator that has been certified under the program. Requires applicators, owners, and lessees or their employees to have current certification, pass an exam, complete winter maintenance assessment tool requirements and keep written records for at least six years in order to receive the liability protection.

Subd. 4. Record keeping. Establishes record keeping requirements for certified commercial applicators and companies employing commercial applicators.

Subd. 5. Penalty. Allows the commissioner to revoke or decline a certification under this section if a commercial applicator violates this section or rules adopted under this section.

Subd. 6. Relation to other law. States that nothing in this section affects certain municipal liability.

Provides an effective date of August 1, 2018.

84 Eligible borrower. Amends § 116.993, subd. 2. Modifies the eligibility requirements of the small business environmental-improvement loan program by requiring that the borrower have fewer than 100 FTE employees (the current requirement is fewer than 50 FTE) and eliminating the \$1,000,000 cap on a borrower’s net worth.

85 Loan conditions. Amends § 116.993, subd. 6. Modifies the conditions of a small business environmental-improvement loan by requiring that the interest rate be at or below one-half the level of the prime interest rate, not to exceed five percent. (The current statute specifies the greater of four percent or one-half the prime rate.) The maximum loan amount is also increased from \$50,000 to \$75,000.

86 First-time DWI violator; off-road vehicle or boat. Removes the provisions exempting a person from driver’s license revocation if the person’s first DWI offense takes place while using an off-road recreational vehicle or motorboat.

87 Fences. Amends § 180.03, subd. 2. Clarifies that existing requirements to erect fencing, barriers, and signs when mining operations have ceased apply to fencing, barriers, and signs

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that are required under law (for example, not those placed voluntarily by recipients of an exemption established later on in the bill).

- 88 Abandoned mines.** Amends § 180.03, subd. 3. Requires a fee owner of property with an abandoned mine to also maintain fencing, barriers, and signage in addition to the existing requirement to erect it.
- 89 Exemptions.** Amends § 180.03, subd. 4. Exempts certain property from fencing requirements applicable to closed/abandoned mines, including property owned by the Iron Range Resources and Rehabilitation Board (IRRRB), property used for grant-in-aid trails, property owned by a municipality for park/recreational purposes, and property for certain economic development. Requires the property exempted to be posted with appropriate signs and requires any fencing erected by a recipient of an exemption to be maintained by the recipient. Allows a county mine inspector to inspect the exempted property and make recommendations regarding fencing, barriers, and signage.
- 90 Removal of fence; guard.** Amends § 180.10. Clarifies that existing provisions establishing a misdemeanor penalty for a person who opens, removes, or disturbs a fence, guard, barrier, or sign required under law and fails to close/replace the fence, guard, barrier, or sign apply to only fences, signs, etc. that are required and not those placed voluntarily by recipients of an exemption established in the previous section.
- 91 Discontinuance of Ramsey Soil and Water Conservation District.** Discontinues the Ramsey Soil and Water Conservation District effective July 1, 2018, and transfer all its duties and authorities to the Ramsey County Board. Allows the Ramsey County Board to petition the Board of Water and Soil Resources (BWSR) to reestablish the district or allow BWSR to reestablish the district under certain conditions. Allows BWSR to reestablish the district without a referendum. Effective after Ramsey County files its approval of the law with the secretary of state.
- 92 Authorization.** Amends § 444.075, subd. 1a. Grants counties in the seven-county metropolitan area the same authorities provided to municipalities and counties outside the seven-county metropolitan area to construct, maintain, and repair waterworks, sanitary sewer and storm sewer systems, including the ability to use the same financing options such as sanitary sewer and storm sewer charges to cover costs.
- 93 Grant conditions.** Amends § 473.8441, subd. 4. Allows a local unit of government, tribal government, or nonprofit or private organization to match MPCA local recycling development grant funds.
- 94 Wild rice water quality standards.** Removes a requirement that the MPCA adopt revisions to the wild rice sulfate water quality standard by January 15, 2019. This requirement was originally established in 2015, and extended by one year last session.
- 95 Lake service provider feasibility report.** Gives the DNR an additional year to submit a report to the legislature regarding the feasibility of expanding the service provider permitting program.
- 96 Sunset.** Extends the forest management and other requirements applicable to the Sand Dunes State Forest passed last session an additional four years.

