

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 723**

(SENATE AUTHORS: INGEBRIGTSEN and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
02/06/2017	529	Introduction and first reading
		Referred to Environment and Natural Resources Finance
03/23/2017	1683	Comm report: To pass as amended and re-refer to Finance
03/27/2017	1948a	Comm report: To pass as amended
	1963	Second reading
03/29/2017	2623	Special Order: Amended
	2631	Third reading Passed
	2631	Laid on table

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; creating accounts; providing for

1.4 disposition of certain receipts; modifying grant, contract, and lease provisions;

1.5 modifying land, water, forest, and park management; modifying water safety

1.6 provisions; modifying environmental review provisions; modifying provisions to

1.7 take, possess, and transport wildlife; modifying duties and authority; modifying

1.8 buffer requirements; modifying wetland replacement and evaluation requirements;

1.9 modifying permit and license requirements; modifying Petroleum Tank Release

1.10 Cleanup Act; establishing a water quality improvement goal; extending ban on

1.11 open air swine basins; modifying certain local authority; requiring agreements;

1.12 modifying environmental review; modifying appeal provisions; modifying

1.13 Environmental Quality Board; requiring reports; removing certain mandatory

1.14 rulemaking requirements; requiring rulemaking; amending Minnesota Statutes

1.15 2016, sections 84.01, by adding a subdivision; 84.027, subdivisions 14a, 14b, by

1.16 adding subdivisions; 84.788, subdivision 2; 84.793, subdivision 1; 84.8031; 84.82,

1.17 subdivision 2; 84.925, subdivision 1; 84.9256, subdivision 1; 84.946, subdivision

1.18 2, by adding a subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03, subdivisions

1.19 3, 4; 84D.04, subdivision 1; 84D.05, subdivision 1; 84D.108, subdivision 2a, by

1.20 adding a subdivision; 84D.11, by adding a subdivision; 85.0505, by adding a

1.21 subdivision; 85.053, subdivisions 8, 10; 85.054, by adding a subdivision; 85.22,

1.22 subdivision 2a; 85.32, subdivision 1; 86B.301, subdivision 2; 86B.313, subdivision

1.23 1; 86B.511; 86B.701, subdivision 3; 88.523; 89.39; 90.01, subdivisions 8, 12, by

1.24 adding a subdivision; 90.041, subdivision 2; 90.051; 90.101, subdivision 2; 90.14;

1.25 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252; 93.25, subdivision

1.26 2; 93.47, subdivision 4; 93.50; 94.343, subdivision 9; 94.344, subdivision 9;

1.27 97A.015, subdivisions 39, 43, 45, 52, 53, by adding a subdivision; 97A.045,

1.28 subdivision 10; 97A.075, subdivision 1; 97B.001, by adding a subdivision; 97B.071;

1.29 97B.405; 97B.431; 97B.655, subdivision 1; 97C.315, subdivision 1; 97C.355,

1.30 subdivision 2a; 97C.401, subdivision 2; 97C.501, subdivision 1; 97C.515,

1.31 subdivision 2; 97C.701, by adding a subdivision; 103B.101, subdivision 12a;

1.32 103F.411, subdivision 1; 103F.48, subdivisions 1, 3, 7; 103G.005, subdivisions

1.33 10b, 10h, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.223;

1.34 103G.2242, subdivisions 1, 2; 103G.2372, subdivision 1; 103G.271, subdivisions

1.35 1, 6a, 7, by adding a subdivision; 103G.287, subdivisions 1, 4; 103G.289;

1.36 103G.411; 114D.25, by adding a subdivision; 115B.39, subdivision 2; 115B.40,

1.37 subdivision 4; 115C.021, subdivision 1, by adding a subdivision; 116.03,

1.38 subdivision 2b, by adding a subdivision; 116.07, subdivision 4d, by adding

1.39 subdivisions; 116.0714; 116C.03, subdivision 2; 116D.04, subdivisions 2a, 10;

2.1 116D.045, subdivision 1, by adding a subdivision; 160.06; 282.018, subdivision  
 2.2 1; 282.04, subdivision 1; Laws 2000, chapter 486, section 4, as amended; Laws  
 2.3 2013, chapter 114, article 4, section 105; Laws 2016, chapter 189, article 3, sections  
 2.4 3, subdivision 3; 6; 26; proposing coding for new law in Minnesota Statutes,  
 2.5 chapters 85; 97B; 103A; 115; 116; 471; repealing Minnesota Statutes 2016, sections  
 2.6 84.026, subdivision 3; 97C.701, subdivisions 1a, 6; 97C.705; 97C.711; Minnesota  
 2.7 Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600;  
 2.8 6258.0700, subparts 1, 4, 5; 6258.0800; 6258.0900.

2.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.10 **ARTICLE 1**

2.11 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.12 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.13 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
 2.14 and for the purposes specified in this article. The appropriations are from the general fund,  
 2.15 or another named fund, and are available for the fiscal years indicated for each purpose.  
 2.16 The figures "2018" and "2019" used in this article mean that the appropriations listed under  
 2.17 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.  
 2.18 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"  
 2.19 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are  
 2.20 effective the day following final enactment.

2.21 **APPROPRIATIONS**  
 2.22 **Available for the Year**  
 2.23 **Ending June 30**  
 2.24 **2018** **2019**

2.25 Sec. 2. **POLLUTION CONTROL AGENCY**

2.26 **Subdivision 1. Total Appropriation** **\$** **90,108,000** **\$** **90,788,000**

2.27 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
2.28 <u>General</u>	<u>818,000</u>	<u>818,000</u>
2.29 <u>State Government</u>	<u>.....</u>	<u>.....</u>
2.30 <u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
2.31 <u>Environmental</u>	<u>78,781,000</u>	<u>78,461,000</u>
2.32 <u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>

2.33 **Subd. 2. Environmental Analysis and Outcomes** **11,619,000** **11,619,000**

2.34 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
2.35		
2.36		

3.1	<u>General</u>	<u>818,000</u>	<u>818,000</u>
3.2	<u>Environmental</u>	<u>10,620,000</u>	<u>10,620,000</u>
3.3	<u>Remediation</u>	<u>181,000</u>	<u>181,000</u>

3.4 (a) \$88,000 the first year and \$88,000 the  
 3.5 second year are from the environmental fund  
 3.6 for:

3.7 (1) a municipal liaison to assist municipalities  
 3.8 in implementing and participating in the water  
 3.9 quality standards rulemaking process and  
 3.10 navigating the NPDES/SDS permitting  
 3.11 process;

3.12 (2) enhanced economic analysis in the water  
 3.13 quality standards rulemaking process,  
 3.14 including more specific analysis and  
 3.15 identification of cost-effective permitting;

3.16 (3) development of statewide economic  
 3.17 analyses and templates to reduce the amount  
 3.18 of information and time required for  
 3.19 municipalities to apply for variances from  
 3.20 water quality standards; and

3.21 (4) coordinating with the Public Facilities  
 3.22 Authority to identify and advocate for the  
 3.23 resources needed for municipalities to achieve  
 3.24 permit requirements.

3.25 (b) \$204,000 the first year and \$204,000 the  
 3.26 second year are from the environmental fund  
 3.27 for a statewide monitoring program under  
 3.28 Minnesota Statutes, section 116.454.

3.29 (c) \$346,000 the first year and \$346,000 the  
 3.30 second year are from the environmental fund  
 3.31 for monitoring ambient air for hazardous  
 3.32 pollutants.

3.33 (d) \$90,000 the first year and \$90,000 the  
 3.34 second year are from the environmental fund

4.1 for duties related to harmful chemicals in  
 4.2 children's products under Minnesota Statutes,  
 4.3 sections 116.9401 to 116.9407. Of this  
 4.4 amount, \$57,000 each year is transferred to  
 4.5 the commissioner of health.

4.6 (e) \$109,000 the first year and \$109,000 the  
 4.7 second year are from the environmental fund  
 4.8 for registration of wastewater laboratories.

4.9 (f) \$913,000 the first year and \$913,000 the  
 4.10 second year are from the environmental fund  
 4.11 to continue perfluorochemical biomonitoring  
 4.12 in eastern metropolitan communities, as  
 4.13 recommended by the Environmental Health  
 4.14 Tracking and Biomonitoring Advisory Panel,  
 4.15 and address other environmental health risks,  
 4.16 including air quality. The communities must  
 4.17 include Hmong and other immigrant farming  
 4.18 communities. Of this amount, up to \$677,000  
 4.19 the first year and \$677,000 the second year  
 4.20 are for transfer to the Department of Health.

4.21 (g) The direct appropriation base budget for  
 4.22 environmental analysis and outcomes in the  
 4.23 environmental fund for fiscal year 2020 and  
 4.24 later is \$11,420,000. The general fund  
 4.25 appropriations in this subdivision are onetime.

4.26 Subd. 3. **Industrial** 13,509,000 13,508,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
4.27		
4.28		
4.29	<u>12,979,000</u>	<u>12,978,000</u>
4.30	<u>530,000</u>	<u>530,000</u>

4.31 \$530,000 the first year and \$530,000 the  
 4.32 second year are from the remediation fund for  
 4.33 purposes of the leaking underground storage  
 4.34 tank program to investigate, clean up, and  
 4.35 prevent future releases from underground

5.1 petroleum storage tanks, and to the petroleum  
 5.2 remediation program for purposes of vapor  
 5.3 assessment and remediation. These same  
 5.4 annual amounts are transferred from the  
 5.5 petroleum tank fund to the remediation fund.

5.6 **Subd. 4. Municipal** 6,625,000 6,624,000

5.7 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
5.8 <u>Environmental</u>	<u>6,625,000</u>	<u>6,624,000</u>

5.10 (a) \$162,000 the first year and \$162,000 the  
 5.11 second year are from the environmental fund  
 5.12 for:

5.13 (1) a municipal liaison to assist municipalities  
 5.14 in implementing and participating in the water  
 5.15 quality standards rulemaking process and  
 5.16 navigating the NPDES/SDS permitting  
 5.17 process;

5.18 (2) enhanced economic analysis in the water  
 5.19 quality standards rulemaking process,  
 5.20 including more specific analysis and  
 5.21 identification of cost-effective permitting;

5.22 (3) development of statewide economic  
 5.23 analyses and templates to reduce the amount  
 5.24 of information and time required for  
 5.25 municipalities to apply for variances from  
 5.26 water quality standards; and

5.27 (4) coordinating with the Public Facilities  
 5.28 Authority to identify and advocate for the  
 5.29 resources needed for municipalities to achieve  
 5.30 permit requirements.

5.31 (b) \$50,000 the first year and \$50,000 the  
 5.32 second year are from the environmental fund  
 5.33 for transfer to the Office of Administrative  
 5.34 Hearings to establish sanitary districts.

6.1 (c) \$615,000 the first year and \$614,000 the  
6.2 second year are from the environmental fund  
6.3 for subsurface sewage treatment system  
6.4 (SSTS) program administration and  
6.5 community technical assistance and education,  
6.6 including grants and technical assistance to  
6.7 communities for water quality protection. Of  
6.8 this amount, \$129,000 each year is for  
6.9 assistance to counties through grants for SSTS  
6.10 program administration. A county receiving  
6.11 a grant from this appropriation shall submit  
6.12 the results achieved with the grant to the  
6.13 commissioner as part of its annual SSTS  
6.14 report. Any unexpended balance in the first  
6.15 year does not cancel but is available in the  
6.16 second year.

6.17 (d) \$639,000 the first year and \$640,000 the  
6.18 second year are from the environmental fund  
6.19 to address the need for continued increased  
6.20 activity in the areas of new technology review,  
6.21 technical assistance for local governments,  
6.22 and enforcement under Minnesota Statutes,  
6.23 sections 115.55 to 115.58, and to complete the  
6.24 requirements of Laws 2003, chapter 128,  
6.25 article 1, section 165.

6.26 (e) Notwithstanding Minnesota Statutes,  
6.27 section 16A.28, the appropriations  
6.28 encumbered on or before June 30, 2019, as  
6.29 grants or contracts for subsurface sewage  
6.30 treatment systems, surface water and  
6.31 groundwater assessments, storm water, and  
6.32 water quality protection in this subdivision are  
6.33 available until June 30, 2022.

7.1	<b><u>Subd. 5. Operations</u></b>		<u>5,653,000</u>	<u>5,654,000</u>
7.2		<u>Appropriations by Fund</u>		
7.3			<u>2018</u>	<u>2019</u>
7.4	<u>Environmental</u>	<u>4,889,000</u>	<u>4,889,000</u>	
7.5	<u>Remediation</u>	<u>764,000</u>	<u>765,000</u>	
7.6	<u>(a) \$174,000 the first year and \$174,000 the</u>			
7.7	<u>second year are from the remediation fund for</u>			
7.8	<u>purposes of the leaking underground storage</u>			
7.9	<u>tank program to investigate, clean up, and</u>			
7.10	<u>prevent future releases from underground</u>			
7.11	<u>petroleum storage tanks, and to the petroleum</u>			
7.12	<u>remediation program for purposes of vapor</u>			
7.13	<u>assessment and remediation. These same</u>			
7.14	<u>annual amounts are transferred from the</u>			
7.15	<u>petroleum tank fund to the remediation fund.</u>			
7.16	<u>(b) \$1,014,000 the first year and \$1,014,000</u>			
7.17	<u>the second year are from the environmental</u>			
7.18	<u>fund for Environmental Quality Board</u>			
7.19	<u>operations and support, and to lead an</u>			
7.20	<u>interagency team to provide technical</u>			
7.21	<u>assistance regarding the mining, processing,</u>			
7.22	<u>and transporting of silica sand.</u>			
7.23	<b><u>Subd. 6. Remediation</u></b>		<u>10,645,000</u>	<u>10,644,000</u>
7.24		<u>Appropriations by Fund</u>		
7.25			<u>2018</u>	<u>2019</u>
7.26	<u>Environmental</u>	<u>904,000</u>	<u>904,000</u>	
7.27	<u>Remediation</u>	<u>9,741,000</u>	<u>9,740,000</u>	
7.28	<u>(a) All money for environmental response,</u>			
7.29	<u>compensation, and compliance in the</u>			
7.30	<u>remediation fund not otherwise appropriated</u>			
7.31	<u>is appropriated to the commissioners of the</u>			
7.32	<u>Pollution Control Agency and agriculture for</u>			
7.33	<u>purposes of Minnesota Statutes, section</u>			
7.34	<u>115B.20, subdivision 2, clauses (1), (2), (3),</u>			
7.35	<u>(6), and (7). At the beginning of each fiscal</u>			

8.1 year, the two commissioners shall jointly  
8.2 submit an annual spending plan to the  
8.3 commissioner of management and budget that  
8.4 maximizes the utilization of resources and  
8.5 appropriately allocates the money between the  
8.6 two departments. This appropriation is  
8.7 available until June 30, 2019.

8.8 (b) \$432,000 the first year and \$432,000 the  
8.9 second year are from the environmental fund  
8.10 to manage contaminated sediment projects at  
8.11 multiple sites identified in the St. Louis River  
8.12 remedial action plan to restore water quality  
8.13 in the St. Louis River area of concern. The  
8.14 base budget for fiscal year 2020 is \$432,000  
8.15 and for fiscal year 2021 is \$0.

8.16 (c) \$3,521,000 the first year and \$3,520,000  
8.17 the second year are from the remediation fund  
8.18 for purposes of the leaking underground  
8.19 storage tank program to investigate, clean up,  
8.20 and prevent future releases from underground  
8.21 petroleum storage tanks, and to the petroleum  
8.22 remediation program for purposes of vapor  
8.23 assessment and remediation. These same  
8.24 annual amounts are transferred from the  
8.25 petroleum tank fund to the remediation fund.

8.26 (d) \$252,000 the first year and \$252,000 the  
8.27 second year are from the remediation fund for  
8.28 transfer to the commissioner of health for  
8.29 private water supply monitoring and health  
8.30 assessment costs in areas contaminated by  
8.31 unpermitted mixed municipal solid waste  
8.32 disposal facilities and drinking water  
8.33 advisories and public information activities  
8.34 for areas contaminated by hazardous releases.



9.1	<b><u>Subd. 7. Resource Management and Assistance</u></b>	<u>33,537,000</u>	<u>33,519,000</u>
9.2	<u>Appropriations by Fund</u>		
9.3		<u>2018</u>	<u>2019</u>
9.4	<u>State Government</u>	.....	.....
9.5	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
9.6	<u>Environmental</u>	<u>33,462,000</u>	<u>33,444,000</u>

9.7 (a) Up to \$150,000 the first year and \$150,000  
 9.8 the second year may be transferred from the  
 9.9 environmental fund to the small business  
 9.10 environmental improvement loan account  
 9.11 established in Minnesota Statutes, section  
 9.12 116.993.

9.13 (b) \$400,000 the first year and \$400,000 the  
 9.14 second year are from the environmental fund  
 9.15 for competitive recycling grants under  
 9.16 Minnesota Statutes, section 115A.565. This  
 9.17 appropriation is available until June 30, 2021.  
 9.18 Any unencumbered grant and loan balances  
 9.19 in the first year do not cancel but are available  
 9.20 for grants and loans in the second year. This  
 9.21 is a onetime appropriation.

9.22 (c) \$693,000 the first year and \$693,000 the  
 9.23 second year are from the environmental fund  
 9.24 for emission reduction activities and grants to  
 9.25 small businesses and other nonpoint emission  
 9.26 reduction efforts.

9.27 (d) \$17,750,000 the first year and \$17,750,000  
 9.28 the second year are from the environmental  
 9.29 fund for SCORE block grants to counties.

9.30 (e) \$119,000 the first year and \$119,000 the  
 9.31 second year are from the environmental fund  
 9.32 for environmental assistance grants or loans  
 9.33 under Minnesota Statutes, section 115A.0716.  
 9.34 Any unencumbered grant and loan balances

- 10.1 in the first year do not cancel but are available  
10.2 for grants and loans in the second year.
- 10.3 (f) \$68,000 the first year and \$69,000 the  
10.4 second year are from the environmental fund  
10.5 for subsurface sewage treatment system  
10.6 (SSTS) program administration and  
10.7 community technical assistance and education,  
10.8 including grants and technical assistance to  
10.9 communities for water quality protection.
- 10.10 (g) \$125,000 the first year and \$126,000 the  
10.11 second year are from the environmental fund  
10.12 to address the need for continued increased  
10.13 activity in the areas of new technology review,  
10.14 technical assistance for local governments,  
10.15 and enforcement under Minnesota Statutes,  
10.16 sections 115.55 to 115.58, and to complete the  
10.17 requirements of Laws 2003, chapter 128,  
10.18 article 1, section 165.
- 10.19 (h) \$20,000 the first year is from the  
10.20 environmental fund for four grants to local  
10.21 units of government to assist with plastic bag  
10.22 recycling efforts. Two of the grants must be  
10.23 for local units of government in urban areas  
10.24 and two of the grants to local units of  
10.25 government in rural areas of the state. By  
10.26 January 15, 2018, grantees shall report to the  
10.27 commissioner on the activities and results of  
10.28 their efforts to increase plastic bag recycling.  
10.29 This is a onetime appropriation.
- 10.30 (i) All money deposited in the environmental  
10.31 fund for the metropolitan solid waste landfill  
10.32 fee in accordance with Minnesota Statutes,  
10.33 section 473.843, and not otherwise  
10.34 appropriated, is appropriated for the purposes  
10.35 of Minnesota Statutes, section 473.844.

11.1 (j) Notwithstanding Minnesota Statutes,  
 11.2 section 16A.28, the appropriations  
 11.3 encumbered on or before June 30, 2019, as  
 11.4 contracts or grants for environmental  
 11.5 assistance awarded under Minnesota Statutes,  
 11.6 section 115A.0716; technical and research  
 11.7 assistance under Minnesota Statutes, section  
 11.8 115A.152; technical assistance under  
 11.9 Minnesota Statutes, section 115A.52; and  
 11.10 pollution prevention assistance under  
 11.11 Minnesota Statutes, section 115D.04, are  
 11.12 available until June 30, 2021.

11.13 **Subd. 8. Watershed** 9,520,000 9,220,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
11.14		
11.15		
11.16	<u>9,302,000</u>	<u>9,002,000</u>
11.17	<u>218,000</u>	<u>218,000</u>

11.18 (a) \$1,959,000 the first year and \$1,959,000  
 11.19 the second year are from the environmental  
 11.20 fund for grants to delegated counties to  
 11.21 administer the county feedlot program under  
 11.22 Minnesota Statutes, section 116.0711,  
 11.23 subdivisions 2 and 3. Money remaining after  
 11.24 the first year is available for the second year.

11.25 (b) \$207,000 the first year and \$207,000 the  
 11.26 second year are from the environmental fund  
 11.27 for the costs of implementing general  
 11.28 operating permits for feedlots over 1,000  
 11.29 animal units.

11.30 (c) \$118,000 the first year and \$118,000 the  
 11.31 second year are from the remediation fund for  
 11.32 purposes of the leaking underground storage  
 11.33 tank program to investigate, clean up, and  
 11.34 prevent future releases from underground  
 11.35 petroleum storage tanks, and to the petroleum

12.1 remediation program for purposes of vapor  
12.2 assessment and remediation. These same  
12.3 annual amounts are transferred from the  
12.4 petroleum tank fund to the remediation fund.

12.5 (d) \$300,000 the first year is from the  
12.6 environmental fund for a grant agreement with  
12.7 the Shell Rock River Watershed District for  
12.8 a pilot project to develop and implement a  
12.9 model for a water-quality credit trading  
12.10 program for storm water. The model must  
12.11 include identifying and quantifying projects  
12.12 in the Shell Rock River watershed completed  
12.13 on or after July 1, 2013, and identifying  
12.14 additional credit generators such as  
12.15 landowners, livestock farmers, in-lake water  
12.16 management practices, and stream restoration  
12.17 projects. The program must include  
12.18 credit-estimation methodologies and required  
12.19 trade ratios, credit demand calculation  
12.20 procedures, implementation recommendations,  
12.21 and a transferable credit trading infrastructure.

12.22 The commissioner must convene a stakeholder  
12.23 group to guide the project. By July 1, 2019,  
12.24 the commissioner must provide a final report  
12.25 to the chairs and ranking minority members  
12.26 of the senate and house of representatives  
12.27 committees with jurisdiction over  
12.28 environmental and natural resources policy  
12.29 and finance. This is a onetime appropriation  
12.30 and is available until June 30, 2019.

12.31 **Subd. 9. Transfer to Remediation Fund**

12.32 The commissioner shall transfer up to  
12.33 \$34,000,000 from the environmental fund to  
12.34 the remediation fund for the purposes of the



14.1 future mineral income, and projects to promote  
 14.2 new mineral resource opportunities.

14.3 (c) \$700,000 the first year and \$200,000 the  
 14.4 second year are from the state forest suspense  
 14.5 account in the permanent school fund to secure  
 14.6 maximum long-term economic return from  
 14.7 the school trust lands consistent with fiduciary  
 14.8 responsibilities and sound natural resources  
 14.9 conservation and management principles. Of  
 14.10 this amount, \$500,000 in the first year is for  
 14.11 the school trust lands director to initiate the  
 14.12 private sale of surplus school trust lands  
 14.13 identified according to Minnesota Statutes,  
 14.14 section 92.82, paragraph (d), including but not  
 14.15 limited to valuation expenses, legal fees, and  
 14.16 transactional staff costs. This is a onetime  
 14.17 appropriation and is available until June 30,  
 14.18 2019.

14.19 **Subd. 3. Ecological and Water Resources** 29,903,000 25,503,000

14.20	<u>Appropriations by Fund</u>	
14.21	<u>2018</u>	<u>2019</u>
14.22 <u>General</u>	<u>14,446,000</u>	<u>10,046,000</u>
14.23 <u>Natural Resources</u>	<u>10,576,000</u>	<u>10,576,000</u>
14.24 <u>Game and Fish</u>	<u>4,881,000</u>	<u>4,881,000</u>

14.25 (a) \$3,242,000 the first year and \$3,242,000  
 14.26 the second year are from the invasive species  
 14.27 account in the natural resources fund and  
 14.28 \$2,206,000 the first year and \$2,206,000 the  
 14.29 second year are from the general fund for  
 14.30 management, public awareness, assessment  
 14.31 and monitoring research, and water access  
 14.32 inspection to prevent the spread of invasive  
 14.33 species; management of invasive plants in  
 14.34 public waters; and management of terrestrial  
 14.35 invasive species on state-administered lands.

- 15.1 (b) \$5,000,000 the first year and \$5,000,000  
15.2 the second year are from the water  
15.3 management account in the natural resources  
15.4 fund for only the purposes specified in  
15.5 Minnesota Statutes, section 103G.27,  
15.6 subdivision 2.
- 15.7 (c) \$124,000 the first year and \$124,000 the  
15.8 second year are for a grant to the Mississippi  
15.9 Headwaters Board for up to 50 percent of the  
15.10 cost of implementing the comprehensive plan  
15.11 for the upper Mississippi within areas under  
15.12 the board's jurisdiction.
- 15.13 (d) \$10,000 the first year and \$10,000 the  
15.14 second year are for payment to the Leech Lake  
15.15 Band of Chippewa Indians to implement the  
15.16 band's portion of the comprehensive plan for  
15.17 the upper Mississippi.
- 15.18 (e) \$264,000 the first year and \$264,000 the  
15.19 second year are for grants for up to 50 percent  
15.20 of the cost of implementation of the Red River  
15.21 mediation agreement.
- 15.22 (f) \$2,018,000 the first year and \$2,018,000  
15.23 the second year are from the heritage  
15.24 enhancement account in the game and fish  
15.25 fund for only the purposes specified in  
15.26 Minnesota Statutes, section 297A.94,  
15.27 paragraph (e), clause (1).
- 15.28 (g) \$950,000 the first year and \$950,000 the  
15.29 second year are from the nongame wildlife  
15.30 management account in the natural resources  
15.31 fund for the purpose of nongame wildlife  
15.32 management. Notwithstanding Minnesota  
15.33 Statutes, section 290.431, \$100,000 the first  
15.34 year and \$100,000 the second year may be

- 16.1 used for nongame wildlife information,  
16.2 education, and promotion.
- 16.3 (h) Notwithstanding Minnesota Statutes,  
16.4 section 84.943, \$13,000 the first year and  
16.5 \$13,000 the second year from the critical  
16.6 habitat private sector matching account may  
16.7 be used to publicize the critical habitat license  
16.8 plate match program.
- 16.9 (i) \$4,400,000 the first year and \$2,000,000  
16.10 the second year are from the general fund for  
16.11 the following activities:
- 16.12 (1) financial reimbursement and technical  
16.13 support to soil and water conservation districts  
16.14 or other local units of government for  
16.15 groundwater level monitoring;
- 16.16 (2) surface water monitoring and analysis,  
16.17 including installation of monitoring gauges;
- 16.18 (3) groundwater analysis to assist with water  
16.19 appropriation permitting decisions;
- 16.20 (4) permit application review incorporating  
16.21 surface water and groundwater technical  
16.22 analysis;
- 16.23 (5) precipitation data and analysis to improve  
16.24 the use of irrigation;
- 16.25 (6) information technology, including  
16.26 electronic permitting and integrated data  
16.27 systems; and
- 16.28 (7) compliance and monitoring.
- 16.29 (j) \$400,000 the first year and \$400,000 the  
16.30 second year are from the heritage enhancement  
16.31 account in the game and fish fund for grants  
16.32 to the Minnesota Aquatic Invasive Species  
16.33 Research Center at the University of



17.1 Minnesota to prioritize, support, and develop  
 17.2 research-based solutions that can reduce the  
 17.3 effects of aquatic invasive species in  
 17.4 Minnesota by preventing spread, controlling  
 17.5 populations, and managing ecosystems and to  
 17.6 advance knowledge to inspire action by others.

17.7 **Subd. 4. Forest Management** 41,731,000 42,031,000

17.8	<u>Appropriations by Fund</u>	
17.9	<u>2018</u>	<u>2019</u>
17.10	<u>General</u>	<u>28,100,000</u> <u>27,100,000</u>
17.11	<u>Natural Resources</u>	<u>12,344,000</u> <u>13,644,000</u>
17.12	<u>Game and Fish</u>	<u>1,287,000</u> <u>1,287,000</u>

17.13 (a) \$7,145,000 the first year and \$7,145,000  
 17.14 the second year are for prevention,  
 17.15 presuppression, and suppression costs of  
 17.16 emergency firefighting and other costs  
 17.17 incurred under Minnesota Statutes, section  
 17.18 88.12. The amount necessary to pay for  
 17.19 presuppression and suppression costs during  
 17.20 the biennium is appropriated from the general  
 17.21 fund.

17.22 By January 15 of each year, the commissioner  
 17.23 of natural resources shall submit a report to  
 17.24 the chairs and ranking minority members of  
 17.25 the house and senate committees and divisions  
 17.26 having jurisdiction over environment and  
 17.27 natural resources finance, identifying all  
 17.28 firefighting costs incurred and reimbursements  
 17.29 received in the prior fiscal year. These  
 17.30 appropriations may not be transferred. Any  
 17.31 reimbursement of firefighting expenditures  
 17.32 made to the commissioner from any source  
 17.33 other than federal mobilizations shall be  
 17.34 deposited into the general fund.

18.1 (b) \$12,144,000 the first year and \$13,644,000  
 18.2 the second year are from the forest  
 18.3 management investment account in the natural  
 18.4 resources fund for only the purposes specified  
 18.5 in Minnesota Statutes, section 89.039,  
 18.6 subdivision 2. Of these amounts, \$500,000 the  
 18.7 first year is for state forest road maintenance  
 18.8 and \$1,000,000 the second year is for  
 18.9 reforestation.

18.10 (c) \$1,287,000 the first year and \$1,287,000  
 18.11 the second year are from the heritage  
 18.12 enhancement account in the game and fish  
 18.13 fund to advance ecological classification  
 18.14 systems (ECS) scientific management tools  
 18.15 for forest and invasive species management.

18.16 (d) \$780,000 the first year and \$780,000 the  
 18.17 second year are for the Forest Resources  
 18.18 Council for implementation of the Sustainable  
 18.19 Forest Resources Act.

18.20 (e) \$200,000 the first year is from the forest  
 18.21 management investment account in the natural  
 18.22 resources fund for a study of the ability to  
 18.23 sustainably harvest at least 1,000,000 cords  
 18.24 of wood annually on state-administered forest  
 18.25 lands. No later than January 2, 2018, the  
 18.26 commissioner must report the study's findings  
 18.27 to the legislative committees with jurisdiction  
 18.28 over environment and natural resources policy  
 18.29 and finance. This is a onetime appropriation.

18.30 (f) The general fund base amount for this  
 18.31 subdivision for fiscal year 2020 and later is  
 18.32 \$26,600,000 per year.

18.33 Subd. 5. Parks and Trails Management

75,850,000

75,650,000

18.34 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
19.1		
19.2	<u>25,182,000</u>	<u>24,927,000</u>
19.3	<u>48,395,000</u>	<u>48,450,000</u>
19.4	<u>2,273,000</u>	<u>2,273,000</u>

19.5 (a) \$13,650,000 the first year and \$13,650,000  
 19.6 the second year are from the state parks  
 19.7 account for state park operations.

19.8 (b) \$1,075,000 the first year and \$1,075,000  
 19.9 the second year are from the water recreation  
 19.10 account in the natural resources fund for  
 19.11 enhancing public water access facilities.

19.12 (c) \$5,740,000 the first year and \$5,740,000  
 19.13 the second year are from the natural resources  
 19.14 fund for state trail, park, and recreation area  
 19.15 operations. This appropriation is from the  
 19.16 revenue deposited in the natural resources fund  
 19.17 under Minnesota Statutes, section 297A.94,  
 19.18 paragraph (e), clause (2).

19.19 (d) \$1,005,000 the first year and \$1,005,000  
 19.20 the second year are from the natural resources  
 19.21 fund for park and trail grants to local units of  
 19.22 government on land to be maintained for at  
 19.23 least 20 years for the purposes of the grants.

19.24 This appropriation is from the revenue  
 19.25 deposited in the natural resources fund under  
 19.26 Minnesota Statutes, section 297A.94,  
 19.27 paragraph (e), clause (4). Any unencumbered  
 19.28 balance does not cancel at the end of the first  
 19.29 year and is available for the second year.

19.30 (e) \$130,000 the first year is from the general  
 19.31 fund, and \$8,294,000 the first year and  
 19.32 \$8,424,000 the second year are from the  
 19.33 snowmobile trails and enforcement account  
 19.34 in the natural resources fund for the  
 19.35 snowmobile grants-in-aid program. Any

20.1 unencumbered balance does not cancel at the  
20.2 end of the first year and is available for the  
20.3 second year.

20.4 (f) \$1,560,000 the first year and \$1,685,000  
20.5 the second year are from the natural resources  
20.6 fund for the off-highway vehicle grants-in-aid  
20.7 program. Of this amount, \$1,085,000 the first  
20.8 year and \$1,210,000 the second year are from  
20.9 the all-terrain vehicle account; \$150,000 each  
20.10 year is from the off-highway motorcycle  
20.11 account; and \$325,000 each year is from the  
20.12 off-road vehicle account. Any unencumbered  
20.13 balance does not cancel at the end of the first  
20.14 year and is available for the second year.

20.15 (g) \$125,000 the first year is from the general  
20.16 fund for all terrain vehicle grants-in-aid  
20.17 program. This is a onetime appropriation.

20.18 (h) \$75,000 the first year and \$75,000 the  
20.19 second year are from the cross-country ski  
20.20 account in the natural resources fund for  
20.21 grooming and maintaining cross-country ski  
20.22 trails in state parks, trails, and recreation areas.

20.23 (i) \$250,000 the first year and \$250,000 the  
20.24 second year are from the state land and water  
20.25 conservation account in the natural resources  
20.26 fund for priorities established by the  
20.27 commissioner for eligible state projects and  
20.28 administrative and planning activities  
20.29 consistent with Minnesota Statutes, section  
20.30 84.0264, and the federal Land and Water  
20.31 Conservation Fund Act. Any unencumbered  
20.32 balance does not cancel at the end of the first  
20.33 year and is available for the second year.

- 21.1 (j) \$250,000 the first year and \$250,000 the  
21.2 second year are from the general fund for  
21.3 matching grants for local parks and outdoor  
21.4 recreation areas under Minnesota Statutes,  
21.5 section 85.019, subdivision 2.
- 21.6 (k) \$250,000 the first year and \$250,000 the  
21.7 second year are from the general fund for  
21.8 matching grants for local trail connections  
21.9 under Minnesota Statutes, section 85.019,  
21.10 subdivision 4c.
- 21.11 (l) \$50,000 the first year is from the all-terrain  
21.12 vehicle account in the natural resources fund  
21.13 for a grant to the city of Virginia to assist the  
21.14 Virginia Area All-Terrain Vehicle Club to  
21.15 plan, design, engineer, and permit a  
21.16 comprehensive all-terrain vehicle system in  
21.17 the Virginia area and to connect with the Iron  
21.18 Range Off-Highway Vehicle Recreation Area.  
21.19 This is a onetime appropriation and is  
21.20 available until June 30, 2020.
- 21.21 (m) \$150,000 the first year is from the  
21.22 all-terrain vehicle account in the natural  
21.23 resources fund for a grant to the city of Orr to  
21.24 predesign, design, and construct the Voyageur  
21.25 all-terrain vehicle trail system, including:
- 21.26 (1) design of the alignment for phase I of the  
21.27 Voyageur all-terrain vehicle trail system and  
21.28 development of a preliminary phase II  
21.29 alignment;
- 21.30 (2) completion of wetland delineation and  
21.31 wetland permitting;
- 21.32 (3) completion of the engineering design and  
21.33 cost estimates for a snowmobile and

22.1 off-highway vehicle bridge over the Vermilion  
 22.2 River to establish a trail connection; and  
 22.3 (4) completion of the master plan for the  
 22.4 Voyageur all-terrain vehicle trail system.

22.5 This is a onetime appropriation and is  
 22.6 available until June 30, 2020.

22.7 (n) In fiscal year 2018 and fiscal year 2019,  
 22.8 the level of service and hours of operation at  
 22.9 Hills Annex Mine State Park must be  
 22.10 maintained at fiscal year 2016 levels.

22.11 **Subd. 6. Fish and Wildlife Management** 67,591,000 67,541,000

22.12	<u>Appropriations by Fund</u>		
22.13	<u>2018</u>	<u>2019</u>	
22.14	<u>Natural Resources</u>	<u>1,912,000</u>	<u>1,912,000</u>
22.15	<u>Game and Fish</u>	<u>65,679,000</u>	<u>65,629,000</u>

22.16 (a) \$8,167,000 the first year and \$8,167,000  
 22.17 the second year are from the heritage  
 22.18 enhancement account in the game and fish  
 22.19 fund only for activities specified in Minnesota  
 22.20 Statutes, section 297A.94, paragraph (e),  
 22.21 clause (1). Notwithstanding Minnesota  
 22.22 Statutes, section 297A.94, five percent of this  
 22.23 appropriation may be used for expanding  
 22.24 hunter and angler recruitment and retention.

22.25 (b) \$20,000 the first year is from the heritage  
 22.26 enhancement account in the game and fish  
 22.27 fund for a study on the effects of lead shot on  
 22.28 wildlife on state lands. By January 15, 2018,  
 22.29 the commissioner shall provide a report of the  
 22.30 study to the chairs and ranking minority  
 22.31 members of the legislative committees with  
 22.32 jurisdiction over natural resources policy and  
 22.33 finance. This is a onetime appropriation.

23.1 (c) \$30,000 the first year is from the heritage  
 23.2 enhancement account in the game and fish  
 23.3 fund for the commissioner of natural resources  
 23.4 to contract with a private entity to search for  
 23.5 a site to construct a world-class shooting range  
 23.6 and club house for use by the Minnesota State  
 23.7 High School League and for other regional,  
 23.8 statewide, national, and international shooting  
 23.9 events. The commissioner must provide public  
 23.10 notice of the search, including making the  
 23.11 public aware of the process through the  
 23.12 Department of Natural Resources' media  
 23.13 outlets, and solicit input on the location and  
 23.14 building options for the facility. The siting  
 23.15 search process must include a public process  
 23.16 to determine if any business or individual is  
 23.17 interested in donating land for the facility,  
 23.18 anticipated to be at least 500 acres. The site  
 23.19 search team must meet with interested third  
 23.20 parties affected by or interested in the facility.  
 23.21 The commissioner must submit a report with  
 23.22 the results of the site search to the chairs and  
 23.23 ranking minority members of the legislative  
 23.24 committees and divisions with jurisdiction  
 23.25 over the environment and natural resources  
 23.26 by March 1, 2018. This is a onetime  
 23.27 appropriation.

23.28 (d) \$10,000 the first year and \$10,000 the  
 23.29 second year from the heritage enhancement  
 23.30 account in the game and fish fund are for  
 23.31 grants to Midwest Hmong Outdoors for hunter  
 23.32 and angler recruitment. This is a onetime  
 23.33 appropriation.

23.34 Subd. 7. **Enforcement**

39,377,000

39,377,000

23.35 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
24.1		
24.2	<u>5,140,000</u>	<u>5,140,000</u>
24.3	<u>10,309,000</u>	<u>10,309,000</u>
24.4	<u>23,828,000</u>	<u>23,828,000</u>
24.5	<u>100,000</u>	<u>100,000</u>

24.6 (a) \$1,718,000 the first year and \$1,718,000  
 24.7 the second year are from the general fund for  
 24.8 enforcement efforts to prevent the spread of  
 24.9 aquatic invasive species.

24.10 (b) \$1,580,000 the first year and \$1,580,000  
 24.11 the second year are from the heritage  
 24.12 enhancement account in the game and fish  
 24.13 fund for only the purposes specified in  
 24.14 Minnesota Statutes, section 297A.94,  
 24.15 paragraph (e), clause (1).

24.16 (c) \$1,082,000 the first year and \$1,082,000  
 24.17 the second year are from the water recreation  
 24.18 account in the natural resources fund for grants  
 24.19 to counties for boat and water safety. Any  
 24.20 unencumbered balance does not cancel at the  
 24.21 end of the first year and is available for the  
 24.22 second year.

24.23 (d) \$315,000 the first year and \$315,000 the  
 24.24 second year are from the snowmobile trails  
 24.25 and enforcement account in the natural  
 24.26 resources fund for grants to local law  
 24.27 enforcement agencies for snowmobile  
 24.28 enforcement activities. Any unencumbered  
 24.29 balance does not cancel at the end of the first  
 24.30 year and is available for the second year.

24.31 (e) \$250,000 the first year and \$250,000 the  
 24.32 second year are from the all-terrain vehicle  
 24.33 account for grants to qualifying organizations  
 24.34 to assist in safety and environmental education  
 24.35 and monitoring trails on public lands under



25.1 Minnesota Statutes, section 84.9011. Grants  
 25.2 issued under this paragraph must be issued  
 25.3 through a formal agreement with the  
 25.4 organization and must not be used as a  
 25.5 substitute for traditional spending by the  
 25.6 organization. By December 15 each year, an  
 25.7 organization receiving a grant under this  
 25.8 paragraph shall report to the commissioner  
 25.9 with details on expenditures and outcomes  
 25.10 from the grant. Of this appropriation, \$25,000  
 25.11 each year is for administration of these grants.  
 25.12 Any unencumbered balance does not cancel  
 25.13 at the end of the first year and is available for  
 25.14 the second year.

25.15 (f) \$510,000 the first year and \$510,000 the  
 25.16 second year are from the natural resources  
 25.17 fund for grants to county law enforcement  
 25.18 agencies for off-highway vehicle enforcement  
 25.19 and public education activities based on  
 25.20 off-highway vehicle use in the county. Of this  
 25.21 amount, \$498,000 each year is from the  
 25.22 all-terrain vehicle account; \$11,000 each year  
 25.23 is from the off-highway motorcycle account;  
 25.24 and \$1,000 each year is from the off-road  
 25.25 vehicle account. The county enforcement  
 25.26 agencies may use money received under this  
 25.27 appropriation to make grants to other local  
 25.28 enforcement agencies within the county that  
 25.29 have a high concentration of off-highway  
 25.30 vehicle use. Of this appropriation, \$25,000  
 25.31 each year is for administration of these grants.  
 25.32 Any unencumbered balance does not cancel  
 25.33 at the end of the first year and is available for  
 25.34 the second year.

25.35 **Subd. 8. Operations Support**

320,000320,000

26.1	<u>Appropriations by Fund</u>		
26.2		<u>2018</u>	<u>2019</u>
26.3	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

26.4 \$320,000 the first year and \$320,000 the  
 26.5 second year are from the natural resources  
 26.6 fund for grants to be divided equally between  
 26.7 the city of St. Paul for the Como Park Zoo and  
 26.8 Conservatory and the city of Duluth for the  
 26.9 Duluth Zoo. This appropriation is from the  
 26.10 revenue deposited to the natural resources fund  
 26.11 under Minnesota Statutes, section 297A.94,  
 26.12 paragraph (e), clause (5).

26.13	<b><u>Sec. 4. BOARD OF WATER AND SOIL</u></b>		
26.14	<b><u>RESOURCES</u></b>	<b><u>\$</u></b>	<b><u>13,404,000</u></b>
		<b><u>\$</u></b>	<b><u>13,404,000</u></b>

26.15 (a) \$3,423,000 the first year and \$3,423,000  
 26.16 the second year are for natural resources block  
 26.17 grants to local governments. Grants must be  
 26.18 matched with a combination of local cash or  
 26.19 in-kind contributions. The base grant portion  
 26.20 related to water planning must be matched by  
 26.21 an amount as specified by Minnesota Statutes,  
 26.22 section 103B.3369. The board may reduce the  
 26.23 amount of the natural resources block grant  
 26.24 to a county by an amount equal to any  
 26.25 reduction in the county's general services  
 26.26 allocation to a soil and water conservation  
 26.27 district from the county's previous year  
 26.28 allocation when the board determines that the  
 26.29 reduction was disproportionate. The base  
 26.30 amount for fiscal year 2020 and later is  
 26.31 \$3,223,000 per year.

26.32 (b) \$3,116,000 the first year and \$3,116,000  
 26.33 the second year are for grants to soil and water  
 26.34 conservation districts for general purposes,  
 26.35 nonpoint engineering, and implementation and

- 27.1 stewardship of the reinvest in Minnesota  
27.2 reserve program. Expenditures may be made  
27.3 from these appropriations for supplies and  
27.4 services benefiting soil and water conservation  
27.5 districts. Any district receiving a payment  
27.6 under this paragraph shall maintain a Web  
27.7 page that publishes, at a minimum, its annual  
27.8 report, annual audit, annual budget, and  
27.9 meeting notices.
- 27.10 (c) \$260,000 the first year and \$260,000 the  
27.11 second year are for feedlot water quality cost  
27.12 share grants for feedlots under 300 animal  
27.13 units and nutrient and manure management  
27.14 projects in watersheds where there are  
27.15 impaired waters.
- 27.16 (d) \$1,200,000 the first year and \$1,200,000  
27.17 the second year are for soil and water  
27.18 conservation district cost-sharing contracts for  
27.19 perennially vegetated riparian buffers, erosion  
27.20 control, water retention and treatment, and  
27.21 other high-priority conservation practices.
- 27.22 (e) \$100,000 the first year is for county  
27.23 cooperative weed management cost-share  
27.24 programs and to restore native plants in  
27.25 selected invasive species management sites.  
27.26 The base amount for fiscal year 2020 and later  
27.27 is \$62,000 per year.
- 27.28 (f) \$166,000 the first year and \$166,000 the  
27.29 second year are to provide technical assistance  
27.30 to local drainage management officials and  
27.31 for the costs of the Drainage Work Group.  
27.32 This is a onetime appropriation.
- 27.33 (g) \$100,000 the first year and \$100,000 the  
27.34 second year are for a grant to the Red River

28.1 Basin Commission for water quality and  
28.2 floodplain management, including  
28.3 administration of programs. This appropriation  
28.4 must be matched by nonstate funds. If the  
28.5 appropriation in either year is insufficient, the  
28.6 appropriation in the other year is available for  
28.7 it.

28.8 (h) \$140,000 the first year and \$140,000 the  
28.9 second year are for grants to Area II  
28.10 Minnesota River Basin Projects for floodplain  
28.11 management.

28.12 (i) \$761,000 the first year and \$761,000 the  
28.13 second year are for implementation,  
28.14 enforcement, and oversight of the Wetland  
28.15 Conservation Act, including administration of  
28.16 the wetland banking program and in-lieu fee  
28.17 mechanism. The base amount for fiscal year  
28.18 2020 and later is \$500,000 per year.