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- 97 Action to obtain access prohibited; Clearwater County.** Amends a law passed last session that prohibited the DNR from initiating a civil action to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater County to make the prohibition permanent (it was a one-year ban initially).
- 98 Application of storm water rules to townships.** Exempts a township with a population under 5,000 from having to implement Municipal Separate Storm Sewer System (MS4) permit requirements across the entire township until the PCA amends storm water rules. The requirements would still apply to the portions of the township that are urbanized areas as defined by the most recent decennial census.
- 99 Rulemaking; disposal facility certificates.** Requires the commissioner of the PCA to amend Minnesota Rules to reduce from nine to six the number of contact hours of training necessary to renew a certificate for an operator of a facility that disposes on land sewage sludge or semisolid materials from a commercial or industrial process. Authorizes the commissioner to use the good cause exemption to amend the rule, allowing the process to be expedited.
- 100 Recreational trails; environmental review; rulemaking.** Requires the Environmental Quality Board (EQB) to adopt rules to exempt certain recreational trails from mandatory environmental assessment worksheet (EAW) requirements and provides the board with a good cause exemption from rulemaking to do so. The new rules would expand existing exemptions, including increasing the total miles certain exempted trails can be from 10 to 25 miles, and providing specific exemptions for motorized trails that use certain existing recreational trails or routes.
- 101 Wetland replacement; frameworks for in-lieu fee program.** Allows BWSR to complete planning frameworks and other application requirements for an in-lieu fee program for wetland replacement.
- 102 Temporary enforcement of groundwater appropriation permit requirements.** Prohibits the DNR from using funds to take certain enforcement action against a permit holder in the North and East Groundwater Management Area for violating permit requirements established as a result of a 2017 court order.
- 103 Groundwater management area permit requirements.** Allows a permit holder, despite permit requirements established as a result of a 2017 court order, in a groundwater management area within the seven-county metropolitan area to use alternative measures of water use and alternatives to residential irrigation bans and removes a requirement that they have a contingency plan to use surface water.
- 104 1837 Ceded Territory Fisheries Technical Committee.** Allows the DNR to invite two fish managers to all meetings of the 1837 Ceded Territory Fisheries Technical Committee.
- 105 Carbon monoxide exposure; fish houses and ice shelters; report.** Requires the DNR to work with fish house and ice shelter manufacturers and others to identify best practices to reduce carbon monoxide exposure of users and to increase outreach and education efforts relating to the dangers of carbon monoxide and submit a report with recommendations to the legislature.

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- 106 Nonpoint priority funding plan; report.** Requires BWSR, in cooperation with state agencies, local governments, tribal governments, private and nonprofit organizations, and others to submit a report to the legislature with recommendations to improve the effectiveness of nonpoint priority funding plans.
- 107 Hill-Annex State Park; management and operation.** Requires the DNR to operate the Hill-Annex State Park through June 30, 2021, and work with stakeholders to review park activities and alternative operation models and submit a report to the legislature with recommendations. Requires the DNR to work with local governments to identify and coordinate volunteer opportunities to supplement park operations.
- 108 Demolition debris landfills; permitting; groundwater evaluation.** Prohibits PCA from incorporating conditions in a class I demolition debris landfill permit that are not authorized by current rules or guidance documents. Requires the agency to contract with an independent laboratory to evaluate groundwater data from demolition debris landfills.
- 109 Public drainage ditch buffer strip; planting and maintenance.** Provides that until June 30, 2019, with consent of the property owners a drainage authority may plant and maintain 16-1/2-foot ditch buffer strips of perennial vegetation before acquiring and compensating for the buffer-strip land rights. This section would be effective the day following final enactment.
- 110 Wild rice; legislative findings.** Establishes legislative findings regarding wild rice, the wild rice water quality sulfate standard, wild-rice waters, and the wild rice water quality sulfate standard rulemaking process.
- 111 Water quality standard for sulfate; rulemaking.** Prohibits the PCA from adopting, modifying, or proceeding with rules pertaining to the wild rice water quality sulfate standard without going through a new rulemaking process. The section is effective retroactively from the day the chief administrative law judge disapproved the proposed rule.
- 112 Identification and listing of wild-rice waters.** Allows the PCA to evaluate the state's waters to identify and list wild-rice waters. Before doing so the PCA is required to, in a separate rulemaking process, establish the criteria to be used. Requires the history of wild rice, minimum acreage, and minimum density criteria to all be met before a water can be identified and listed as a wild-rice water.
- 113 Application of water quality standard for sulfate for wild-rice waters.** Prohibits the PCA from applying the wild rice water quality sulfate standard (nullified in section 113) to permits and to take all necessary steps to conform the agency's rules and practices to the provisions in the bill (effective the day following final enactment).
- 114 Application of equation-based water quality standard for wild-rice waters.** Prohibits the PCA from applying the proposed equation-based sulfate standard rejected by the chief administrative law judge when issuing, modifying, or renewing permits (effective the day following final enactment).
- 115 Application of water quality standards; irrigation.** Prohibits the PCA from applying a water quality standard established to protect water quality for purposes of irrigation unless the water is appropriated for irrigation use.

Section

- 116** **Nullification of water quality standard for sulfate in wild-rice waters.** States that there is no numeric, nonnarrative, water quality standard for sulfates in class 4A waters until a new one is adopted and nullifies the portion of the rule that conflicts with this (effective the day following final enactment).
- 117** **Wild rice report.** Requires the DNR to convene a work group and prepare and submit a report to the legislature, by January 15, 2019, with recommendations related to the management wild rice.