28.19 (j) \$240,000 the first year and \$240,000 the  
28.20 second year are for a grant to the Lower  
28.21 Minnesota River Watershed District to defray  
28.22 the annual cost of operating and maintaining  
28.23 sites for dredge spoil to sustain the state,  
28.24 national, and international commercial and  
28.25 recreational navigation on the lower Minnesota  
28.26 River.

28.27 (k) \$3,898,000 the first year and \$3,898,000  
28.28 the second year are for Board of Water and  
28.29 Soil Resources agency administration and  
28.30 operations. The base amount for fiscal year  
28.31 2020 and later is \$3,684,000 per year.

28.32 (l) Notwithstanding Minnesota Statutes,  
28.33 section 103C.501, the board may shift  
28.34 cost-share funds in this section and may adjust



30.1 Natural Resources                      490,000                      490,000

30.2 Conservation Corps Minnesota may receive  
 30.3 money appropriated from the natural resources  
 30.4 fund under this section only as provided in an  
 30.5 agreement with the commissioner of natural  
 30.6 resources.

30.7 **Sec. 7. ZOOLOGICAL BOARD**                      **\$**                      **8,410,000** **\$**                      **8,410,000**

30.8                      Appropriations by Fund

30.9	<u>2018</u>	<u>2019</u>
30.10 <u>General</u>	<u>8,250,000</u>	<u>8,250,000</u>
30.11 <u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

30.12 \$160,000 the first year and \$160,000 the  
 30.13 second year are from the natural resources  
 30.14 fund from the revenue deposited under  
 30.15 Minnesota Statutes, section 297A.94,  
 30.16 paragraph (e), clause (5).

30.17 **Sec. 8. SCIENCE MUSEUM**                      **\$**                      **1,079,000** **\$**                      **1,079,000**

30.18 **Sec. 9. EXPLORE MINNESOTA TOURISM**                      **\$**                      **14,248,000** **\$**                      **14,248,000**

30.19 (a) To develop maximum private sector  
 30.20 involvement in tourism, \$500,000 the first  
 30.21 year and \$500,000 the second year must be  
 30.22 matched by Explore Minnesota Tourism from  
 30.23 nonstate sources. Each \$1 of state incentive  
 30.24 must be matched with \$6 of private sector  
 30.25 funding. Cash match is defined as revenue to  
 30.26 the state or documented cash expenditures  
 30.27 directly expended to support Explore  
 30.28 Minnesota Tourism programs. Up to one-half  
 30.29 of the private sector contribution may be  
 30.30 in-kind or soft match. The incentive in fiscal  
 30.31 year 2018 shall be based on fiscal year 2017  
 30.32 private sector contributions. The incentive in  
 30.33 fiscal year 2019 shall be based on fiscal year

31.1 2018 private sector contributions. This  
 31.2 incentive is ongoing.

31.3 (b) Funding for the marketing grants is  
 31.4 available either year of the biennium.

31.5 Unexpended grant funds from the first year  
 31.6 are available in the second year.

31.7 (c) \$100,000 each year is for a grant to the  
 31.8 Northern Lights International Music Festival.

31.9 (d) \$600,000 the first year is for the major  
 31.10 events grant program. This appropriation is  
 31.11 available until June 30, 2021.

31.12 **Sec. 10. ADMINISTRATION** **\$** **300,000** **\$** **300,000**

31.13 \$300,000 the first year and \$300,000 the  
 31.14 second year are from the state forest suspense  
 31.15 account in the permanent school fund for the  
 31.16 school trust lands director to accelerate land  
 31.17 exchanges, land sales, and commercial leasing  
 31.18 of school trust lands and to identify, evaluate,  
 31.19 and lease construction aggregate located on  
 31.20 school trust lands. This appropriation is to be  
 31.21 used for securing long-term economic return  
 31.22 from the school trust lands consistent with  
 31.23 fiduciary responsibilities and sound natural  
 31.24 resources conservation and management  
 31.25 principles.

31.26 Sec. 11. Laws 2016, chapter 189, article 3, section 3, subdivision 3, is amended to read:

31.27 **Subd. 3. **Ecological and Water Resources**** **-0-** **612,000**

31.28 \$187,000 the second year is for a grant to the  
 31.29 Middle-Snake-Tamarac Rivers Watershed  
 31.30 District to match equal funds from the North  
 31.31 Dakota State Water Commission and North  
 31.32 Dakota water boards to conduct hydraulic  
 31.33 modeling of alternative floodway options for





33.1 lands director. This is a onetime appropriation  
 33.2 and is available until June 30, 2019.

33.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.4 **ARTICLE 2**

33.5 **STATUTORY PROVISIONS**

33.6 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision  
 33.7 to read:

33.8 Subd. 6. **Legal counsel.** The commissioner may appoint attorneys or outside counsel to  
 33.9 render title opinions, represent the department in severed mineral interest forfeiture actions  
 33.10 brought pursuant to section 93.55, and, notwithstanding any statute to the contrary, represent  
 33.11 the state in quiet title or title registration actions affecting land or interests in land  
 33.12 administered by the commissioner of natural resources.

33.13 Sec. 2. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to  
 33.14 read:

33.15 Subd. 14c. **Operating efficiency.** (a) The natural resources enforcement account is  
 33.16 created in the special revenue fund. Money appropriated from the natural resources fund to  
 33.17 the commissioner for enforcement activities under sections 84.794, 84.803, 84.927, 84D.15,  
 33.18 85.055, 86B.706, and 297A.94 may be transferred to this account.

33.19 (b) This subdivision does not apply to money appropriated for local law enforcement  
 33.20 grants, county boat and water safety grants, and safety and environmental education and  
 33.21 monitoring grants.

33.22 Sec. 3. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

33.23 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

33.24 (1) owned and used by the United States, an Indian tribal government, the state, another  
 33.25 state, or a political subdivision;

33.26 (2) registered in another state or country that have not been within this state for more  
 33.27 than 30 consecutive days;

33.28 (3) registered under chapter 168, when operated on forest roads to gain access to a state  
 33.29 forest campground;

33.30 (4) used exclusively in organized track racing events;

34.1 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
34.2 off-highway motorcycle state trail pass; ~~or~~

34.3 (6) operated by a person participating in an event for which the commissioner has issued  
34.4 a special use permit; or

34.5 (7) operated on boundary trails and registered in another state or country providing equal  
34.6 reciprocal registration or licensing exemptions for registrants of this state.

34.7 Sec. 4. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

34.8 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but  
34.9 less than 16 years of age operating an off-highway motorcycle on public lands or waters  
34.10 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

34.11 (b) Except for operation on public road rights-of-way that is permitted under section  
34.12 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
34.13 operate an off-highway motorcycle along or on a public road right-of-way.

34.14 (c) A person under 12 years of age may not:

34.15 (1) make a direct crossing of a public road right-of-way;

34.16 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

34.17 (3) operate an off-highway motorcycle on public lands or waters unless accompanied  
34.18 by a person 18 years of age or older or participating in an event for which the commissioner  
34.19 has issued a special use permit.

34.20 (d) Except for public road rights-of-way of interstate highways, a person less than 16  
34.21 years of age may make a direct crossing of a public road right-of-way of a trunk, county  
34.22 state-aid, or county highway only if that person is accompanied by a person 18 years of age  
34.23 or older who holds a valid driver's license.

34.24 (e) A person less than 16 years of age may operate an off-highway motorcycle on public  
34.25 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if  
34.26 that person is accompanied by a person 18 years of age or older who holds a valid driver's  
34.27 license.

34.28 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate  
34.29 an off-highway motorcycle on public lands or waters if the nonresident youth has in  
34.30 possession evidence of completing an off-road safety course offered by the Motorcycle  
34.31 Safety Foundation or another state as provided in section 84.791, subdivision 4.

35.1 Sec. 5. Minnesota Statutes 2016, section 84.8031, is amended to read:

35.2 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

35.3 The commissioner must review an off-road vehicle grant-in-aid application and, if  
35.4 approved, ~~commence~~ begin public review of the application within 60 days after the  
35.5 completed application has been locally approved and submitted to an area parks and trails  
35.6 office. If the commissioner fails to approve or deny the application within 60 days after  
35.7 submission, the application is deemed approved and the commissioner must provide for a  
35.8 30-day public review period. If the commissioner denies an application, the commissioner  
35.9 must provide the applicant with a written explanation for denying the application at the time  
35.10 the applicant is notified of the denial.

35.11 Sec. 6. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

35.12 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or  
35.13 reregistration shall be made to the commissioner or an authorized deputy registrar of motor  
35.14 vehicles in a format prescribed by the commissioner and shall state the legal name and  
35.15 address of every owner of the snowmobile.

35.16 (b) A person who purchases a snowmobile from a retail dealer shall make application  
35.17 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary  
35.18 21-day registration permit to each purchaser who applies to the dealer for registration. The  
35.19 temporary permit must contain the dealer's identification number and phone number. Each  
35.20 retail dealer shall submit completed registration and fees to the deputy registrar at least once  
35.21 a week. No fee may be charged by a dealer to a purchaser for providing the temporary  
35.22 permit.

35.23 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy  
35.24 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number  
35.25 or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration  
35.26 number must be affixed to the snowmobile in a clearly visible and permanent manner for  
35.27 enforcement purposes as the commissioner of natural resources shall prescribe. A dealer  
35.28 subject to paragraph (b) shall provide the registration materials or temporary permit to the  
35.29 purchaser within the temporary 21-day permit period. The registration is not valid unless  
35.30 signed by at least one owner.

35.31 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also  
35.32 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement  
35.33 with the commissioner of public safety may prescribe the accounting and procedural

36.1 requirements necessary to assure efficient handling of registrations and registration fees.  
 36.2 Deputy registrars shall strictly comply with these accounting and procedural requirements.

36.3 ~~(e) A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged~~  
 36.4 ~~for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate  
 36.5 or replacement registration card, and replacement decal and an issuing fee of \$7 is charged  
 36.6 for each snowmobile registration and registration transfer issued by:

36.7 (1) ~~each snowmobile registered by the~~ a registrar or a deputy registrar and ~~the additional~~  
 36.8 ~~fee shall be disposed of~~ must be deposited in the manner provided in section 168.33,  
 36.9 subdivision 2; or

36.10 (2) ~~each snowmobile registered by the commissioner and the additional fee shall~~ must  
 36.11 be deposited in the state treasury and credited to the snowmobile trails and enforcement  
 36.12 account in the natural resources fund.

36.13 Sec. 7. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

36.14 Subdivision 1. **Program established.** (a) The commissioner shall establish a  
 36.15 comprehensive all-terrain vehicle environmental and safety education and training program,  
 36.16 including the preparation and dissemination of vehicle information and safety advice to the  
 36.17 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle  
 36.18 safety certificates to vehicle operators over the age of 12 years who successfully complete  
 36.19 the all-terrain vehicle environmental and safety education and training course. A parent or  
 36.20 guardian must be present at the hands-on training portion of the program for youth who are  
 36.21 six through ten years of age.

36.22 (b) For the purpose of administering the program and to defray the expenses of training  
 36.23 and certifying vehicle operators, the commissioner shall collect a fee from each person who  
 36.24 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for  
 36.25 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The  
 36.26 commissioner shall establish both fees in a manner that neither significantly overrecovers  
 36.27 nor underrecovers costs, including overhead costs, involved in providing the services. The  
 36.28 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not  
 36.29 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.  
 36.30 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall  
 36.31 be deposited in the all-terrain vehicle account in the natural resources fund and the amount  
 36.32 thereof, except for the electronic licensing system commission established by the  
 36.33 commissioner under section 84.027, subdivision 15, and issuing fees collected by the  
 36.34 commissioner, is appropriated annually to the Enforcement Division of the Department of

37.1 Natural Resources for the administration of the programs. In addition to the fee established  
37.2 by the commissioner, instructors may charge each person up to the established fee amount  
37.3 for class materials and expenses.

37.4 (c) The commissioner shall cooperate with private organizations and associations, private  
37.5 and public corporations, and local governmental units in furtherance of the program  
37.6 established under this section. School districts may cooperate with the commissioner and  
37.7 volunteer instructors to provide space for the classroom portion of the training. The  
37.8 commissioner shall consult with the commissioner of public safety in regard to training  
37.9 program subject matter and performance testing that leads to the certification of vehicle  
37.10 operators. The commissioner shall incorporate a riding component in the safety education  
37.11 and training program.

37.12 Sec. 8. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

37.13 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public  
37.14 road rights-of-way that is permitted under section 84.928 and as provided under paragraph  
37.15 (j), a driver's license issued by the state or another state is required to operate an all-terrain  
37.16 vehicle along or on a public road right-of-way.

37.17 (b) A person under 12 years of age shall not:

37.18 (1) make a direct crossing of a public road right-of-way;

37.19 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

37.20 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
37.21 paragraph (f).

37.22 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age  
37.23 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,  
37.24 county state-aid, or county highway or operate on public lands and waters or state or  
37.25 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate  
37.26 issued by the commissioner and is accompanied by a person 18 years of age or older who  
37.27 holds a valid driver's license.

37.28 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,  
37.29 but less than 16 years old, must:

37.30 (1) successfully complete the safety education and training program under section 84.925,  
37.31 subdivision 1, including a riding component; and

38.1 (2) be able to properly reach and control the handle bars and reach the foot pegs while  
38.2 sitting upright on the seat of the all-terrain vehicle.

38.3 (e) A person at least ~~11~~ six years of age may take the safety education and training  
38.4 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
38.5 the certificate is not valid until the person reaches age 12.

38.6 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain  
38.7 vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a  
38.8 parent or legal guardian.

38.9 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

38.10 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands  
38.11 or waters or on state or grant-in-aid trails if the person cannot properly reach and control  
38.12 the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain  
38.13 vehicle.

38.14 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16  
38.15 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
38.16 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or  
38.17 state or grant-in-aid trails if:

38.18 (1) the nonresident youth has in possession evidence of completing an all-terrain safety  
38.19 course offered by the ATV Safety Institute or another state as provided in section 84.925,  
38.20 subdivision 3; and

38.21 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds  
38.22 a valid driver's license.

38.23 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain  
38.24 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted  
38.25 under section 84.928 if the person:

38.26 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;  
38.27 and

38.28 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

38.29 Sec. 9. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

38.30 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a  
38.31 capital expenditure on a capital asset previously owned by the state, within the meaning of  
38.32 generally accepted accounting principles as applied to public expenditures. The commissioner

39.1 of natural resources will consult with the commissioner of management and budget to the  
 39.2 extent necessary to ensure this and will furnish the commissioner of management and budget  
 39.3 a list of projects to be financed from the account in order of their priority. The legislature  
 39.4 assumes that many projects for preservation and replacement of portions of existing capital  
 39.5 assets will constitute betterments and capital improvements within the meaning of the  
 39.6 Constitution and capital expenditures under generally accepted accounting principles, and  
 39.7 will be financed more efficiently and economically under this section than by direct  
 39.8 appropriations for specific projects.

39.9 (b) An appropriation for asset preservation must not be used to acquire land or to acquire  
 39.10 or construct buildings or other facilities.

39.11 (c) Capital budget expenditures for natural resource asset preservation and replacement  
 39.12 projects must be for one or more of the following types of capital projects that support the  
 39.13 existing programmatic mission of the department: code compliance including health and  
 39.14 safety, Americans with Disabilities Act requirements, hazardous material abatement, access  
 39.15 improvement, or air quality improvement; building energy efficiency improvements using  
 39.16 current best practices; building or infrastructure repairs necessary to preserve the interior  
 39.17 and exterior of existing buildings; projects to remove life safety hazards such as building  
 39.18 code violations or structural defects; or renovation of other existing improvements to land,  
 39.19 including but not limited to trails and bridges.

39.20 (d) Up to ten percent of an appropriation awarded under this section may be used for  
 39.21 design costs for projects eligible to be funded from this account in anticipation of future  
 39.22 funding from the account.

39.23 Sec. 10. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to  
 39.24 read:

39.25 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish  
 39.26 priorities for natural resource asset preservation and replacement projects. By January 15  
 39.27 each year, the commissioner must submit to the commissioner of management and budget  
 39.28 a list of the projects that have been paid for with money from a natural resource asset  
 39.29 preservation and replacement appropriation during the preceding calendar year.

39.30 Sec. 11. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

39.31 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a  
 39.32 training program that adequately prepares Minnesota Naturalist Corps members for the

40.1 tasks assigned. Each corps member ~~shall be~~ is assigned a ~~state park~~ an interpretive naturalist  
40.2 as a mentor.

40.3 Sec. 12. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

40.4 Subd. 4. **Uniform patch pin.** Uniforms worn by members of the Minnesota Naturalist  
40.5 Corps must have a ~~patch~~ pin that includes the name of the Minnesota Naturalist Corps and  
40.6 information that the program is funded by the clean water, land, and legacy amendment to  
40.7 the Minnesota Constitution adopted by the voters in November 2008.

40.8 Sec. 13. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

40.9 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if  
40.10 the person:

40.11 (1) is a permanent resident of the state;

40.12 (2) is a participant in an approved college internship program ~~or has a postsecondary~~  
40.13 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or  
40.14 ~~conservation related field~~; and

40.15 (3) has completed at least one year of postsecondary education.

40.16 Sec. 14. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

40.17 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible  
40.18 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~  
40.19 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members  
40.20 are not employees of the state within the meaning of section 43A.02, subdivision 21.

40.21 Sec. 15. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

40.22 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested  
40.23 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),  
40.24 (c), or (d), and section 97C.341.

40.25 (b) In waters that are listed as infested waters, except those listed as infested with  
40.26 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
40.27 17.4982, subdivision 6, taking wild animals may be permitted for:

40.28 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided  
40.29 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and



41.1 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
41.2 watermilfoil, when the infested waters are listed solely because they contain Eurasian  
41.3 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not  
41.4 exceeding 16 inches in diameter and 32 inches in length.

41.5 (c) In streams or rivers that are listed as infested waters, except those listed as infested  
41.6 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest  
41.7 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by  
41.8 hook and line for noncommercial personal use is allowed as follows:

41.9 (1) fish taken under this paragraph must be used on the same body of water where caught  
41.10 and while still on that water body. Where the river or stream is divided by barriers such as  
41.11 dams, the fish must be caught and used on the same section of the river or stream;

41.12 (2) fish taken under this paragraph may not be transported live from or off the water  
41.13 body;

41.14 (3) fish harvested under this paragraph may only be used in accordance with this section;

41.15 (4) any other use of wild animals used for bait from infested waters is prohibited;

41.16 (5) fish taken under this paragraph must meet all other size restrictions and requirements  
41.17 as established in rules; and

41.18 (6) all species listed under this paragraph shall be included in the person's daily limit as  
41.19 established in rules, if applicable.

41.20 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River  
41.21 downstream of the dam at Taylors Falls, including portions described as  
41.22 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items  
41.23 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for  
41.24 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

41.25 (1) nontarget species must immediately be returned to the water;

41.26 (2) gizzard shad taken under this paragraph must be used on the same body of water  
41.27 where caught and while still on that water body. Where the river is divided by barriers such  
41.28 as dams, the gizzard shad must be caught and used on the same section of the river;

41.29 (3) gizzard shad taken under this paragraph may not be transported off the water body;  
41.30 and

41.31 (4) gizzard shad harvested under this paragraph may only be used in accordance with  
41.32 this section.

42.1 This paragraph expires December 1, 2017.

42.2 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued  
42.3 under paragraph (b) may not be transported to, or used in, any waters other than waters  
42.4 specified in the permit.

42.5 (f) Bait intended for sale may not be held in infested water after taking and before sale,  
42.6 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

42.7 Sec. 16. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

42.8 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**  
42.9 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines  
42.10 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that  
42.11 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined  
42.12 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~  
42.13 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~  
42.14 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~  
42.15 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~  
42.16 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~  
42.17 tagged with tags provided by the commissioner, as specified in the commercial licensee's  
42.18 license or permit. Tagged gear must not be used in any water bodies other than those specified  
42.19 in the license or permit. The permit may authorize department staff to remove tags after the  
42.20 gear is decontaminated. This tagging requirement does not apply to commercial fishing  
42.21 equipment used in Lake Superior.

42.22 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,  
42.23 frog, or crayfish harvesting in an infested water that is listed solely because it contains  
42.24 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum  
42.25 of two days before they are used in any other waters, except as provided in this paragraph.  
42.26 Commercial licensees must notify the department's regional or area fisheries office or a  
42.27 conservation officer before removing nets or equipment from an infested water listed solely  
42.28 because it contains Eurasian watermilfoil and before resetting those nets or equipment in  
42.29 any other waters. Upon notification, the commissioner may authorize a commercial licensee  
42.30 to move nets or equipment to another water without freezing or drying, if that water is listed  
42.31 as infested solely because it contains Eurasian watermilfoil.

42.32 (c) A commercial licensee must remove all aquatic macrophytes from nets and other  
42.33 equipment before placing the equipment into waters of the state.

43.1 (d) The commissioner shall provide a commercial licensee with a current listing of listed  
43.2 infested waters at the time that a license or permit is issued.

43.3 Sec. 17. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

43.4 Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify  
43.5 nonnative species of aquatic plants and wild animals, including subspecies, genotypes,  
43.6 cultivars, hybrids, or genera of nonnative species, according to the following categories:

43.7 (1) prohibited invasive species, which may not be possessed, imported, purchased, sold,  
43.8 propagated, transported, or introduced except as provided in section 84D.05;

43.9 (2) regulated invasive species, which may not be introduced except as provided in section  
43.10 84D.07;

43.11 (3) unlisted nonnative species, which are subject to the classification procedure in section  
43.12 84D.06; and

43.13 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

43.14 Sec. 18. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

43.15 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell,  
43.16 propagate, transport, or introduce a prohibited invasive species, except:

43.17 (1) under a permit issued by the commissioner under section 84D.11;

43.18 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

43.19 (3) under a restricted species permit issued under section 17.457;

43.20 (4) when being transported to the department, or another destination as the commissioner  
43.21 may direct, in a sealed container for purposes of identifying the species or reporting the  
43.22 presence of the species;

43.23 (5) when being transported for disposal as part of a harvest or control activity when  
43.24 specifically authorized under a permit issued by the commissioner according to section  
43.25 103G.615, when being transported for disposal as specified under a commercial fishing  
43.26 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,  
43.27 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

43.28 (6) when being removed from watercraft and equipment, or caught while angling, and  
43.29 immediately returned to the water from which they came; ~~or~~

44.1 (7) when being transported from riparian property to a legal disposal site that is at least  
44.2 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited  
44.3 invasive species are in a covered commercial vehicle specifically designed and used for  
44.4 hauling trash; or

44.5 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

44.6 Sec. 19. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

44.7 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional  
44.8 permit to service providers to return to Lake Minnetonka water-related equipment with  
44.9 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.  
44.10 The permit must include verification and documentation requirements and any other  
44.11 conditions the commissioner deems necessary.

44.12 (b) Water-related equipment with zebra mussels attached may be returned only to Lake  
44.13 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted  
44.14 under subdivision 1.

44.15 (c) The service provider's place of business must be within the Lake Minnetonka  
44.16 Conservation District as established according to sections 103B.601 to 103B.645, or within  
44.17 a municipality immediately bordering the Lake Minnetonka Conservation District's  
44.18 boundaries.

44.19 (d) A service provider applying for a permit under this subdivision must, if approved  
44.20 for a permit and before the permit is valid, furnish a corporate surety bond in favor of the  
44.21 state for \$50,000 payable upon violation of this chapter while the service provider is acting  
44.22 under a permit issued according to this subdivision.

44.23 (e) This subdivision expires December 1, ~~2018~~ 2019.

44.24 Sec. 20. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
44.25 to read:

44.26 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
44.27 targeted pilot study to include water-related equipment with zebra mussels attached for the  
44.28 Gull Narrows State Water Access Site, Government Point State Water Access Site, and  
44.29 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)  
44.30 in Cass and Crow Wing Counties utilizing the same authorities, general procedures, and  
44.31 requirements provided for the Lake Minnetonka pilot project in section 84D.108, subdivision

45.1 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business  
 45.2 must be located within Cass or Crow Wing County.

45.3 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
 45.4 the report to the chairs and ranking minority members of the senate and house of  
 45.5 representatives committees having jurisdiction over natural resources required under Laws  
 45.6 2016, chapter 189, article 3, section 48, shall also include the Gull Lake targeted pilot study  
 45.7 recommendations and assessments.

45.8 (c) This subdivision expires December 1, 2019.

45.9 Sec. 21. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to  
 45.10 read:

45.11 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to  
 45.12 departmental divisions for tagging bighead, black, grass, or silver carp for research or  
 45.13 control. Under the permit, the carp may be released into the water body from which the carp  
 45.14 was captured. This subdivision expires December 31, 2021.

45.15 Sec. 22. Minnesota Statutes 2016, section 85.0505, is amended by adding a subdivision  
 45.16 to read:

45.17 Subd. 3. **Fort Ridgely State Park.** Liquor may be sold and consumed by the drink on  
 45.18 the golf course in Fort Ridgely State Park, subject to other laws relating to the sale of  
 45.19 intoxicating liquor when the golf course is operated by a nonstate entity.

45.20 Sec. 23. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

45.21 Golf carts may be operated on the golf course portion of Fort Ridgely State Park when  
 45.22 the golf course is operated by a nonstate entity.

45.23 Sec. 24. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

45.24 Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual~~  
 45.25 ~~permits under subdivision 4, shall~~ 1 must be issued without a fee for a motor vehicle being  
 45.26 ~~used by a person who is serving in~~ to active military service personnel in any branch or unit  
 45.27 ~~of the United States armed forces and who is stationed outside Minnesota, during the period~~  
 45.28 ~~of active service and for 90 days immediately thereafter, if the~~ or their dependents and to  
 45.29 recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a  
 45.30 person ~~presents the person's current military orders~~ must present qualifying military  
 45.31 identification or an annual pass for the United States military issued through the National

46.1 Parks and Federal Recreational Lands Pass program to the park attendant on duty or other  
46.2 designee of the commissioner.

46.3 (b) For purposes of this section, ~~"active service" has the meaning given under section~~  
46.4 ~~190.05, subdivision 5e, when performed outside Minnesota~~ subdivision, the commissioner  
46.5 shall establish what constitutes qualifying military identification in the State Register.

46.6 (c) ~~A permit is not required for a motor vehicle being used by military personnel or their~~  
46.7 ~~dependents who have in their possession the annual pass for United States military and their~~  
46.8 ~~dependents issued by the federal government for access to federal recreation sites~~ For  
46.9 vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is  
46.10 valid only when displayed on a vehicle owned and occupied by the person to whom the  
46.11 permit is issued.

46.12 (d) The commissioner may issue a daily vehicle permit free of charge to an individual  
46.13 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

46.14 Sec. 25. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

46.15 Subd. 10. **Free entrance permit; disabled veterans.** (a) The commissioner shall issue  
46.16 an annual park permit for no charge to any veteran ~~with a total and permanent~~  
46.17 ~~service-connected disability, and a daily park permit to any resident veteran~~ with any level  
46.18 of service-connected disability, as determined by the United States Department of Veterans  
46.19 Affairs, who presents each year a copy of the veteran's determination letter or other official  
46.20 form of validation issued by the United States Department of Veterans Affairs or the United  
46.21 States Department of Defense to a park attendant or commissioner's designee. For the  
46.22 purposes of this ~~section~~ subdivision, "veteran" has the meaning given in section 197.447.

46.23 (b) For vehicles permitted under paragraph (a), the permit or decal issued under this  
46.24 subdivision is valid only when displayed on a vehicle owned and occupied by the person  
46.25 to whom the permit is issued.

46.26 (c) The commissioner may issue a daily vehicle permit free of charge to an individual  
46.27 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

46.28 Sec. 26. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to  
46.29 read:

46.30 Subd. 19. **Fort Ridgely golf course.** A state park permit is not required and a fee may  
46.31 not be charged for motor vehicle entry or parking for persons using only the golf course  
46.32 portion of Fort Ridgely State Park when the golf course is operated by a nonstate entity.

47.1 Sec. 27. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

47.2 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state  
 47.3 park items, tours at ~~Forestville Mystery Cave State Park~~, interpretation programs, educational  
 47.4 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be  
 47.5 credited to the state parks working capital account. Receipts and expenses from Douglas  
 47.6 Lodge shall be tracked separately within the account. Money in the account is annually  
 47.7 appropriated for the purchase and payment of expenses attributable to items for resale or  
 47.8 rental and operation of Douglas Lodge. Any excess receipts in this account are annually  
 47.9 appropriated for state park management and interpretive programs.

47.10 Sec. 28. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

47.11 Subdivision 1. ~~Areas marked~~ **Designation.** The commissioner of natural resources is  
 47.12 authorized in cooperation with local units of government and private individuals and groups  
 47.13 when feasible to ~~mark~~ manage state water trails on the Lake Superior water trail under  
 47.14 section 85.0155 and on the following rivers, which have historic, recreational, and scenic  
 47.15 values: Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon,  
 47.16 Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro,  
 47.17 Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa  
 47.18 from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River  
 47.19 of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, Shell Rock, and Vermilion in  
 47.20 St. Louis County, North Fork of the Crow, and South Fork of the Crow Rivers, which have  
 47.21 historic and scenic values, and to mark appropriately. The commissioner may map and sign  
 47.22 points of interest, public water access sites, portages, camp sites, and ~~all~~ dams, rapids,  
 47.23 waterfalls, ~~whirlpools~~, and other serious hazards that are dangerous to canoe, kayak, and  
 47.24 watercraft travelers. The commissioner may maintain passageway for watercraft on state  
 47.25 water trails.

47.26 Sec. 29. **[85.47] SPECIAL USE PERMITS; FEES.**

47.27 Fees collected for special use permits to use state trails not on state forest, state park, or  
 47.28 state recreation area lands and for use of state water access sites must be deposited in the  
 47.29 natural resources fund.

47.30 Sec. 30. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

47.31 Subd. 2. **Exemptions.** A watercraft license is not required for:

48.1 (1) a watercraft that is covered by a license or number in full force and effect under  
 48.2 federal law or a federally approved licensing or numbering system of another state, or a  
 48.3 watercraft that is owned by a person from another state and that state does not require  
 48.4 licensing that type of watercraft, and the watercraft has not been within this state for more  
 48.5 than 90 consecutive days, which does not include days that a watercraft is laid up at dock  
 48.6 over winter or for repairs at a Lake Superior port or another port in the state;

48.7 (2) a watercraft from a country other than the United States that has not been within this  
 48.8 state for more than 90 consecutive days, which does not include days that a watercraft is  
 48.9 laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

48.10 (3) a watercraft owned by the United States, an Indian tribal government, a state, or a  
 48.11 political subdivision of a state, except watercraft used for recreational purposes;

48.12 (4) a ship's lifeboat;

48.13 (5) a watercraft that has been issued a valid marine document by the United States  
 48.14 government;

48.15 (6) a waterfowl boat during waterfowl-hunting season;

48.16 (7) a rice boat during the harvest season;

48.17 (8) a seaplane;

48.18 (9) a nonmotorized watercraft ten feet in length or less; and

48.19 (10) a watercraft that is covered by a valid license or number issued by a federally  
 48.20 recognized Indian tribe in the state under a federally approved licensing or numbering system  
 48.21 and that is owned by a member of that tribe.

48.22 Sec. 31. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

48.23 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws  
 48.24 relating to watercraft, a person may not operate or permit the operation of a personal  
 48.25 watercraft:

48.26 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~  
 48.27 ~~Guard (USCG) approved~~ wearable personal flotation device ~~with a~~ that is approved by the  
 48.28 United States Coast Guard (USCG) and has a USCG label indicating ~~it~~ the flotation device  
 48.29 either is approved for or does not prohibit use with personal watercraft ~~or water skiing~~;

48.30 (2) between one hour before sunset and 9:30 a.m.;

48.31 (3) at greater than slow-no wake speed within 150 feet of:



- 49.1 (i) a shoreline;
- 49.2 (ii) a dock;
- 49.3 (iii) a swimmer;
- 49.4 (iv) a raft used for swimming or diving; or
- 49.5 (v) a moored, anchored, or nonmotorized watercraft;
- 49.6 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
- 49.7 device unless:
- 49.8 (i) an observer is on board; or
- 49.9 (ii) the personal watercraft is equipped with factory-installed or factory-specified
- 49.10 accessory mirrors that give the operator a wide field of vision to the rear;
- 49.11 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
- 49.12 or personal flotation device of the operator, if the personal watercraft is equipped by the
- 49.13 manufacturer with such a device;
- 49.14 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
- 49.15 tampered with so as to interfere with the return-to-idle system;
- 49.16 (7) to chase or harass wildlife;
- 49.17 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 49.18 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
- 49.19 including weaving through congested watercraft traffic, jumping the wake of another
- 49.20 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
- 49.21 backwards;
- 49.22 (10) in any other manner that is not reasonable and prudent; or
- 49.23 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
- 49.24 the personal watercraft so as to be in full view of the operator.
- 49.25 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft
- 49.26 to launch or land a person on water skis, a kneeboard, or similar device by the most direct
- 49.27 route to open water.

49.28 Sec. 32. Minnesota Statutes 2016, section 86B.511, is amended to read:

49.29 **86B.511 LIGHTS.**

50.1 Subdivision 1. Navigation lights. Except as provided in section 169.541, a watercraft  
 50.2 using the waters of this state, when underway or in use between sunset and sunrise, must  
 50.3 carry and display the navigation lights prescribed by the commissioner for the watercraft.

50.4 Subd. 2. Other lights. (a) No person may operate a watercraft with lights that are not  
 50.5 navigation lights required under subdivision 1, that are visible on the exterior of the  
 50.6 watercraft, and that:

50.7 (1) interfere with the visibility of navigation lights; or

50.8 (2) are red, green, or blue.

50.9 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public  
 50.10 safety activities may display an alternately flashing red and yellow light signal for  
 50.11 identification. The lights must not interfere with the visibility of the navigation lights. No  
 50.12 special privilege is granted. Operators must not presume that the light or exigency gives  
 50.13 them precedence or right-of-way.

50.14 (c) Notwithstanding paragraph (a), law enforcement may operate watercraft with lights  
 50.15 that are flashing blue when engaged in law enforcement activities. The lights must not  
 50.16 interfere with the visibility of the navigation lights.

50.17 (d) A first violation of this subdivision shall not result in a penalty, but is punishable  
 50.18 only by a safety warning. A second or subsequent violation is a petty misdemeanor.

50.19 Sec. 33. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

50.20 Subd. 3. Allocation of funding. (a) Notwithstanding section 16A.41, expenditures  
 50.21 directly related to each appropriation's purpose made on or after January 1 of the fiscal year  
 50.22 in which the grant is made or the date of work plan approval, whichever is later, are eligible  
 50.23 for reimbursement unless otherwise provided.

50.24 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be  
 50.25 determined by the commissioner on the basis of the following criteria:

50.26 (1) the number of watercraft using the waters wholly or partially within the county;

50.27 (2) the number of watercraft using particular bodies of water, wholly or partially within  
 50.28 the county, in relation to the size of the body of water and the type, speed, and size of the  
 50.29 watercraft utilizing the water body;

50.30 (3) the amount of water acreage wholly or partially within the county;

50.31 (4) the overall performance of the county in the area of boat and water safety;

51.1 (5) special considerations, such as volume of transient or nonresident watercraft use,  
 51.2 number of rental watercraft, extremely large bodies of water wholly or partially in the  
 51.3 county; or

51.4 (6) any other factor as determined by the commissioner.

51.5 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate  
 51.6 surveys or studies, or utilize local surveys or studies to determine the criteria required in  
 51.7 allocation funds.

51.8 Sec. 34. Minnesota Statutes 2016, section 88.523, is amended to read:

51.9 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

51.10 Upon application of the owner, any auxiliary forest contract may be made subject to any  
 51.11 provisions of law enacted subsequent to the execution of the contract and in force at the  
 51.12 time of application, so far as not already applicable, with the approval of the county board  
 51.13 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format  
 51.14 prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by  
 51.15 the commissioner in behalf of the state and by the owner. The supplemental agreement must  
 51.16 be filed and recorded in like manner as the supplemental contract under section 88.49,  
 51.17 subdivision 9, and takes effect upon filing and recording.

51.18 Sec. 35. Minnesota Statutes 2016, section 89.39, is amended to read:

51.19 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

51.20 Every individual, partnership, or private corporation to whom any planting stock is  
 51.21 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must  
 51.22 execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~  
 51.23 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~  
 51.24 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an  
 51.25 agreement who ~~shall violate any provision thereof shall~~, violates the agreement is, in addition  
 51.26 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three  
 51.27 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees  
 51.28 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for  
 51.29 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty shall be  
 51.30 is equal to three times the sale price. ~~Such~~ The penalties shall be are recoverable in a civil  
 51.31 action brought in the name of the state by the attorney general.

52.1 Sec. 36. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to  
52.2 read:

52.3 Subd. 1a. **Affiliate.** "Affiliate" means a person who:

52.4 (1) controls, is controlled by, or is under common control with any other person,  
52.5 including, without limitation, a partner, business entity with common ownership, or principal  
52.6 of any business entity or a subsidiary, parent company, or holding company of any person;  
52.7 or

52.8 (2) bids as a representative for another person.

52.9 Sec. 37. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

52.10 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who  
52.11 is the signatory of a permit to cut timber on state lands.

52.12 Sec. 38. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

52.13 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a  
52.14 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,  
52.15 and integrity requisite and necessary to perform according to the terms of a permit issued  
52.16 under this chapter; and is not currently debarred by ~~another~~ a government entity for any  
52.17 cause.

52.18 Sec. 39. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

52.19 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~  
52.20 ~~notification to the attorney general,~~ upon terms the commissioner deems just, any claim of  
52.21 the state for casual and involuntary trespass upon state lands or timber; provided that no  
52.22 claim shall be settled for less than the full value of all timber or other materials taken in  
52.23 casual trespass or the full amount of all actual damage or loss suffered by the state as a  
52.24 result. Upon request, the commissioner shall advise the Executive Council of any information  
52.25 acquired by the commissioner concerning any trespass on state lands, giving all details and  
52.26 names of witnesses and all compromises and settlements made under this subdivision.

52.27 Sec. 40. Minnesota Statutes 2016, section 90.051, is amended to read:

52.28 **90.051 SUPERVISION OF SALES; BOND.**

53.1 The department employee delegated to supervise state timber appraisals and sales shall  
53.2 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum  
53.3 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

53.4 Sec. 41. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

53.5 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner  
53.6 shall compile a list containing a description of each tract of land upon which any timber to  
53.7 be offered is situated and a statement of the estimated quantity of timber and of the appraised  
53.8 price of each kind of timber thereon as shown by the report of the state appraiser. No  
53.9 description shall be added after the list is posted and no timber shall be sold from land not  
53.10 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.  
53.11 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet  
53.12 or conspicuously posted in the forest office or other public facility most accessible to potential  
53.13 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to  
53.14 be published once not less than one week before the date of sale in a legal newspaper in the  
53.15 county or counties where the land is situated. The notice shall state the time and place of  
53.16 the sale and the location at which further information regarding the sale may be obtained.  
53.17 The commissioner may give other published or posted notice as the commissioner deems  
53.18 proper to reach prospective bidders.

53.19 Sec. 42. Minnesota Statutes 2016, section 90.14, is amended to read:

53.20 **90.14 AUCTION SALE PROCEDURE.**

53.21 (a) All state timber shall be offered and sold by the same unit of measurement as it was  
53.22 appraised. No tract shall be sold to any person other than the ~~purchaser~~ responsible bidder  
53.23 in whose name the bid was made. The commissioner may refuse to approve any and all bids  
53.24 received and cancel a sale of state timber for good and sufficient reasons.

53.25 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,  
53.26 or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
53.27 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
53.28 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
53.29 liable therefor to the state in a civil action, and the commissioner may reoffer the timber  
53.30 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been  
53.31 made.

53.32 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
53.33 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of

54.1 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~  
 54.2 commissioner to purchase a permit based solely on the appraiser's estimate of the volume  
 54.3 of timber described in the permit, provided that the commissioner has expressly designated  
 54.4 the availability of such option for that tract on the list of tracts available for sale as required  
 54.5 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the  
 54.6 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate  
 54.7 of the volume of timber described on the permit does not have recourse to the provisions  
 54.8 of section 90.281.

54.9 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be  
 54.10 awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
 54.11 percent of the appraised value that must be received or postmarked within 14 days of the  
 54.12 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser  
 54.13 is liable for the down payment to the state and the commissioner may offer the timber for  
 54.14 sale to the next highest bidder as though no higher bid had been made.

54.15 (e) Except as otherwise provided by law, at the time the purchaser signs a permit issued  
 54.16 under section 90.151, the commissioner shall require the purchaser to make a bid guarantee  
 54.17 payment to the commissioner in an amount equal to 15 percent of the total purchase price  
 54.18 of the permit less the down payment amount required by paragraph (b) for any bid increase  
 54.19 in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not  
 54.20 submitted with the signed permit, no harvesting may occur, the permit cancels, and the  
 54.21 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the  
 54.22 state if the purchaser and successors in interest fail to execute an effective permit.

54.23 Sec. 43. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

54.24 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section  
 54.25 90.151, the commissioner may establish a registration system to verify the qualifications  
 54.26 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system  
 54.27 implemented by the commissioner shall be limited in scope to only that information that is  
 54.28 required for the efficient administration of the purchaser qualification requirements of this  
 54.29 chapter. The registration system established under this subdivision is not subject to the  
 54.30 rulemaking provisions of chapter 14 and section 14.386 does not apply.

54.31 Sec. 44. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

54.32 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for  
 54.33 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered

55.1 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,  
 55.2 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut  
 55.3 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report  
 55.4 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be  
 55.5 correctly dated and executed by the commissioner and signed by the purchaser. If a permit  
 55.6 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels  
 55.7 and the down payment for timber required under section 90.14 forfeits to the state. The  
 55.8 commissioner may grant an additional period for the purchaser to sign the permit, not to  
 55.9 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

55.10 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the  
 55.11 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must  
 55.12 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit  
 55.13 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and  
 55.14 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and  
 55.15 removing all equipment and buildings. All cut timber, equipment, and buildings not removed  
 55.16 from the land after expiration of the permit becomes the property of the state.

55.17 (c) The commissioner may grant ~~an additional period of~~ time not to exceed 240 days  
 55.18 for ~~the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written  
 55.19 request by the permit holder for good and sufficient reasons. The permit holder may combine  
 55.20 in the written request under this paragraph the request for additional time under paragraph  
 55.21 (b).

55.22 Sec. 45. Minnesota Statutes 2016, section 90.162, is amended to read:

55.23 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

55.24 In lieu of the security deposit equal to the value of all timber covered by the permit  
 55.25 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format  
 55.26 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state  
 55.27 of Minnesota equal to the purchase price for any designated cutting block identified on the  
 55.28 permit before the date the purchaser enters upon the land to begin harvesting the timber on  
 55.29 the designated cutting block.

55.30 Sec. 46. Minnesota Statutes 2016, section 90.252, is amended to read:

55.31 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**  
 55.32 **FEES.**

56.1 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with  
 56.2 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling  
 56.3 of the cut timber and the collection of the payment for the same can be consummated by  
 56.4 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the  
 56.5 ~~attorney general~~ commissioner and ~~shall~~ must provide for a bond or cash in lieu of a bond  
 56.6 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling  
 56.7 and payment collection procedure may be used for any state timber sale, except that no  
 56.8 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the  
 56.9 scaling is supervised by a state scaler.

56.10 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an  
 56.11 agreement with the owner or operator of any weight scale inspected, tested, and approved  
 56.12 under chapter 239 to provide weight measurements for ~~the~~ scaling of state timber according  
 56.13 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the  
 56.14 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any  
 56.15 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect  
 56.16 the interests of the state. Except as otherwise provided by the commissioner, the cost of any  
 56.17 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit  
 56.18 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the  
 56.19 statement of the amount due for the permit under section 90.181, subdivision 1.

56.20 Sec. 47. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

56.21 Subd. 4. **Administration and enforcement.** The commissioner shall administer and  
 56.22 enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the  
 56.23 commissioner may (1) conduct such investigations and inspections as the commissioner  
 56.24 deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon  
 56.25 any parts of the mining areas in connection with any such investigation and inspection  
 56.26 without liability to the operator or landowner provided that reasonable prior notice of  
 56.27 intention to do so shall have been given the operator or landowner; (3) conduct such research  
 56.28 or enter into contracts related to mining areas and the reclamation thereof as may be necessary  
 56.29 to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits  
 56.30 that are approved by the commissioner under a permit to mine on or after July 1, 1991, and  
 56.31 that are not otherwise deposited in a state wetland bank.

56.32 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.



57.1 Sec. 48. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

57.2 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land  
 57.3 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~  
 57.4 commissioner determines that the title to the land proposed to be conveyed to the state is  
 57.5 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except  
 57.6 reservations herein authorized. The commissioner may use title insurance to aid in the title  
 57.7 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must  
 57.8 submit an abstract of title and make and file with the commissioner an affidavit as to  
 57.9 possession of the land, improvements, liens, and encumbrances thereon, and other matters  
 57.10 affecting the title.

57.11 Sec. 49. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

57.12 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be  
 57.13 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be  
 57.14 approved by the county attorney in like manner as provided for approval by the ~~attorney~~  
 57.15 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title  
 57.16 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

57.17 Sec. 50. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision  
 57.18 to read:

57.19 Subd. 35a. **Portable shelter.** "Portable shelter" means a fish house, dark house, or other  
 57.20 shelter that is set on the ice of state waters to provide shelter and that collapses, folds, or is  
 57.21 disassembled for transportation.

57.22 Sec. 51. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

57.23 Subd. 39. **Protected wild animals.** "Protected wild animals" are the following wild  
 57.24 ~~animals;~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,  
 57.25 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,  
 57.26 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal  
 57.27 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter  
 57.28 6134, and wild animals that are protected by a restriction in the time or manner of taking,  
 57.29 other than a restriction in the use of artificial lights, poison, or motor vehicles.

58.1 Sec. 52. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

58.2 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,  
58.3 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,  
58.4 threatened, or of special concern in Minnesota Rules, chapter 6134.

58.5 Sec. 53. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

58.6 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,  
58.7 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,  
58.8 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,  
58.9 wolverine, muskrat, mink, otter, and beaver.

58.10 Sec. 54. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

58.11 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~  
58.12 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,  
58.13 quail other than bobwhite quail, and mute swan.

58.14 Sec. 55. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

58.15 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals  
58.16 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,  
58.17 striped skunk, and unprotected birds, except any animal species listed as endangered,  
58.18 threatened, or of special concern in Minnesota Rules, chapter 6134.

58.19 Sec. 56. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

58.20 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~  
58.21 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities  
58.22 in other states and the United States government to provide for:

58.23 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents  
58.24 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result  
58.25 in license revocation in that jurisdiction;

58.26 (2) reporting convictions and license revocations of residents of signatory states for  
58.27 violations of game and fish laws of Minnesota to game and fish authorities in the  
58.28 nonresident's state of residence; and

59.1 (3) release upon signature without posting of bail for residents of signatory states accused  
 59.2 of game and fish law violations in this state, providing for recovery, in the resident  
 59.3 jurisdiction, of fines levied if the citation is not answered in this state.

59.4 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

59.5 Sec. 57. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

59.6 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
 59.7 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
 59.8 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
 59.9 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

59.10 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife  
 59.11 trust fund, established in section 97A.4742, for each license issued under section 97A.473,  
 59.12 subdivision 4, shall be credited to the deer management account and is appropriated to the  
 59.13 commissioner for deer habitat improvement or deer management programs.

59.14 (c) \$1 from each annual deer license and each bear license and \$1 annually from the  
 59.15 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued  
 59.16 under section 97A.473, subdivision 4, shall be credited to the deer and bear management  
 59.17 account and is appropriated to the commissioner for deer and bear management programs,  
 59.18 including a computerized licensing system.

59.19 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
 59.20 cervidae health management account and is appropriated for emergency deer feeding and  
 59.21 wild cervidae health management. Money appropriated for emergency deer feeding and  
 59.22 wild cervidae health management is available until expended.

59.23 When the unencumbered balance in the appropriation for emergency deer feeding and  
 59.24 wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
 59.25 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear  
 59.26 management programs and computerized licensing.

59.27 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~  
 59.28 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~  
 59.29 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~  
 59.30 ~~account under subdivision 7.~~

59.31 **EFFECTIVE DATE.** This section is effective July 1 of the year following the year the  
 59.32 wolf is delisted under the federal Endangered Species Act.

60.1 Sec. 58. Minnesota Statutes 2016, section 97B.001, is amended by adding a subdivision  
60.2 to read:

60.3 Subd. 9. **Placing traps or snares on private land; written permission required.** A  
60.4 person may not set or place a trap or snare on private property that is not subject to a  
60.5 requirement to be open to the public, other than property owned or occupied by the person,  
60.6 unless the person has the written permission of the owner, occupant, or lessee of the private  
60.7 property. This subdivision includes, but is not limited to, written permission to access private  
60.8 property from waters of the state when the trap or snare is placed or staked in the water.

60.9 Sec. 59. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

60.10 The commissioner of natural resources shall not adopt rules further restricting the use  
60.11 of lead shot.

60.12 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
60.13 applies to rules adopted on or after that date.

60.14 Sec. 60. Minnesota Statutes 2016, section 97B.071, is amended to read:

60.15 **97B.071 ~~BLAZE ORANGE~~ CLOTHING REQUIREMENTS; BLAZE ORANGE**  
60.16 **OR BLAZE PINK.**

60.17 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt or  
60.18 trap during the open season where deer may be taken by firearms under applicable laws and  
60.19 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,  
60.20 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink  
60.21 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each  
60.22 foot square. This section does not apply to migratory-waterfowl hunters on waters of this  
60.23 state or in a stationary shooting location or to trappers on waters of this state.

60.24 (b) Except as provided in rules adopted under paragraph (c), and in addition to the  
60.25 requirement in paragraph (a), a person may not take small game other than turkey, migratory  
60.26 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one  
60.27 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph  
60.28 does not apply to a person when in a stationary location while hunting deer by archery or  
60.29 when hunting small game by falconry.

60.30 (c) The commissioner may, by rule, prescribe an alternative color in cases where  
60.31 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public  
60.32 Law 103-141.

61.1 (d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by  
61.2 a safety warning.

61.3 Sec. 61. Minnesota Statutes 2016, section 97B.405, is amended to read:

61.4 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

61.5 (a) The commissioner may limit the number of persons that may hunt bear in an area,  
61.6 if it is necessary to prevent an overharvest or improve the distribution of hunters. The  
61.7 commissioner may establish, by rule, a method, including a drawing, to impartially select  
61.8 the hunters for an area. The commissioner shall give preference to hunters that have  
61.9 previously applied and have not been selected.

61.10 (b) If the commissioner limits the number of persons that may hunt bear in an area under  
61.11 paragraph (a), the commissioner must reserve one permit and give first preference for that  
61.12 permit to a resident of a Minnesota veterans home.

61.13 ~~(b)~~ (c) A person selected through a drawing must purchase a license by August 1. Any  
61.14 remaining available licenses not purchased shall be issued to any eligible person as prescribed  
61.15 by the commissioner on a first-come, first-served basis beginning three business days after  
61.16 August 1.

61.17 Sec. 62. Minnesota Statutes 2016, section 97B.431, is amended to read:

61.18 **97B.431 BEAR-HUNTING OUTFITTERS.**

61.19 (a) A person may not place bait for bear, or guide hunters to take bear, for compensation  
61.20 without a bear-hunting-outfitter license. A bear-hunting outfitter is not required to have a  
61.21 license to take bear unless the outfitter is attempting to shoot a bear. The commissioner  
61.22 shall adopt rules for qualifications for issuance and administration of the licenses.

61.23 (b) The commissioner shall establish a resident master bear-hunting-outfitter license  
61.24 under which one person serves as the bear-hunting outfitter and one other person is eligible  
61.25 to guide and bait bear. Additional persons may be added to the license and are eligible to  
61.26 guide and bait bear under the license, provided the additional fee under section 97A.475,  
61.27 subdivision 16, is paid for each person added. The commissioner shall adopt rules for  
61.28 qualifications for issuance and administration of the licenses. The commissioner must not  
61.29 require a person to have certification or training in first aid or CPR to be eligible for a license  
61.30 under this section.

62.1 Sec. 63. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

62.2 Subdivision 1. **Owners and occupants may take certain animals.** A person or the  
62.3 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,  
62.4 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the  
62.5 person where the animal is causing damage. The person or the person's agent may take the  
62.6 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed  
62.7 season or by poison. Raccoons may be taken under this subdivision with artificial lights  
62.8 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,  
62.9 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer  
62.10 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

62.11 Sec. 64. Minnesota Statutes 2016, section 97C.315, subdivision 1, is amended to read:

62.12 Subdivision 1. **Lines.** An angler may not use more than one line except:

62.13 (1) two lines may be used to take fish through the ice; ~~and~~

62.14 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by  
62.15 the commissioner in Lake Superior; and

62.16 (3) two lines may be used to take fish during the open-water season, except on waters  
62.17 during a catch and release season for any species, by a resident or nonresident angler who  
62.18 purchases a second-line endorsement for \$5. Of the amount collected from purchases of  
62.19 second-line endorsements, 50 percent must be spent on walleye stocking.

62.20 **EFFECTIVE DATE.** This section is effective March 1, 2018.

62.21 Sec. 65. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

62.22 Subd. 2a. **Portable shelters.** (a) A person using a portable shelter that is not identified  
62.23 under subdivision 1 may not leave the portable shelter unattended between midnight and  
62.24 sunrise and must remain within 200 feet of the shelter while the shelter is on the ice of state  
62.25 waters.

62.26 (b) If a person leaves the portable shelter unattended any time between midnight and  
62.27 one hour before sunrise or is not within 200 feet of the portable shelter, the portable shelter  
62.28 must be licensed as provided under subdivision 2.

63.1 Sec. 66. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

63.2 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person  
63.3 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~  
63.4 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

63.5 ~~(b) The restrictions in paragraph (a) do not apply to boundary waters.~~

63.6 Sec. 67. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

63.7 Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without  
63.8 a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A  
63.9 person must purchase a minnow retailer license for each minnow retail outlet operated,  
63.10 except as provided by subdivision 2, paragraph (d).

63.11 (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor  
63.12 vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow  
63.13 retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not  
63.14 required to obtain a minnow retailer's vehicle license:

63.15 (1) as provided in subdivision 3;

63.16 (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting  
63.17 minnows purchased from a minnow dealer's place of business directly to the resort, possesses  
63.18 a detailed receipt, including the date and time of purchase, and presents the receipt and  
63.19 minnows for inspection upon request; or

63.20 (3) if minnows are being transported by common carrier and information is provided  
63.21 that allows the commissioner to find out the location of the shipment in the state.

63.22 Sec. 68. Minnesota Statutes 2016, section 97C.515, subdivision 2, is amended to read:

63.23 Subd. 2. **Permit for transportation; importation.** (a) A person may transport live  
63.24 minnows through the state with a permit from the commissioner. The permit must state the  
63.25 name and address of the person, the number and species of minnows, the point of entry into  
63.26 the state, the destination, and the route through the state. The permit is not valid for more  
63.27 than 12 hours after it is issued. A person must not import minnows into the state except as  
63.28 provided in this section.

63.29 (b) Minnows transported under this subdivision must be in a tagged container. The tag  
63.30 number must correspond with tag numbers listed on the minnow transportation permit.

64.1 (c) The commissioner may require the person transporting minnow species found on  
 64.2 the official list of viral hemorrhagic septicemia susceptible species published by the United  
 64.3 States Department of Agriculture, Animal and Plant Health Inspection Services, to provide  
 64.4 health certification for viral hemorrhagic septicemia. The certification must disclose any  
 64.5 incidentally isolated replicating viruses, and must be dated within the 12 months preceding  
 64.6 transport.

64.7 (d) Golden shiner minnows may be imported as provided in this subdivision. Golden  
 64.8 shiner minnows that are imported must be certified as healthy according to Arkansas  
 64.9 standards in accordance with the Arkansas baitfish certification program.

64.10 (e) Golden shiner minnows must be certified free of viral hemorrhagic septicemia,  
 64.11 infectious hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp  
 64.12 virus, fathead minnow nidovirus, heterosporis, aeromonas salmonicida, and yersinia ruckeri.

64.13 (f) Golden shiner minnows must originate from a biosecure facility that has tested  
 64.14 negative for invasive species.

64.15 (g) Only a person that holds a Minnesota wholesale minnow dealer's license issued under  
 64.16 section 97C.501, subdivision 2, may obtain a permit to import golden shiner minnows.

64.17 Sec. 69. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision  
 64.18 to read:

64.19 Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person  
 64.20 possessing a valid resident or nonresident angling license or a person not required to have  
 64.21 an angling license to take fish may take and possess at any time, for personal use only, not  
 64.22 more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may  
 64.23 be harvested in waters of the state where fish may be taken by angling. Mussel shells must  
 64.24 be harvested by hand-picking only and may not be purchased or sold.

64.25 Sec. 70. [103A.213] **PROGRESS FOR IMPROVING WATER QUALITY.**

64.26 Subdivision 1. **Water quality; improvement goal.** It is the goal of the state to accelerate  
 64.27 the pace of progress for improving water-quality protection and restoration to reach a goal  
 64.28 of 25 percent improvement in water quality by 2025. Progress must be reviewed by and  
 64.29 based on measures reported by the cooperating agencies listed under subdivision 2 or as  
 64.30 described in local water management plans approved and adopted under chapter 103B.

64.31 Subd. 2. **Cooperating agencies and input process.** The Departments of Agriculture,  
 64.32 Health, and Natural Resources, the Pollution Control Agency, the Board of Water and Soil



65.1 Resources, the Metropolitan Council, the Public Facilities Authority, and the Environmental  
65.2 Quality Board must jointly conduct a broad public and stakeholder engagement process  
65.3 across the state seeking input on how to achieve the goal under subdivision 1. The process  
65.4 must consider, but is not limited to, water safety and quality parameters such as chloride,  
65.5 infectious agents, phosphorus, sediment, nitrates, lead, and other factors that can contribute  
65.6 to biological and human health risks. The Clean Water Council and local government  
65.7 representatives must be consulted before the public and stakeholder input process begins.  
65.8 The initial public and stakeholder input process must be completed by November 15, 2017.

65.9 Subd. 3. **Scope of public and stakeholder input.** The public and stakeholder input  
65.10 process must include, but is not limited to, obtaining input on:

65.11 (1) what additional data or analyses are needed and how the data or analyses can be used  
65.12 to accomplish and measure progress toward the goal;

65.13 (2) mechanisms to provide assurance, accountability, and cost-benefit measures for  
65.14 accomplishing progress toward the goal;

65.15 (3) what changes to the Clean Water Legacy Act or other state statutes or agency  
65.16 programs would be helpful to accelerate and sustain progress toward the goal;

65.17 (4) what local government programs or authorities could be added or modified to  
65.18 accelerate and sustain progress toward the goal;

65.19 (5) options to prioritize, sequence, and locate multiple-benefit practices, projects, and  
65.20 infrastructure needed to accelerate and sustain progress toward the goal;

65.21 (6) options to leverage nonstate funding for practices, projects, and infrastructure needed  
65.22 to accelerate and sustain progress toward the goal;

65.23 (7) how technology and private sector roles or investments could be used to accelerate  
65.24 and sustain progress toward the goal;

65.25 (8) how to accomplish personal, community, ecological, and economic health objectives  
65.26 and goals as part of accelerating and sustaining progress toward the water quality  
65.27 improvement goal; and

65.28 (9) information deemed relevant and useful according to the objectives outlined in  
65.29 sections 103A.212, 103H.001, and 114D.10 and other related information deemed relevant  
65.30 and useful by the Departments of Agriculture, Health, and Natural Resources, the Pollution  
65.31 Control Agency, the Board of Water and Soil Resources, the Metropolitan Council, the  
65.32 Public Facilities Authority, and the Environmental Quality Board.

66.1 Subd. 4. Report and recommendations. By December 15, 2017, the cooperating  
 66.2 agencies must jointly submit a report to the governor and the Legislative Water Commission  
 66.3 on the results of the public input process. The report must include any policy and budget  
 66.4 recommendations based on the input received.

66.5 EFFECTIVE DATE. This section is effective the day following final enactment.

66.6 Sec. 71. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

66.7 Subd. 12a. **Authority to issue penalty orders.** (a) ~~A county or watershed district with~~  
 66.8 ~~jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations  
 66.9 of the water resources riparian protection requirements under sections 103F.415, 103F.421,  
 66.10 and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500  
 66.11 for noncompliance commencing on day one of the 11th month after the noncompliance  
 66.12 notice was issued. The proceeds collected from an administrative penalty order issued under  
 66.13 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~  
 66.14 ~~noncompliant site, or otherwise remitted to~~ the Board of Water and Soil Resources.

66.15 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt  
 66.16 a plan containing procedures for the issuance of administrative penalty orders ~~by local~~  
 66.17 ~~governments and the board as authorized in this subdivision.~~ This plan, and any subsequent  
 66.18 amendments, will become effective 30 days after being published in the State Register. The  
 66.19 initial plan must be published in the State Register no later than July 1, 2017.

66.20 (c) Administrative penalties may be reissued and appealed under paragraph (a) according  
 66.21 to section 103F.48, subdivision 9.

66.22 Sec. 72. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

66.23 Subdivision 1. **Authority.** The Board of Water and Soil Resources, in consultation with  
 66.24 counties, soil and water conservation districts, and other appropriate agencies, shall adopt  
 66.25 a model ordinance and rules that serve as a guide for local governments that have adopted  
 66.26 a soil loss ordinance to implement sections 103F.401 to 103F.455 and provide administrative  
 66.27 procedures for the board for sections 103F.401 to 103F.455.

66.28 Sec. 73. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

66.29 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
 66.30 the meanings given them.

66.31 (b) "Board" means the Board of Water and Soil Resources.

67.1 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants  
 67.2 and noxious weeds, adjacent to all bodies of water within the state and that protects the  
 67.3 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and  
 67.4 protects or provides riparian corridors.

67.5 (d) "Buffer protection map" means buffer maps established and maintained by the  
 67.6 commissioner of natural resources.

67.7 (e) "Commissioner" means the commissioner of natural resources.

67.8 (f) "Executive director" means the executive director of the Board of Water and Soil  
 67.9 Resources.

67.10 (g) "Local water management authority" means a watershed district, metropolitan water  
 67.11 management organization, or county operating separately or jointly in its role as local water  
 67.12 management authority under chapter 103B or 103D.

67.13 (h) "Normal water level" means the level evidenced by the long-term presence of surface  
 67.14 water as indicated directly by hydrophytic plants or hydric soils or indirectly determined  
 67.15 via hydrological models or analysis.

67.16 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~  
 67.17 means public waters as used in this section applies to waters that are on the public waters  
 67.18 inventory as provided in section 103G.201 that have water in them continually for 12 months  
 67.19 each year.

67.20 (j) "With jurisdiction" means a board determination that the county or watershed district  
 67.21 has adopted a rule, ordinance, or official controls providing procedures for ~~the issuance of~~  
 67.22 ~~administrative penalty orders, enforcement, and appeals for purposes of this section and~~  
 67.23 ~~section 103B.101, subdivision 12a~~ enforcing this section.

67.24 Sec. 74. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

67.25 Subd. 3. **Water resources riparian protection requirements on public waters and**  
 67.26 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning  
 67.27 property adjacent to a water body identified and mapped on a buffer protection map must  
 67.28 maintain a buffer to protect the state's water resources as follows:

67.29 (1) for all public waters that have a shoreland classification, the more restrictive of:

67.30 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially  
 67.31 rooted vegetation; or

68.1 (ii) the state shoreland standards and criteria adopted by the commissioner under section  
68.2 103F.211; and

68.3 (2) for public drainage systems established under chapter 103E and public waters that  
68.4 do not have a shoreland classification, a 16.5-foot minimum width continuous buffer as  
68.5 provided in section 103E.021, subdivision 1. The buffer vegetation shall not impede future  
68.6 maintenance of the ditch.

68.7 (b) A landowner owning property adjacent to a water body identified in a buffer protection  
68.8 map and whose property is used for cultivation farming may meet the requirements under  
68.9 paragraph (a) by adopting an alternative riparian water quality practice, or combination of  
68.10 structural, vegetative, and management practices, based on the Natural Resources  
68.11 Conservation Service Field Office Technical Guide or other practices approved by the local  
68.12 soil and water conservation district board, that provide water quality protection comparable  
68.13 to the buffer protection for the water body that the property abuts. Included in these practices  
68.14 are retention ponds and alternative measures that prevent overland flow to the water resource.  
68.15 A landowner, authorized agent, or operator may request the soil and water conservation  
68.16 district to make a determination whether a specific alternative water quality practice would  
68.17 meet the applicable requirements under this section. If a landowner, authorized agent, or  
68.18 operator has requested, at least 90 days before the applicable effective date under paragraph  
68.19 (e), that the soil and water conservation district make a determination, then the landowner  
68.20 must not be found noncompliant until the soil and water conservation district has notified  
68.21 the landowner, agent, or operator in writing whether the practice would meet the applicable  
68.22 requirements.

68.23 (c) The width of a buffer on public waters must be measured from the top or crown of  
68.24 the bank. Where there is no defined bank, measurement must be from the edge of the normal  
68.25 water level. The width of the buffer on public drainage systems must be measured as provided  
68.26 in section 103E.021, subdivision 1.

68.27 (d) Upon request by a landowner or authorized agent or operator of a landowner, a  
68.28 technical professional employee or contractor of the soil and water conservation district or  
68.29 its delegate may issue a validation of compliance with the requirements of this subdivision.  
68.30 The soil and water conservation district validation may be appealed to the board as described  
68.31 in subdivision 9.

68.32 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)  
68.33 must be in place on or before:

68.34 (1) November 1, ~~2017~~ 2019, for public waters; and

69.1 (2) November 1, ~~2018~~ 2020, for public drainage systems.

69.2 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or  
69.3 operator of a landowner to participate in federal or state conservation programs, including  
69.4 enrolling or reenrolling in federal conservation programs.

69.5 (g) After the effective date of this section, a person planting buffers or water quality  
69.6 protection practices to meet the requirements in paragraph (a) must use only seed mixes  
69.7 that were grown and processed in Minnesota. The board, a county, or a watershed district  
69.8 must not take corrective action under subdivision 7 against a landowner who does not have  
69.9 seed available to comply with this paragraph.

69.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

69.11 Sec. 75. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

69.12 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines  
69.13 a landowner is not in compliance with this section, and the landowner has declined state or  
69.14 federal assistance to pay 100 percent of the cost to establish buffers or other water resource  
69.15 protection measures approved by the board and annual payments or an easement for the  
69.16 land, the district must notify the county or watershed district with jurisdiction over the  
69.17 noncompliant site and the board. The county or watershed district with jurisdiction or the  
69.18 board must provide the landowner with a list of corrective actions needed to come into  
69.19 compliance and a practical timeline to meet the requirements in this section. The county or  
69.20 watershed district with jurisdiction must provide a copy of the corrective action notice to  
69.21 the board.

69.22 (b) A county or watershed district exercising jurisdiction under this subdivision ~~and the~~  
69.23 ~~enforcement authority granted in section 103B.101, subdivision 12a,~~ shall affirm their  
69.24 jurisdiction and identify the ordinance, rule, or other official controls to carry out the  
69.25 compliance provisions of this section ~~and section 103B.101, subdivision 12a,~~ by notice to  
69.26 the board ~~prior to March 31, 2017.~~ A county or watershed district must provide notice to  
69.27 the board at least 60 days prior to the effective date of a subsequent decision on their  
69.28 jurisdiction.

69.29 (c) If the landowner does not comply with the list of actions and timeline provided, the  
69.30 county or watershed district may enforce this section ~~under the authority granted in section~~  
69.31 ~~103B.101, subdivision 12a,~~ or by rule of the watershed district or ordinance or other official  
69.32 control of the county. ~~Before exercising administrative penalty authority, a county or~~  
69.33 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~

70.1 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~  
70.2 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant  
70.3 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the  
70.4 board must enforce this section under the authority granted in section 103B.101, subdivision  
70.5 12a.

70.6 (d) If the county, watershed district, or board determines that sufficient steps have been  
70.7 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

70.8 (e) An order issued under paragraph (c) may be appealed to the board as provided under  
70.9 subdivision 9.

70.10 (f) A corrective action is not required for conditions resulting from a flood or other act  
70.11 of nature.

70.12 (g) A landowner agent or operator of a landowner may not remove or willfully degrade  
70.13 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator  
70.14 has obtained a signed statement from the property owner stating that the permission for the  
70.15 work has been granted by the unit of government authorized to approve the work in this  
70.16 section or that a buffer or water quality practice is not required as validated by the soil and  
70.17 water conservation district. Removal or willful degradation of a riparian buffer or water  
70.18 quality practice, wholly or partially, by an agent or operator is a separate and independent  
70.19 offense and may be subject to the corrective actions and penalties in this subdivision.

70.20 (h) A county or watershed district or the board shall not enforce this section unless  
70.21 federal or state assistance is available to the landowner to pay 100 percent of the cost to  
70.22 establish buffers or other water resource protection measures approved by the board and  
70.23 annual payments or an easement for the land.

70.24 Sec. 76. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision  
70.25 to read:

70.26 Subd. 8a. **Constructed management facilities for storm water.** "Constructed  
70.27 management facilities for storm water" means ponds, basins, holding tanks, cisterns,  
70.28 infiltration trenches and swales, or other best management practices that have been designed,  
70.29 constructed, and operated to store or treat storm water in accordance with local, state, or  
70.30 federal requirements.

71.1 Sec. 77. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

71.2 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a  
71.3 county ~~or~~<sub>2</sub> watershed, or, for purposes of wetland replacement, bank service area where 80  
71.4 percent or more of the presettlement wetland acreage is intact and:

71.5 (1) ten percent or more of the current total land area is wetland; or

71.6 (2) 50 percent or more of the current total land area is state or federal land.

71.7 Sec. 78. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

71.8 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county ~~or~~<sub>2</sub>  
71.9 watershed, or, for purposes of wetland replacement, bank service area with less than 50  
71.10 percent of the presettlement wetland acreage intact or any county ~~or~~<sub>2</sub> watershed, or bank  
71.11 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

71.12 Sec. 79. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

71.13 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
71.14 partially, unless replaced by actions that provide at least equal public value under a  
71.15 replacement plan approved as provided in section 103G.2242, a replacement plan under a  
71.16 local governmental unit's comprehensive wetland protection and management plan approved  
71.17 by the board under section 103G.2243, or, if a permit to mine is required under section  
71.18 93.481, under a mining reclamation plan approved by the commissioner under the permit  
71.19 to mine. Project-specific wetland replacement plans submitted as part of a project for which  
71.20 a permit to mine is required and approved by the commissioner on or after July 1, 1991,  
71.21 may include surplus wetland credits to be allocated by the commissioner to offset future  
71.22 mining-related wetland impacts under any permits to mine held by the permittee, the operator,  
71.23 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an  
71.24 assignment under section 93.481, subdivision 5. For project-specific wetland replacement  
71.25 completed prior to wetland impacts authorized or conducted under a permit to mine within  
71.26 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
71.27 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
71.28 plans shall apply the same principles and standards for replacing wetlands that are applicable  
71.29 to mitigation plans approved as provided in section 103G.2242. Public value must be  
71.30 determined in accordance with section 103B.3355 or a comprehensive wetland protection  
71.31 and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372  
71.32 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4,  
71.33 and 5 wetlands.

72.1 (b) Replacement must be guided by the following principles in descending order of  
72.2 priority:

72.3 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish  
72.4 the wetland;

72.5 (2) minimizing the impact by limiting the degree or magnitude of the wetland activity  
72.6 and its implementation;

72.7 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland  
72.8 environment;

72.9 (4) reducing or eliminating the impact over time by preservation and maintenance  
72.10 operations during the life of the activity;

72.11 (5) compensating for the impact by restoring a wetland; and

72.12 (6) compensating for the impact by replacing or providing substitute wetland resources  
72.13 or environments.

72.14 For a project involving the draining or filling of wetlands in an amount not exceeding  
72.15 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
72.16 paragraph (a), the local government unit may make an on-site sequencing determination  
72.17 without a written alternatives analysis from the applicant.

72.18 (c) If a wetland is located in a cultivated field, then replacement must be accomplished  
72.19 through restoration only without regard to the priority order in paragraph (b), provided that  
72.20 the altered wetland is not converted to a nonagricultural use for at least ten years.

72.21 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
72.22 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction  
72.23 that prohibits nonagricultural use for at least ten years. The local government unit may  
72.24 require the deed restriction if it determines the wetland area drained is at risk of conversion  
72.25 to a nonagricultural use within ten years based on the zoning classification, proximity to a  
72.26 municipality or full service road, or other criteria as determined by the local government  
72.27 unit.

72.28 (e) Restoration and replacement of wetlands must be accomplished in accordance with  
72.29 the ecology of the landscape area affected and ponds that are created primarily to fulfill  
72.30 storm water management, and water quality treatment requirements may not be used to  
72.31 satisfy replacement requirements under this chapter unless the design includes pretreatment  
72.32 of runoff and the pond is functioning as a wetland.



73.1 (f) Except as provided in paragraph (g), for a wetland or public waters wetland located  
73.2 on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland  
73.3 for each acre of drained or filled wetland.

73.4 (g) For a wetland or public waters wetland located on agricultural land or in a greater  
73.5 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for  
73.6 each acre of drained or filled wetland.

73.7 (h) Wetlands that are restored or created as a result of an approved replacement plan are  
73.8 subject to the provisions of this section for any subsequent drainage or filling.

73.9 (i) Except in a greater than 80 percent area, only wetlands that have been restored from  
73.10 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
73.11 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
73.12 created by dikes or dams associated with the restoration of previously drained or filled  
73.13 wetlands may be used for wetland replacement according to rules adopted under section  
73.14 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring  
73.15 wetlands from one type to another are not eligible for wetland replacement.

73.16 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
73.17 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
73.18 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
73.19 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
73.20 to believe that the wetland characteristics may change substantially, the panel shall postpone  
73.21 its recommendation until the wetland has stabilized.

73.22 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply  
73.23 to the state and its departments and agencies.

73.24 (l) For projects involving draining or filling of wetlands associated with a new public  
73.25 transportation project, and for projects expanded solely for additional traffic capacity, public  
73.26 transportation authorities may purchase credits from the board at the cost to the board to  
73.27 establish credits. Proceeds from the sale of credits provided under this paragraph are  
73.28 appropriated to the board for the purposes of this paragraph. For the purposes of this  
73.29 paragraph, "transportation project" does not include an airport project.

73.30 (m) A replacement plan for wetlands is not required for individual projects that result  
73.31 in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or  
73.32 replacement of a currently serviceable existing state, city, county, or town public road  
73.33 necessary, as determined by the public transportation authority, to meet state or federal  
73.34 design or safety standards or requirements, excluding new roads or roads expanded solely

74.1 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
74.2 transportation projects that:

74.3 (1) minimize the amount of wetland filling or draining associated with the project and  
74.4 consider mitigating important site-specific wetland functions on site;

74.5 (2) except as provided in clause (3), submit project-specific reports to the board, the  
74.6 Technical Evaluation Panel, the commissioner of natural resources, and members of the  
74.7 public requesting a copy at least 30 days prior to construction that indicate the location,  
74.8 amount, and type of wetlands to be filled or drained by the project or, alternatively, convene  
74.9 an annual meeting of the parties required to receive notice to review projects to be  
74.10 commenced during the upcoming year; and

74.11 (3) for minor and emergency maintenance work impacting less than 10,000 square feet,  
74.12 submit project-specific reports, within 30 days of commencing the activity, to the board  
74.13 that indicate the location, amount, and type of wetlands that have been filled or drained.

74.14 Those required to receive notice of public transportation projects may appeal  
74.15 minimization, delineation, and on-site mitigation decisions made by the public transportation  
74.16 authority to the board according to the provisions of section 103G.2242, subdivision 9. The  
74.17 Technical Evaluation Panel shall review minimization and delineation decisions made by  
74.18 the public transportation authority and provide recommendations regarding on-site mitigation  
74.19 if requested to do so by the local government unit, a contiguous landowner, or a member  
74.20 of the Technical Evaluation Panel.

74.21 Except for state public transportation projects, for which the state Department of  
74.22 Transportation is responsible, the board must replace the wetlands, and wetland areas of  
74.23 public waters if authorized by the commissioner or a delegated authority, drained or filled  
74.24 by public transportation projects on existing roads.

74.25 Public transportation authorities at their discretion may deviate from federal and state  
74.26 design standards on existing road projects when practical and reasonable to avoid wetland  
74.27 filling or draining, provided that public safety is not unreasonably compromised. The local  
74.28 road authority and its officers and employees are exempt from liability for any tort claim  
74.29 for injury to persons or property arising from travel on the highway and related to the  
74.30 deviation from the design standards for construction or reconstruction under this paragraph.  
74.31 This paragraph does not preclude an action for damages arising from negligence in  
74.32 construction or maintenance on a highway.

75.1 (n) If a landowner seeks approval of a replacement plan after the proposed project has  
 75.2 already affected the wetland, the local government unit may require the landowner to replace  
 75.3 the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

75.4 (o) A local government unit may request the board to reclassify a county or watershed  
 75.5 on the basis of its percentage of presettlement wetlands remaining. After receipt of  
 75.6 satisfactory documentation from the local government, the board shall change the  
 75.7 classification of a county or watershed. If requested by the local government unit, the board  
 75.8 must assist in developing the documentation. Within 30 days of its action to approve a  
 75.9 change of wetland classifications, the board shall publish a notice of the change in the  
 75.10 Environmental Quality Board Monitor.

75.11 (p) One hundred citizens who reside within the jurisdiction of the local government unit  
 75.12 may request the local government unit to reclassify a county or watershed on the basis of  
 75.13 its percentage of presettlement wetlands remaining. In support of their petition, the citizens  
 75.14 shall provide satisfactory documentation to the local government unit. The local government  
 75.15 unit shall consider the petition and forward the request to the board under paragraph (o) or  
 75.16 provide a reason why the petition is denied.

75.17 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.

75.18 Sec. 80. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

75.19 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Wetland  
 75.20 replacement occurring outside of a greater than 80 percent area must not be replaced in a  
 75.21 ~~50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a~~  
 75.22 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland  
 75.23 replacement must follow this priority order:

75.24 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

75.25 (2) in the same watershed as the impacted wetland;

75.26 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

75.27 (4) in another wetland bank service area.

75.28 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
 75.29 complete wetland banking application submitted to a local government unit by April 1,  
 75.30 1996, may be used to replace wetland impacts resulting from public transportation projects  
 75.31 statewide.

76.1 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement  
 76.2 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under  
 76.3 section 103G.2242, subdivision 1.

76.4 (d) When reasonable, practicable, and environmentally beneficial replacement  
 76.5 opportunities are not available in siting priorities listed in paragraph (a), the applicant may  
 76.6 seek opportunities at the next level.

76.7 (e) For the purposes of this section, "reasonable, practicable, and environmentally  
 76.8 beneficial replacement opportunities" are defined as opportunities that:

76.9 (1) take advantage of naturally occurring hydrogeomorphological conditions and require  
 76.10 minimal landscape alteration;

76.11 (2) have a high likelihood of becoming a functional wetland that will continue in  
 76.12 perpetuity;

76.13 (3) do not adversely affect other habitat types or ecological communities that are  
 76.14 important in maintaining the overall biological diversity of the area; and

76.15 (4) are available and capable of being done after taking into consideration cost, existing  
 76.16 technology, and logistics consistent with overall project purposes.

76.17 (f) Regulatory agencies, local government units, and other entities involved in wetland  
 76.18 restoration shall collaborate to identify potential replacement opportunities within their  
 76.19 jurisdictional areas.

76.20 (g) The board must establish wetland replacement ratios and wetland bank service area  
 76.21 priorities to implement the siting and targeting of wetland replacement and encourage the  
 76.22 use of high priority areas for wetland replacement.

76.23 Sec. 81. Minnesota Statutes 2016, section 103G.223, is amended to read:

76.24 **103G.223 CALCAREOUS FENS.**

76.25 (a) Calcareous fens, as identified by the commissioner by written order published in the  
 76.26 State Register, may not be filled, drained, or otherwise degraded, wholly or partially, by  
 76.27 any activity, unless the commissioner, under an approved management plan, decides some  
 76.28 alteration is necessary. Identifications made by the commissioner are not subject to the  
 76.29 rulemaking provisions of chapter 14 and section 14.386 does not apply.

76.30 (b) Notwithstanding paragraph (a), the commissioner must allow temporary reductions  
 76.31 in groundwater resources on a seasonal basis under an approved management plan for  
 76.32 appropriating water.

77.1 Sec. 82. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

77.2 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type  
77.3 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an  
77.4 on-site inspection. The Technical Evaluation Panel shall be composed of a technical  
77.5 professional employee of the board, a technical professional employee of the local soil and  
77.6 water conservation district or districts, a technical professional with expertise in water  
77.7 resources management appointed by the local government unit, and a technical professional  
77.8 employee of the Department of Natural Resources for projects affecting public waters or  
77.9 wetlands adjacent to public waters. Members of the Technical Evaluation Panel who have  
77.10 an ownership interest in a wetland bank shall disclose in writing all of the member's  
77.11 ownership interests in wetland banks to the local government unit. The panel shall use the  
77.12 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),  
77.13 including updates, supplementary guidance, and replacements, if any, "Wetlands of the  
77.14 United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and  
77.15 "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition).  
77.16 The panel shall provide the wetland determination and recommendations on other technical  
77.17 matters to the local government unit that must approve a replacement plan, sequencing,  
77.18 exemption determination, no-loss determination, or wetland boundary or type determination  
77.19 and may recommend approval or denial of the plan. The authority must consider and include  
77.20 the decision of the Technical Evaluation Panel in their approval or denial of a plan or  
77.21 determination.

77.22 (b) Persons conducting wetland or public waters boundary delineations or type  
77.23 determinations are exempt from the requirements of chapter 326. The board may develop  
77.24 a professional wetland delineator certification program.

77.25 (c) The board must establish an interagency team to assist in identifying and evaluating  
77.26 potential wetland replacement sites. The team must consist of members of the Technical  
77.27 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution  
77.28 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other  
77.29 organizations as determined by the board.

77.30 Sec. 83. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

77.31 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,  
77.32 conservation officers, and peace officers shall enforce laws preserving and protecting  
77.33 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,

78.1 a conservation officer, or a peace officer may issue a cease and desist order to stop any  
78.2 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

78.3 (b) In the order, or by separate order, the commissioner, conservation officer, or peace  
78.4 officer may require restoration or replacement of the wetland or public waters, as determined  
78.5 by the local soil and water conservation district for wetlands and the commissioner of natural  
78.6 resources for public waters. Restoration or replacement orders may be recorded or filed in  
78.7 the office of the county recorder or registrar of titles, as appropriate, in the county where  
78.8 the real property is located by the commissioner of natural resources, conservation officers,  
78.9 or peace officers as a deed restriction on the property that runs with the land and is binding  
78.10 on the owners, successors, and assigns until the conditions of the order are met or the order  
78.11 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee  
78.12 for any document filed under this section.

78.13 (c) If a court has ruled that there has been no violation of the restoration or replacement  
78.14 order, an order may not be recorded or filed under this section.

78.15 (d) If an order was recorded or filed before the effective date of this section and the deed  
78.16 restriction would have been in violation of paragraph (c), the commissioner must remove  
78.17 the deed restriction if the owner of the property requests the commissioner to remove it.

78.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

78.19 Sec. 84. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

78.20 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a  
78.21 person, partnership, or association, private or public corporation, county, municipality, or  
78.22 other political subdivision of the state may not appropriate or use waters of the state without  
78.23 a water-use permit from the commissioner.

78.24 (b) This section does not apply to the following water uses:

78.25 (1) use for a water supply by less than 25 persons for domestic purposes, except as  
78.26 required by the commissioner under section 103G.287, subdivision 4, paragraph (b); and

78.27 (2) nonconsumptive diversion of a surface water of the state from its natural channel for  
78.28 the production of hydroelectric or hydromechanical power at structures that were in existence  
78.29 on and before July 1, 1937, or those that are regulated by the Federal Energy Regulatory  
78.30 Commission.

78.31 (c) The commissioner may issue a state general permit for appropriation of water to a  
78.32 governmental subdivision or to the general public. The general permit may authorize more

79.1 than one project and the appropriation or use of more than one source of water. Water-use  
79.2 permit processing fees and reports required under subdivision 6 and section 103G.281,  
79.3 subdivision 3, are required for each project or water source that is included under a general  
79.4 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

79.5 (d) This section does not apply to appropriation or use of storm water collected and used  
79.6 to reduce storm water runoff volume, treat storm water, or sustain groundwater supplies  
79.7 when water is extracted from constructed management facilities for storm water.

79.8 Sec. 85. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

79.9 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water  
79.10 without a required permit under subdivision 1 must pay the applicable water-use permit  
79.11 processing fee specified in subdivision 6 for the period during which the unpermitted  
79.12 appropriation occurred. The fees for unpermitted appropriations are required for the previous  
79.13 seven calendar years after being notified of the need for a permit. This fee is in addition to  
79.14 any other fee or penalty assessed. The commissioner may waive payment of fees for past  
79.15 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph  
79.16 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of  
79.17 the state from its natural channel.

79.18 Sec. 86. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

79.19 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive  
79.20 owner of real property if the permittee conveys the real property where the source of water  
79.21 is located. The new owner must notify the commissioner immediately after the conveyance  
79.22 and request transfer of the permit. If notified, the commissioner must transfer the permit to  
79.23 the successive owner.

79.24 Sec. 87. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision  
79.25 to read:

79.26 Subd. 8. **Management plans; economic impacts.** Before requiring a change to a  
79.27 management plan for appropriating water, the commissioner must provide estimates of the  
79.28 economic impact of any new restriction or policy on existing and future groundwater users  
79.29 in the affected area.

80.1 Sec. 88. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

80.2 Subdivision 1. **Applications for groundwater appropriations; preliminary well**  
80.3 **construction approval.** (a) Groundwater use permit applications are not complete until the  
80.4 applicant has supplied:

80.5 (1) a water well record as required by section 103I.205, subdivision 9, information on  
80.6 the subsurface geologic formations penetrated by the well and the formation or aquifer that  
80.7 will serve as the water source, and geologic information from test holes drilled to locate the  
80.8 site of the production well;

80.9 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

80.10 (3) information on groundwater quality in terms of the measures of quality commonly  
80.11 specified for the proposed water use and details on water treatment necessary for the proposed  
80.12 use;

80.13 (4) the results of an aquifer test completed according to specifications approved by the  
80.14 commissioner. The test must be conducted at the maximum pumping rate requested in the  
80.15 application and for a length of time adequate to assess or predict impacts to other wells and  
80.16 surface water and groundwater resources. The permit applicant is responsible for all costs  
80.17 related to the aquifer test, including the construction of groundwater and surface water  
80.18 monitoring installations, and water level readings before, during, and after the aquifer test;  
80.19 and

80.20 (5) the results of any assessments conducted by the commissioner under paragraph (c).

80.21 (b) The commissioner may waive an application requirement in this subdivision if the  
80.22 information provided with the application is adequate to determine whether the proposed  
80.23 appropriation and use of water is sustainable and will protect ecosystems, water quality,  
80.24 and the ability of future generations to meet their own needs.

80.25 (c) The commissioner shall provide an assessment of a proposed well needing a  
80.26 groundwater appropriation permit. The commissioner shall evaluate the information submitted  
80.27 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the  
80.28 anticipated appropriation request is likely to meet the applicable requirements of this chapter.  
80.29 If the appropriation request is likely to meet applicable requirements, the commissioner  
80.30 shall provide the person submitting the information with a letter providing preliminary  
80.31 approval to construct the well and the requirements, including test-well information, that  
80.32 will be needed to obtain the permit.



81.1 (d) The commissioner must provide an applicant denied a groundwater use permit or  
81.2 issued a groundwater use permit that is reduced or restricted from the original request with  
81.3 all information the commissioner used in making the determination, including hydrographs,  
81.4 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment  
81.5 calibration.

81.6 Sec. 89. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

81.7 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate  
81.8 groundwater management areas and limit total annual water appropriations and uses within  
81.9 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
81.10 quality, and the ability of future generations to meet their own needs. Water appropriations  
81.11 and uses within a designated management area must be consistent with a groundwater  
81.12 management area plan approved by the commissioner that addresses water conservation  
81.13 requirements and water allocation priorities established in section 103G.261. At least 30  
81.14 days prior to implementing or modifying a groundwater management area plan under this  
81.15 subdivision, the commissioner shall consult with the advisory team established in paragraph  
81.16 (c).

81.17 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota  
81.18 Rules, within designated groundwater management areas, the commissioner may require  
81.19 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water  
81.20 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers  
81.21 serving less than 25 persons for domestic purposes. The commissioner may waive the  
81.22 requirements under section 103G.281 for general permits issued under this paragraph, and  
81.23 the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general  
81.24 permits issued under this paragraph.

81.25 (c) When designating a groundwater management area, the commissioner shall assemble  
81.26 an advisory team to assist in developing a groundwater management area plan for the area.  
81.27 The advisory team members shall be selected from public and private entities that have an  
81.28 interest in the water resources affected by the groundwater management area. A majority  
81.29 of the advisory team members shall be public and private entities that currently hold water-use  
81.30 permits for water appropriations from the affected water resources. The commissioner shall  
81.31 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the  
81.32 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships  
81.33 in appointing the local government representatives to the advisory team. The advisory team  
81.34 may also include representatives from the University of Minnesota, the Minnesota State

82.1 Colleges and Universities, other institutions of higher learning in Minnesota, political  
 82.2 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and  
 82.3 federal agencies.

82.4 (d) Before making a change under a groundwater management area plan, the  
 82.5 commissioner must provide estimates of the economic effect of any new restriction or policy  
 82.6 on existing and future groundwater users in the affected area.

82.7 Sec. 90. Minnesota Statutes 2016, section 103G.289, is amended to read:

82.8 **103G.289 WELL INTERFERENCE; WELL SEALING.**

82.9 (a) The commissioner shall not validate a well interference claim if the affected well  
 82.10 has been sealed prior to the completion of the commissioner's investigation of the complaint.  
 82.11 If the well is sealed prior to completion of the investigation, the commissioner must dismiss  
 82.12 the complaint.

82.13 (b) An agreement, written offer, or settlement between a complainant and permittee or  
 82.14 permit applicant must take into account depreciation of 2.5 percent per year, for the first 30  
 82.15 years of the life of the complainant's well, when calculating the costs a permittee or permit  
 82.16 applicant is responsible for as a result of a well interference claim.

82.17 Sec. 91. Minnesota Statutes 2016, section 103G.411, is amended to read:

82.18 **103G.411 STIPULATION OF LOW-WATER MARK.**

82.19 If the state is a party in a civil action relating to the navigability or ownership of the bed  
 82.20 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~  
 82.21 ~~of the attorney general,~~ may agree by written stipulation with a riparian owner who is a  
 82.22 party to the action on the location of the ordinary low-water mark on the riparian land of  
 82.23 the party. After the stipulation is executed by all parties, it must be presented to the judge  
 82.24 of the district court where the action is pending for approval. If the stipulation is approved,  
 82.25 the judge shall make and enter an order providing that the final judgment when entered shall  
 82.26 conform to the location of the ordinary, low-water mark as provided for in the stipulation  
 82.27 as it relates to the parties to the stipulation.

82.28 Sec. 92. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision  
 82.29 to read:

82.30 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the  
 82.31 Pollution Control Agency must allow at least 60 days for public comment after publishing

83.1 the draft impaired waters list required under the federal Clean Water Act. A person may  
 83.2 petition the agency to hold a contested case hearing on the draft impaired waters list. A  
 83.3 valid basis for challenging an impairment determination includes, but is not limited to,  
 83.4 agency reliance on data that do not reflect recent significant infrastructure investments and  
 83.5 documented pollutant reductions.

83.6 Sec. 93. [115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED  
 83.7 WASTEWATER TREATMENT FACILITIES.

83.8 Subdivision 1. Definitions. For the purpose of this section, the following terms have  
 83.9 the meanings given:

83.10 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit  
 83.11 or state disposal system (SDS) permit; and

83.12 (2) "permit applicant" means a person or entity submitting an application for a new  
 83.13 permit or renewal, modification, or revocation of an existing permit for a publicly owned  
 83.14 wastewater treatment facility.

83.15 Subd. 2. Applicability. This section applies to all draft permits and permits for publicly  
 83.16 owned wastewater treatment facilities for which the commissioner of the Pollution Control  
 83.17 Agency makes a preliminary determination whether to issue or deny.

83.18 Subd. 3. Notice requirements. The commissioner of the Pollution Control Agency must  
 83.19 provide a permit applicant with a copy of the draft permit and any fact sheets required by  
 83.20 agency rules at least 30 days before the distribution and public notice of the permit application  
 83.21 and preliminary determination.

83.22 Subd. 4. Public comment period. The commissioner must prepare and issue a public  
 83.23 notice of a completed application and the commissioner's preliminary determination as to  
 83.24 whether the permit should be issued or denied. The public comment period must be at least  
 83.25 60 days for permit applications under this section.

83.26 Sec. 94. Minnesota Statutes 2016, section 115B.39, subdivision 2, is amended to read:

83.27 Subd. 2. Definitions. (a) In addition to the definitions in this subdivision, the definitions  
 83.28 in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as  
 83.29 specifically modified in this subdivision.

83.30 (b) "Cleanup order" means a consent order between responsible persons and the agency  
 83.31 or an order issued by the United States Environmental Protection Agency under section 106  
 83.32 of the federal Superfund Act.

84.1 (c) "Closure" means actions to prevent or minimize the threat to public health and the  
 84.2 environment posed by a mixed municipal solid waste disposal facility that has stopped  
 84.3 accepting waste by controlling the sources of releases or threatened releases at the facility.  
 84.4 "Closure" includes removing contaminated equipment and liners; applying final cover;  
 84.5 grading and seeding final cover; installing wells, borings, and other monitoring devices;  
 84.6 constructing groundwater and surface water diversion structures; and installing gas control  
 84.7 systems and site security systems, as necessary. The commissioner may authorize use of  
 84.8 final cover that includes processed materials that meet the requirements in Code of Federal  
 84.9 Regulations, title 40, section 503.32, paragraph (a).

84.10 (d) "Closure upgrade" means construction activity that will, at a minimum, modify an  
 84.11 existing cover so that it satisfies current rule requirements for mixed municipal solid waste  
 84.12 land disposal facilities.

84.13 (e) "Contingency action" means organized, planned, or coordinated courses of action to  
 84.14 be followed in case of fire, explosion, or release of solid waste, waste by-products, or  
 84.15 leachate that could threaten human health or the environment.

84.16 (f) "Corrective action" means steps taken to repair facility structures including liners,  
 84.17 monitoring wells, separation equipment, covers, and aeration devices and to bring the facility  
 84.18 into compliance with design, construction, groundwater, surface water, and air emission  
 84.19 standards.

84.20 (g) "Custodial" or "custodial care" means actions taken for the care, maintenance, and  
 84.21 monitoring of closure actions at a mixed municipal solid waste disposal facility after  
 84.22 completion of the postclosure period.

84.23 (h) "Decomposition gases" means gases produced by chemical or microbial activity  
 84.24 during the decomposition of solid waste.

84.25 ~~(h)~~ (i) "Dump materials" means nonhazardous mixed municipal solid wastes disposed  
 84.26 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

84.27 ~~(h)~~ (j) "Environmental response action" means response action at a qualified facility,  
 84.28 including corrective action, closure, postclosure care; contingency action; environmental  
 84.29 studies, including remedial investigations and feasibility studies; engineering, including  
 84.30 remedial design; removal; remedial action; site construction; and other similar cleanup-related  
 84.31 activities.

84.32 ~~(h)~~ (k) "Environmental response costs" means:

85.1 (1) costs of environmental response action, not including legal or administrative expenses;  
85.2 and

85.3 (2) costs required to be paid to the federal government under section 107(a) of the federal  
85.4 Superfund Act, as amended.

85.5 ~~(k)~~ (l) "Postclosure" or "postclosure care" means actions taken for the care, maintenance,  
85.6 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

85.7 ~~(j)~~ (m) "Qualified facility" means a mixed municipal solid waste disposal facility as  
85.8 described in the most recent agency permit, including adjacent property used for solid waste  
85.9 disposal that did not occur under a permit from the agency, that:

85.10 (1)(i) is or was permitted by the agency;

85.11 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,  
85.12 1994; and

85.13 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that  
85.14 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal  
85.15 of demolition debris is allowed, if the area where the demolition debris is deposited is at  
85.16 least 50 feet from the fill boundary of the area where mixed municipal solid waste was  
85.17 deposited; ~~or~~

85.18 (2) is or was permitted by the agency; and

85.19 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial  
85.20 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at  
85.21 a permitted area where disposal of such waste is allowed, if the area where the waste is  
85.22 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid  
85.23 waste was deposited; or

85.24 (ii) stopped accepting waste by January 1, 2019, and is located in a county that meets  
85.25 all applicable recycling goals in section 115A.551 and that has arranged for all mixed  
85.26 municipal solid waste generated in the county to be delivered to and processed by a resource  
85.27 recovery facility located in the county for at least 20 years; or

85.28 (3) is or was permitted by the agency and stopped accepting mixed municipal solid waste  
85.29 and industrial waste for disposal by January 1, 2009, and for which the postclosure care  
85.30 period ended on July 26, 2013.

86.1 Sec. 95. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

86.2 Subd. 4. **Qualified facility not under cleanup order; duties.** (a) The owner or operator  
86.3 of a qualified facility that is not subject to a cleanup order shall:

86.4 (1) complete closure activities at the facility, or enter into a binding agreement with the  
86.5 commissioner to do so, as provided in paragraph (e), within one year from the date the  
86.6 owner or operator is notified by the commissioner under subdivision 3 of the closure activities  
86.7 that are necessary to properly close the facility in compliance with facility's permit, closure  
86.8 orders, or enforcement agreement with the agency, and with the solid waste rules in effect  
86.9 at the time the facility stopped accepting waste;

86.10 (2) undertake or continue postclosure or custodial care at the facility until the date of  
86.11 notice of compliance under subdivision 7;

86.12 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
86.13 ~~(m)~~ (m), clause (1), transfer to the commissioner of revenue for deposit in the remediation  
86.14 fund established in section 116.155 any funds required for proof of financial responsibility  
86.15 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure  
86.16 care and response action undertaken by the owner or operator at the facility including, if  
86.17 proof of financial responsibility is provided through a letter of credit or other financial  
86.18 instrument or mechanism that does not accumulate money in an account, the amount that  
86.19 would have accumulated had the owner or operator utilized a trust fund, less any amount  
86.20 used for closure, postclosure care, and response action at the facility; ~~and~~

86.21 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
86.22 ~~(m)~~ (m), clause (2), transfer to the commissioner of revenue for deposit in the remediation  
86.23 fund established in section 116.155 an amount of cash that is equal to the sum of their  
86.24 approved current contingency action cost estimate and the present value of their approved  
86.25 estimated remaining postclosure care costs required for proof of financial responsibility  
86.26 under section 116.07, subdivision 4h; and

86.27 (5) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
86.28 (m), clause (3), transfer to the commissioner of revenue for deposit in the remediation fund  
86.29 established in section 116.155 an amount of cash that is equal to any funds required for  
86.30 proof of financial responsibility under section 116.07, subdivision 4h, that remain after  
86.31 facility closure and any postclosure and custodial care and response action undertaken by  
86.32 the owner or operator at the facility have been reimbursed.

86.33 (b) The owner or operator of a qualified facility that is not subject to a cleanup order  
86.34 shall:

87.1 (1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
87.2 ~~(h)~~ (m), clause (1), provide the commissioner with a copy of all applicable comprehensive  
87.3 general liability insurance policies and other liability policies relating to property damage,  
87.4 certificates, or other evidence of insurance coverage held during the life of the facility; and

87.5 (2) enter into a binding agreement with the commissioner to:

87.6 (i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
87.7 ~~(h)~~ (m), clause (1), take any actions necessary to preserve the owner or operator's rights to  
87.8 payment or defense under insurance policies included in clause (1); cooperate with the  
87.9 commissioner in asserting claims under the policies; and, within 60 days of a request by  
87.10 the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies  
87.11 related to environmental response costs;

87.12 (ii) cooperate with the commissioner or other persons acting at the direction of the  
87.13 commissioner in taking additional environmental response actions necessary to address  
87.14 releases or threatened releases and to avoid any action that interferes with environmental  
87.15 response actions, including allowing entry to the property and to the facility's records and  
87.16 allowing entry and installation of equipment; and

87.17 (iii) refrain from developing or altering the use of property described in any permit for  
87.18 the facility except after consultation with the commissioner and in conformance with any  
87.19 conditions established by the commissioner for that property, including use restrictions, to  
87.20 protect public health and welfare and the environment.

87.21 (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision  
87.22 2, paragraph ~~(h)~~ (m), clause (1), that is a political subdivision may use a portion of any funds  
87.23 established for response at the facility, which are available directly or through a financial  
87.24 instrument or other financial arrangement, for closure or postclosure care at the facility if  
87.25 funds available for closure or postclosure care are inadequate and shall assign the rights to  
87.26 any remainder to the commissioner.

87.27 (d) The agreement required in paragraph (b), clause (2), must be in writing and must  
87.28 apply to and be binding upon the successors and assigns of the owner. The owner shall  
87.29 record the agreement, or a memorandum approved by the commissioner that summarizes  
87.30 the agreement, with the county recorder or registrar of titles of the county where the property  
87.31 is located.

87.32 (e) A binding agreement entered into under paragraph (a), clause (1), may include a  
87.33 provision that the owner or operator will reimburse the commissioner for the costs of closing  
87.34 the facility to the standard required in that clause.

88.1 Sec. 96. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

88.2 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~5, a person is  
88.3 responsible for a release from a tank if the person is an owner or operator of the tank at any  
88.4 time during or after the release.

88.5 Sec. 97. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision  
88.6 to read:

88.7 Subd. 5. **Heating fuel oil vendor.** A heating oil vendor is not a responsible person for  
88.8 a heating fuel oil release at a residential location if the release was caused solely by the  
88.9 failure of a tank owned by the homeowner.

88.10 Sec. 98. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision to  
88.11 read:

88.12 Subd. 7. **Clean Air Act settlement money.** "Clean Air Act settlement money" means  
88.13 money required to be paid to the state as a result of litigation or settlements of alleged  
88.14 violations of the federal Clean Air Act, United States Code, title 42, section 7401, et seq.,  
88.15 or rules adopted thereunder, by an automobile manufacturer. The commissioner of  
88.16 management and budget must establish the Clean Air Act settlement account in the  
88.17 environmental fund. Notwithstanding sections 16A.013 to 16A.016, the commissioner of  
88.18 management and budget must deposit Clean Air Act settlement money into the Clean Air  
88.19 Act settlement account. Clean Air Act settlement money must not be spent until it is  
88.20 specifically appropriated by law. The commissioner of management and budget must  
88.21 eliminate the Clean Air Act settlement account in the environmental fund after all Clean  
88.22 Air Act settlement money has been expended.

88.23 Sec. 99. Minnesota Statutes 2016, section 116.0714, is amended to read:

88.24 **116.0714 NEW OPEN AIR SWINE BASINS.**

88.25 The commissioner of the Pollution Control Agency or a county board shall not approve  
88.26 any permits for the construction of new open air swine basins, except that existing facilities  
88.27 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment  
88.28 program for resolving pollution problems or to allow conversion of an existing basin of less  
88.29 than 1,000,000 gallons to a different animal type, provided all standards are met. This section  
88.30 expires June 30, ~~2017~~2022.

88.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.



89.1 Sec. 100. **[116.083] PROPANE SCHOOL BUS AND FUELING STATION REBATE**  
 89.2 **PROGRAM.**

89.3 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have  
 89.4 the meanings given:

89.5 (1) "fueling station" means a station at a fixed location intended for use in fueling propane  
 89.6 vehicles;

89.7 (2) "propane school bus" means a school bus fueled by propane and used by a school  
 89.8 or under contract with the school to transport pupils to or from a school or to or from  
 89.9 school-related activities;

89.10 (3) "school" means a Minnesota school district or Minnesota charter school; and

89.11 (4) "school bus" means a type A, B, C, or D school bus under section 169.011, subdivision  
 89.12 71.

89.13 Subd. 2. **Rebate eligibility.** (a) Schools that purchase a propane school bus or purchase  
 89.14 and install a fueling station are eligible for a rebate under this section. A school that contracts  
 89.15 for pupil transportation may apply for a rebate on behalf of the school bus contractor.

89.16 (b) Propane school buses must be registered and licensed in Minnesota. Fueling stations  
 89.17 must be located in Minnesota.

89.18 (c) The following expenses are eligible for a rebate:

89.19 (1) the cost of an original equipment manufacturer propane school bus purchased; and

89.20 (2) the cost of fueling station equipment, including construction and installation costs.

89.21 Subd. 3. **Rebate amounts.** Rebates under this section may be issued for:

89.22 (1) no more than 25 percent of the cost of a propane school bus, not to exceed \$25,000;  
 89.23 and

89.24 (2) no more than 50 percent of the cost of a fueling station, not to exceed \$50,000.

89.25 Subd. 4. **Maximum rebate allowed.** A school may receive no more than five propane  
 89.26 school bus rebates per year. A school may receive one fueling station rebate.

89.27 Subd. 5. **Funding.** \$1,500,000 is annually appropriated from the Clean Air Act settlement  
 89.28 account in the environmental fund to the agency for grants under this section. The grants  
 89.29 must be awarded through a request for proposal process established by the commissioner  
 89.30 and must comply with the litigation or settlement order providing receipts to the account.

90.1 Sec. 101. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

90.2 Subd. 2. **Membership.** The members of the board are the commissioner of administration,  
 90.3 the commissioner of commerce, the commissioner of the Pollution Control Agency, the  
 90.4 commissioner of natural resources, the commissioner of agriculture, the commissioner of  
 90.5 health, the commissioner of employment and economic development, the commissioner of  
 90.6 transportation, and the chair of the Board of Water and Soil Resources, ~~and a representative~~  
 90.7 ~~of the governor's office designated by the governor.~~ The governor shall appoint ~~five~~ eight  
 90.8 members from the general public to the board, one from each congressional district, subject  
 90.9 to the advice and consent of the senate. ~~At least two of~~ The ~~five~~ public members must have  
 90.10 knowledge of and be conversant in ~~water management issues in the state~~ environmental  
 90.11 review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6,  
 90.12 members of the board may not delegate their powers and responsibilities as board members  
 90.13 to any other person.

90.14 Sec. 102. Minnesota Statutes 2016, section 160.06, is amended to read:

90.15 **160.06 TRAIL OR PORTAGE DEDICATION.**

90.16 Any trail or portage between public or navigable bodies of water or from public or  
 90.17 navigable water to a public highway in this state ~~which~~ that has been in continued and  
 90.18 uninterrupted use by the general public for 15 years or more as a trail or portage for the  
 90.19 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or  
 90.20 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~  
 90.21 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of~~ travel  
 90.22 to the same extent as public highways. The width of all trails and portages dedicated by  
 90.23 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

90.24 Sec. 103. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

90.25 Subdivision 1. **Land on or adjacent to public waters.** (a) All land which is the property  
 90.26 of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether  
 90.27 the land is held in trust for taxing districts, and which borders on or is adjacent to meandered  
 90.28 lakes and other public waters and watercourses, and the live timber growing or being thereon,  
 90.29 is hereby withdrawn from sale except as hereinafter provided. The authority having  
 90.30 jurisdiction over the timber on any ~~such~~ of these lands may sell the timber as otherwise  
 90.31 provided by law for cutting and removal under ~~such~~ the conditions as the authority may  
 90.32 prescribe in accordance with approved, sustained yield forestry practices. The authority  
 90.33 having jurisdiction over the timber shall reserve ~~such~~ the timber and impose ~~such~~ the

91.1 conditions as the authority deems necessary for the protection of watersheds, wildlife habitat,  
 91.2 shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties  
 91.3 described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on  
 91.4 tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on  
 91.5 federal lands.

91.6 (b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public  
 91.7 waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary  
 91.8 high-water mark being the waterside boundary thereof, and the land side boundary thereof  
 91.9 being a line drawn parallel to the ordinary high-water mark and two rods distant landward  
 91.10 therefrom, hereby is reserved for public travel thereon, and whatever the conformation of  
 91.11 the shore line or conditions require, the authority having jurisdiction over ~~such~~ these lands  
 91.12 shall reserve a wider strip for ~~such~~ these purposes.

91.13 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by  
 91.14 the authority having jurisdiction over the land, in the manner otherwise provided by law  
 91.15 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to  
 91.16 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to  
 91.17 meandered lakes and other public waters and watercourses may be sold by the authority  
 91.18 having jurisdiction over the land, in the manner otherwise provided by law for the sale of  
 91.19 the lands, if the authority determines that it is in the public interest to do so. If the authority  
 91.20 having jurisdiction over the land is not the commissioner of natural resources, the land may  
 91.21 not be offered for sale without the prior approval of the commissioner of natural resources.

91.22 (d) Where the authority having jurisdiction over lands withdrawn from sale under this  
 91.23 section is not the commissioner of natural resources, the authority may submit proposals  
 91.24 for disposition of the lands to the commissioner. The commissioner of natural resources  
 91.25 shall evaluate the lands and their public benefits and make recommendations on the proposed  
 91.26 dispositions to the committees of the legislature with jurisdiction over natural resources.  
 91.27 The commissioner shall include any recommendations of the commissioner for disposition  
 91.28 of lands withdrawn from sale under this section over which the commissioner has jurisdiction.  
 91.29 The commissioner's recommendations may include a public sale, sale to a private party,  
 91.30 acquisition by the Department of Natural Resources for public purposes, or a cooperative  
 91.31 management agreement with, or transfer to, another unit of government.

91.32 Sec. 104. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

91.33 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms  
 91.34 and conditions set by the county board, may sell timber upon any tract that may be approved

92.1 by the natural resources commissioner. The sale of timber shall be made for cash at not less  
92.2 than the appraised value determined by the county board to the highest bidder after not less  
92.3 than one week's published notice in an official paper within the county. Any timber offered  
92.4 at the public sale and not sold may thereafter be sold at private sale by the county auditor  
92.5 at not less than the appraised value thereof, until the time as the county board may withdraw  
92.6 the timber from sale. The appraised value of the timber and the forestry practices to be  
92.7 followed in the cutting of said timber shall be approved by the commissioner of natural  
92.8 resources.

92.9 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made  
92.10 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,  
92.11 the down payment shall be no less than 15 percent of the appraised value, and the balance  
92.12 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a  
92.13 single sale with predetermined cutting blocks, the down payment shall be no less than 15  
92.14 percent of the appraised price of the entire timber sale which may be held until the satisfactory  
92.15 completion of the sale or applied in whole or in part to the final cutting block. The value of  
92.16 each separate block must be paid in full before any cutting may begin in that block. With  
92.17 the permission of the county contract administrator the purchaser may enter unpaid blocks  
92.18 and cut necessary timber incidental to developing logging roads as may be needed to log  
92.19 other blocks provided that no timber may be removed from an unpaid block until separately  
92.20 scaled and paid for. If payment is provided as specified in this paragraph as security under  
92.21 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit  
92.22 the security provided, less any down payment required for an auction sale under this  
92.23 paragraph, to any other contract issued to the contract holder by the county under this chapter  
92.24 to which the contract holder requests in writing that it be credited, provided the request and  
92.25 transfer is made within the same calendar year as the security was received.

92.26 (c) The county board may sell any timber, including biomass, as appraised or scaled.  
92.27 Any parcels of land from which timber is to be sold by scale of cut products shall be so  
92.28 designated in the published notice of sale under paragraph (a), in which case the notice shall  
92.29 contain a description of the parcels, a statement of the estimated quantity of each species  
92.30 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per  
92.31 piece, as the case may be. In those cases any bids offered over and above the appraised  
92.32 prices shall be by percentage, the percent bid to be added to the appraised price of each of  
92.33 the different species of timber advertised on the land. The purchaser of timber from the  
92.34 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the  
92.35 notice of sale as estimated to be standing on the land, and in addition shall pay at the same

93.1 rate for any additional amounts which the final scale shows to have been cut or was available  
93.2 for cutting on the land at the time of sale under the terms of the sale. Where the final scale  
93.3 of cut products shows that less timber was cut or was available for cutting under terms of  
93.4 the sale than was originally paid for, the excess payment shall be refunded from the forfeited  
93.5 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board  
93.6 as in case of other claims against the county. No timber, except hardwood pulpwood, may  
93.7 be removed from the parcels of land or other designated landings until scaled by a person  
93.8 or persons designated by the county board and approved by the commissioner of natural  
93.9 resources. Landings other than the parcel of land from which timber is cut may be designated  
93.10 for scaling by the county board by written agreement with the purchaser of the timber. The  
93.11 county board may, by written agreement with the purchaser and with a consumer designated  
93.12 by the purchaser when the timber is sold by the county auditor, and with the approval of  
93.13 the commissioner of natural resources, accept the consumer's scale of cut products delivered  
93.14 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small  
93.15 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be  
93.16 sold for not less than the full appraised value at private sale to individual persons without  
93.17 first publishing notice of sale or calling for bids, provided that in case of a sale involving a  
93.18 total appraised value of more than \$200 the sale shall be made subject to final settlement  
93.19 on the basis of a scale of cut products in the manner above provided and not more than two  
93.20 of the sales, directly or indirectly to any individual shall be in effect at one time.

93.21 (d) As directed by the county board, the county auditor may lease tax-forfeited land to  
93.22 individuals, corporations or organized subdivisions of the state at public or private sale, and  
93.23 at the prices and under the terms as the county board may prescribe, for use as cottage and  
93.24 camp sites and for agricultural purposes and for the purpose of taking and removing of hay,  
93.25 stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites  
93.26 and other temporary uses provided that no leases shall be for a period to exceed ten years;  
93.27 provided, further that any leases involving a consideration of more than \$12,000 per year,  
93.28 except to an organized subdivision of the state shall first be offered at public sale in the  
93.29 manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain  
93.30 subject to the lease for not to exceed one year from the beginning of the term of the lease.  
93.31 Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be  
93.32 refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and  
93.33 allowed by the county board as in case of other claims against the county.

93.34 (e) As directed by the county board, the county auditor may lease tax-forfeited land to  
93.35 individuals, corporations, or organized subdivisions of the state at public or private sale, at

94.1 the prices and under the terms as the county board may prescribe, for the purpose of taking  
94.2 and removing for use for road construction and other purposes tax-forfeited stockpiled  
94.3 iron-bearing material. The county auditor must determine that the material is needed and  
94.4 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,  
94.5 dike, dam, bank fill, or other works on public or private property, and that the use would  
94.6 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile  
94.7 for these purposes must first be approved by the commissioner of natural resources. The  
94.8 request shall be deemed approved unless the requesting county is notified to the contrary  
94.9 by the commissioner of natural resources within six months after receipt of a request for  
94.10 approval for use of a stockpile. Once use of a stockpile has been approved, the county may  
94.11 continue to lease it for these purposes until approval is withdrawn by the commissioner of  
94.12 natural resources.

94.13 (f) The county auditor, with the approval of the county board is authorized to grant  
94.14 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,  
94.15 tailings, or waste products from mines or ore milling plants, or to use for facilities needed  
94.16 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed  
94.17 for a mining operation, upon the conditions and for the consideration and for the period of  
94.18 time, not exceeding 25 years, as the county board may determine. The permits, licenses, or  
94.19 leases are subject to approval by the commissioner of natural resources.

94.20 (g) Any person who removes any timber from tax-forfeited land before said timber has  
94.21 been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

94.22 (h) The county auditor may, with the approval of the county board, and without first  
94.23 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of  
94.24 peat and for the production or removal of farm-grown closed-loop biomass as defined in  
94.25 section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands  
94.26 upon the terms and conditions as the county board may prescribe. Any lease for the removal  
94.27 of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited  
94.28 lands must first be reviewed and approved by the commissioner of natural resources if the  
94.29 lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop  
94.30 biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this  
94.31 section without first holding a public hearing on the auditor's intention to lease. One printed  
94.32 notice in a legal newspaper in the county at least ten days before the hearing, and posted  
94.33 notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

94.34 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County  
94.35 auditor may, at the discretion of the county board, sell timber to the party who bids the

95.1 highest price for all the several kinds of timber, as provided for sales by the commissioner  
 95.2 of natural resources under section 90.14. Bids offered over and above the appraised price  
 95.3 need not be applied proportionately to the appraised price of each of the different species  
 95.4 of timber.

95.5 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county  
 95.6 board and under terms set by the county board, the county auditor may accept an irrevocable  
 95.7 bank letter of credit in the amount equal to the amount otherwise determined in paragraph  
 95.8 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written  
 95.9 request of the purchaser, the county may periodically allow the bank letter of credit to be  
 95.10 reduced by an amount proportionate to the value of timber that has been harvested and for  
 95.11 which the county has received payment. The remaining amount of the bank letter of credit  
 95.12 after a reduction under this paragraph must not be less than 20 percent of the value of the  
 95.13 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the  
 95.14 down payment required in paragraph (b), and no cutting of timber has taken place on the  
 95.15 contract for which a letter of credit has been provided, the county may allow the transfer  
 95.16 of the letter of credit to any other contract issued to the contract holder by the county under  
 95.17 this chapter to which the contract holder requests in writing that it be credited.

95.18 Sec. 105. [471.9998] MERCHANT BAGS.

95.19 Subdivision 1. Citation. This section may be cited as the Consumer Choice Act.

95.20 Subd. 2. Merchant option. All merchants, itinerant vendors, and peddlers doing business  
 95.21 in this state shall have the option to provide customers a paper, plastic, or reusable bag for  
 95.22 the packaging of any item or good purchased, provided the purchase is of a size and manner  
 95.23 commensurate with the use of paper, plastic, or reusable bags.

95.24 Subd. 3. Prohibition; bag ban or tax. Notwithstanding any other provision of law, no  
 95.25 political subdivision shall impose any ban, fee, or tax upon the use of paper, plastic, or  
 95.26 reusable bags for packaging of any item or good purchased from a merchant, itinerant  
 95.27 vendor, or peddler.

95.28 EFFECTIVE DATE. This section is effective May 31, 2017. Ordinances existing on  
 95.29 the effective date of this section that would be prohibited under this section are invalid as  
 95.30 of the effective date of this section.

96.1 Sec. 106. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,  
96.2 section 2, is amended to read:

96.3 Sec. 4. **[BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**  
96.4 **PARK.]**

96.5 (a) In 1965, United States Steel Corporation conveyed land to the state of Minnesota  
96.6 that was included in the Soudan underground mine state park, with certain lands at Stuntz  
96.7 Bay subject to leases outstanding for employee boathouse sites.

96.8 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and  
96.9 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph  
96.10 (a), the commissioner of natural resources shall offer a new lease to the party in possession  
96.11 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the  
96.12 Department of Natural Resources due to expiration of a lease described under paragraph  
96.13 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and  
96.14 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as  
96.15 follows:

96.16 (1) the term of the lease shall be for the lifetime of the party being issued a renewed  
96.17 lease and, if transferred, for the lifetime of the party to whom the lease is transferred;

96.18 (2) the new lease shall provide that the lease may be transferred only once and the transfer  
96.19 must be to a person within the third degree of kindred or first cousin according to civil law;  
96.20 ~~and~~

96.21 (3) the commissioner shall limit the number of lessees per lease to no more than two  
96.22 persons who have attained legal age; and

96.23 (4) the lease amount must not exceed 50 percent of the average market rate, based on  
96.24 comparable private lease rates, as determined once every five years per lease.

96.25 At the time of the new lease, the commissioner may offer, and after agreement with the  
96.26 leaseholder, lease equivalent alternative sites to the leaseholder.

96.27 (c) The commissioner shall not cancel a boathouse lease described under paragraphs (a)  
96.28 and (b) except for noncompliance with the lease agreement.

96.29 (d) The commissioner must issue a written receipt to the lessee for each lease payment.

96.30 ~~(d) By January 15, 2001, the commissioner of natural resources shall report to the senate~~  
96.31 ~~and house environment and natural resources policy and finance committees on boathouse~~  
96.32 ~~leases in state parks. The report shall include information on:~~



- 97.1 ~~(1) the number of boathouse leases;~~  
 97.2 ~~(2) the number of leases that have forfeited;~~  
 97.3 ~~(3) the expiration dates of the leases;~~  
 97.4 ~~(4) the historical significance of the boathouses;~~  
 97.5 ~~(5) recommendations on the inclusion of the land described in paragraph (d) within the~~  
 97.6 ~~park boundary; and~~  
 97.7 ~~(6) any other relevant information on the leases.~~

97.8 (e) The commissioner of natural resources shall contact U.S.X. Corporation and local  
 97.9 units of government regarding the inclusion of the following lands within Soudan  
 97.10 underground mine state park:

97.11 (1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62  
 97.12 North, Range 15 West;

97.13 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section  
 97.14 14, Township 62 North, Range 15 West;

97.15 (3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;

97.16 (4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62  
 97.17 North, Range 15 West;

97.18 (5) all of Section 24, Township 62 North, Range 15 West;

97.19 (6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North,  
 97.20 Range 15 West;

97.21 (7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North,  
 97.22 Range 15 West;

97.23 (8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West;  
 97.24 and

97.25 (9) NW1/4 of Section 19, Township 62 North, Range 14 West.

97.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 97.27 applies to monthly lease payments made on or after that date.

97.28 Sec. 107. Laws 2013, chapter 114, article 4, section 105, is amended to read:

97.29 Sec. 105. **RULES; SILICA SAND.**

98.1 ~~(a) The commissioner of the Pollution Control Agency shall adopt rules pertaining to~~  
 98.2 ~~the control of particulate emissions from silica sand projects. The rulemaking is exempt~~  
 98.3 ~~from Minnesota Statutes, section 14.125.~~

98.4 ~~(b)~~ (a) The commissioner of natural resources shall adopt rules pertaining to the  
 98.5 reclamation of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section  
 98.6 14.125.

98.7 ~~(e)~~ (b) By January 1, 2014, the Department of Health shall adopt an air quality  
 98.8 health-based value for silica sand.

98.9 ~~(d)~~ (c) The Environmental Quality Board shall amend its rules for environmental review,  
 98.10 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to  
 98.11 take into account the increased activity in the state and concerns over the size of specific  
 98.12 operations. The Environmental Quality Board shall consider whether the requirements of  
 98.13 Minnesota Statutes, section 116C.991, should remain part of the environmental review  
 98.14 requirements for silica sand and whether the requirements should be different for different  
 98.15 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section  
 98.16 14.125.

98.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

98.18 Sec. 108. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to  
 98.19 read:

98.20 **EFFECTIVE DATE.** This section is effective May 1, 2017. Motorboats for rent, lease,  
 98.21 or hire that are subject to inspection under Minnesota Statutes, section 86B.105, may use  
 98.22 existing functioning carbon monoxide systems that are not marine rated until September  
 98.23 30, 2017.

98.24 Sec. 109. **FORT RIDGELY STATE PARK GOLF COURSE.**

98.25 (a) By May 1, 2017, the commissioner of natural resources must work out an agreement  
 98.26 with the city of Fairfax that allows the city to lease and operate the golf course at Fort  
 98.27 Ridgely State Park. The agreement must include:

98.28 (1) lease and operation of the existing golf course;

98.29 (2) lease of the irrigation system, including the ability to maintain and repair it;

98.30 (3) lease of the upper level of the Fort Ridgely State Park Chalet;

98.31 (4) lease of Storage Building 4-292;

99.1 (5) the ability for golf carts to be used by users of the golf course;

99.2 (6) the ability to offer liquor for sale;

99.3 (7) public access to the golf course without requiring a state park permit; and

99.4 (8) the ability to improve the golf course, including improvements to golf-cart paths and  
99.5 the chalet.

99.6 (b) The agreement must allow the city to lease the golf course for 12 months and renew  
99.7 the lease annually for at least ten years. The rental fee must not exceed eight percent of the  
99.8 total green fees received, excluding golf-cart rental fees. The commissioner must ensure  
99.9 that the golf course has a playable surface when the lease begins and the city of Fairfax  
99.10 must ensure the golf course has a playable surface should the lease expire.

99.11 (c) Admission to property leased under this section is exempt from state park permit  
99.12 fees required under Minnesota Statutes, chapter 85.

99.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.14 Sec. 110. **CANCELLATION OF PERMITS.**

99.15 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota  
99.16 Statutes, section 103G.271, subdivision 1, paragraph (d), are canceled effective July 1, 2017.

99.17 Sec. 111. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

99.18 A solid waste permit issued by the Pollution Control Agency to an existing class I  
99.19 demolition debris landfill facility that is operating under the Pollution Control Agency  
99.20 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota  
99.21 Rules, part 7001.0160, for a period of five years, unless a new permit is issued for the facility  
99.22 by the Pollution Control Agency after the effective date of this section.

99.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.24 Sec. 112. **DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**  
99.25 **ENVIRONMENTAL TRUST FUND.**

99.26 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the  
99.27 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must  
99.28 deposit any money received from the sale of tax-forfeited land purchased by the Fond du  
99.29 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter  
99.30 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund

100.1 established by the county. The principal from the sale of the land may not be expended.

100.2 The county may spend interest earned on the principal only for purposes related to improving  
100.3 natural resources.

100.4 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
100.5 the St. Louis County Board and its chief clerical officer timely complete their compliance  
100.6 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

100.7 Sec. 113. **WATER USE PERMIT AND DATA COLLECTION; APPROPRIATION.**

100.8 (a) Notwithstanding Minnesota Statutes, sections 84.0895 and 103G.223, or other law  
100.9 to the contrary, the commissioner of natural resources must issue, upon application, a water  
100.10 use permit for calcareous fens located in Pipestone County. The permittee must agree to  
100.11 the following permit conditions:

100.12 (1) the permit is for a term of 15 years, but may be revoked after five years if paragraph  
100.13 (b) applies;

100.14 (2) water use under the permit is limited to irrigation of agricultural crops at a rate of  
100.15 no more than 800 gallons per minute in accordance with an irrigation plan submitted with  
100.16 the water use permit application;

100.17 (3) the permittee must pay for the irrigation system installed during the term of the  
100.18 permit; and

100.19 (4) installation of the irrigation system must minimize disturbance to the existing plant  
100.20 community in the calcareous fens. The commissioner must provide technical advice for  
100.21 installation of the irrigation system.

100.22 (b) If, at any time after five years of water use, the commissioner determines the  
100.23 drawdown of water from the fens endangers the continued sustainability of the calcareous  
100.24 fens, the commissioner may revoke the permit. If the commissioner revokes the permit  
100.25 before the permit's expiration date, the permittee must be reimbursed for the cost of the  
100.26 irrigation system, prorated over the full 15-year term of the original permit.

100.27 (c) The commissioner must monitor the calcareous fens to collect data on the effects of  
100.28 water use from the fens for the duration of the permit. If the commissioner concludes that,  
100.29 based on collected data, the calcareous fens remain viable after 15 years of water use, the  
100.30 commissioner must renew the water use permit for an additional 15 years, free of the  
100.31 condition imposed under paragraph (a), clause (1).

101.1 Sec. 114. **SAND DUNES STATE FOREST MANAGEMENT.**

101.2 **Subdivision 1. Forest management.** When managing the Sand Dunes State Forest, the  
101.3 commissioner must not convert additional land to oak savanna unless it is done as a result  
101.4 of a contract entered into before the effective date of this section.

101.5 **Subd. 2. School trust lands.** Nothing in this section restricts the ability of the  
101.6 commissioner or the school trust lands director from managing school trust lands within  
101.7 the Sand Dunes State Forest for long-term economic return.

101.8 **Subd. 3. Township road.** If the commissioner of natural resources finds that any portion  
101.9 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the  
101.10 commissioner must convey an easement over and across state-owned lands administered  
101.11 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width  
101.12 of 233rd Avenue.

101.13 **Subd. 4. Sunset.** This section expires two years from the day following final enactment.

101.14 Sec. 115. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

101.15 **(a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,**  
101.16 **part 7001.0150, subpart 2, item A, by inserting the following:**

101.17 **"For a municipality that constructs a publicly owned treatment works facility to comply**  
101.18 **with a new or modified effluent limitation, compliance with any new or modified effluent**  
101.19 **limitation adopted after construction begins that would require additional capital investment**  
101.20 **is required no sooner than 16 years after the date of initiation of operation of the facility."**

101.21 **(b) The commissioner may use the good cause exemption under Minnesota Statutes,**  
101.22 **section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota**  
101.23 **Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,**  
101.24 **section 14.388.**

101.25 Sec. 116. **EQB MEMBERSHIP TRANSITION.**

101.26 **(a) Until the governor has appointed members of the Environmental Quality Board from**  
101.27 **each congressional district as required under this act, this section governs membership of**  
101.28 **the board.**

101.29 **(b) The citizen members of the board as of July 1, 2017, shall continue to serve until the**  
101.30 **expiration of their terms.**

102.1 (c) No later than October 1, 2017, the governor shall appoint board members from the  
 102.2 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

102.3 (d) No later than October 1, 2018, the governor shall appoint a board member from the  
 102.4 third congressional district for a term to begin January 8, 2019.

102.5 (e) No later than October 1, 2019, the governor shall appoint a board member from the  
 102.6 fourth congressional district for a term to begin January 7, 2020.

102.7 (f) No later than October 1, 2020, the governor shall appoint a board member from the  
 102.8 fifth congressional district for a term to begin January 5, 2021.

102.9 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the  
 102.10 sixth congressional district for a term to begin January 4, 2022.

102.11 **Sec. 117. POINT SOURCE IMPLEMENTATION PROGRAM; DETROIT LAKES.**

102.12 Notwithstanding the limitations on grants in Minnesota Statutes, section 446A.073,  
 102.13 subdivision 1, the city of Detroit Lakes is eligible to receive a grant for up to 80 percent of  
 102.14 eligible project costs of the city's wastewater treatment facility phosphorus removal project.

102.15 **Sec. 118. REVISOR'S INSTRUCTION.**

102.16 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all  
 102.17 references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with  
 102.18 Minnesota Statutes, section 115B.39, subdivision 2, paragraph (m), and shall make all other  
 102.19 necessary changes to preserve the meaning of the text and to conform with the paragraph  
 102.20 relettering in this act.

102.21 **Sec. 119. REPEALER.**

102.22 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97C.701, subdivisions 1a  
 102.23 and 6; 97C.705; and 97C.711, are repealed.

102.24 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;  
 102.25 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

102.26 **ARTICLE 3**

102.27 **ENVIRONMENTAL REFORMS**

102.28 **Section 1. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:**

103.1 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that  
103.2 environmental and resource management permits be issued or denied within 90 days for  
103.3 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.  
103.4 The commissioner of natural resources shall establish management systems designed to  
103.5 achieve the goal.

103.6 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
103.7 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1 and~~ Tier 2 by permit  
103.8 categories. The report is due August 1 each year. For permit applications that have not met  
103.9 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
103.10 for not meeting the goal, the commissioner shall separately identify delays caused by the  
103.11 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
103.12 level of public engagement. The report must specify the number of days from initial  
103.13 submission of the application to the day of determination that the application is complete.  
103.14 The report must aggregate the data for the year and assess whether program or system  
103.15 changes are necessary to achieve the goal. The report must be posted on the department's  
103.16 Web site and submitted to the governor and the chairs and ranking minority members of  
103.17 the house of representatives and senate committees having jurisdiction over natural resources  
103.18 policy and finance.

103.19 (c) The commissioner shall allow electronic submission of environmental review and  
103.20 permit documents to the department.

103.21 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
103.22 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~  
103.23 permit applicant, in writing, whether the application is complete or incomplete. If the  
103.24 commissioner determines that an application is incomplete, the notice to the applicant must  
103.25 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
103.26 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
103.27 determines that the application is complete, the notice must confirm the application's Tier  
103.28 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2  
103.29 permit, provide the permit applicant with a schedule for reviewing the permit application.  
103.30 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
103.31 agreement under chapter 446A.

103.32 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner  
103.33 must issue the notice with the draft permit within 150 days of receiving a completed permit  
103.34 application unless the permit applicant and the commissioner mutually agree to a different  
103.35 date. Upon request of the permit applicant, the commissioner must provide a copy of the

104.1 draft permit to the permit applicant and consider comments on the draft permit from the  
 104.2 permit applicant before issuing the public notice.

104.3 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

104.4 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~  
 104.5 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of  
 104.6 natural resources to construct, reconstruct, or modify a project or to operate a facility may  
 104.7 offer to reimburse the department for the reasonable costs of staff time or consultant services  
 104.8 needed to expedite the preapplication process and permit development process through the  
 104.9 final decision on the permit, including the analysis of environmental review documents.

104.10 The reimbursement shall be in addition to permit application fees imposed by law. When  
 104.11 the commissioner determines that additional resources are needed to develop the permit  
 104.12 application in an expedited manner, and that expediting the development is consistent with  
 104.13 permitting program priorities, the commissioner may accept the reimbursement. The  
 104.14 commissioner must give the permit applicant an estimate of costs for the expedited service  
 104.15 to be incurred by the commissioner. The estimate must include a brief description of the  
 104.16 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each  
 104.17 task. The proposer and the commissioner shall enter into a written agreement detailing the  
 104.18 estimated costs for the expedited service to be incurred by the department and any recourse  
 104.19 available to the applicant if the department fails to comply with the schedule. The agreement  
 104.20 must also identify staff anticipated to be assigned to the project and describe the  
 104.21 commissioner's commitment to making assigned staff available for the project until the  
 104.22 permit decision is made. The commissioner must not issue a permit until the applicant has  
 104.23 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.

104.24 Reimbursements accepted by the commissioner are appropriated to the commissioner for  
 104.25 the purpose of developing the permit or analyzing environmental review documents.

104.26 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of  
 104.27 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,  
 104.28 what conditions are included in a permit, or the application of state and federal statutes and  
 104.29 rules governing permit determinations; and shall not affect final decisions regarding  
 104.30 environmental review.

104.31 Sec. 3. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to  
 104.32 read:

104.33 Subd. 14c. **Irrevocability, suspensions, or expiration of permits; environmental**  
 104.34 review. (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to



105.1 appropriate money to the commissioner of natural resources for environmental review and  
105.2 permitting activities of the Department of Natural Resources:

105.3 (1) a permit granted by the commissioner may not be terminated or suspended for the  
105.4 term of the permit nor shall it expire without the consent of the permittee, except for breach  
105.5 or nonperformance of any condition of the permit by the permittee that is an imminent threat  
105.6 to impair or destroy the environment or injure the health, safety, or welfare of the citizens  
105.7 of the state; and

105.8 (2) environmental review and permit application work on environmental review and  
105.9 permits filed before July 1 of that year must not be suspended or terminated.

105.10 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the  
105.11 commissioner for the environmental review and permitting activities is enacted.

105.12 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to  
105.13 read:

105.14 Subd. 14d. **Unadopted rules.** (a) The commissioner of natural resources must not enforce  
105.15 or attempt to enforce an unadopted rule. For the purposes of this subdivision, "unadopted  
105.16 rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or  
105.17 similar pronouncement, if the guideline, bulletin, criterion, manual standard, interpretive  
105.18 statement, or similar pronouncement meets the definition of a rule as defined under section  
105.19 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided  
105.20 under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner  
105.21 must overcome a presumption against the unadopted rule.

105.22 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,  
105.23 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or  
105.24 standard, the commissioner must follow the rulemaking process provided under chapter 14  
105.25 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive  
105.26 statement, or similar pronouncement.

105.27 Sec. 5. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

105.28 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum  
105.29 must be approved by the Executive Council, and any other mineral lease issued pursuant  
105.30 to this section that covers 160 or more acres must be approved by the Executive Council.  
105.31 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by  
105.32 the commissioner according to rules adopted by the commissioner, but no lease shall be for

106.1 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall  
106.2 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to  
106.3 meet production requirements prior to the 36th year of the lease. The rents and royalties  
106.4 shall be credited to the funds as provided in section 93.22.

106.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
106.6 applies to leases in effect or issued on or after that date.

106.7 Sec. 6. Minnesota Statutes 2016, section 93.50, is amended to read:

106.8 **93.50 APPEAL.**

106.9 Any person aggrieved by any final order, ruling, or decision of the commissioner may  
106.10 ~~appeal~~ seek judicial review of such order, ruling, or decision ~~in the manner provided in~~  
106.11 ~~chapter 14~~ under sections 14.63 to 14.69.

106.12 Sec. 7. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

106.13 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent area  
106.14 must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted  
106.15 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area. All  
106.16 wetland replacement must follow this priority order:

106.17 (1) on site or in the same minor watershed as the impacted wetland;

106.18 (2) in the same watershed as the impacted wetland;

106.19 (3) in the same county or wetland bank service area as the impacted wetland; and

106.20 (4) in another wetland bank service area.

106.21 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
106.22 complete wetland banking application submitted to a local government unit by April 1,  
106.23 1996, may be used to replace wetland impacts resulting from public transportation projects  
106.24 statewide.

106.25 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement  
106.26 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under  
106.27 section 103G.2242, subdivision 1.

106.28 (d) When reasonable, practicable, and environmentally beneficial replacement  
106.29 opportunities are not available in siting priorities listed in paragraph (a), the applicant may  
106.30 seek opportunities at the next level.

107.1 (e) For the purposes of this section, "reasonable, practicable, and environmentally  
107.2 beneficial replacement opportunities" are defined as opportunities that:

107.3 (1) take advantage of naturally occurring hydrogeomorphological conditions and require  
107.4 minimal landscape alteration;

107.5 (2) have a high likelihood of becoming a functional wetland that will continue in  
107.6 perpetuity;

107.7 (3) do not adversely affect other habitat types or ecological communities that are  
107.8 important in maintaining the overall biological diversity of the area; and

107.9 (4) are available and capable of being done after taking into consideration cost, existing  
107.10 technology, and logistics consistent with overall project purposes.

107.11 (f) Regulatory agencies, local government units, and other entities involved in wetland  
107.12 restoration shall collaborate to identify potential replacement opportunities within their  
107.13 jurisdictional areas.

107.14 (g) The board must establish wetland replacement ratios and wetland bank service area  
107.15 priorities to implement the siting and targeting of wetland replacement and encourage the  
107.16 use of high priority areas for wetland replacement.

107.17 (h) Wetland replacement sites identified in accordance with the priority order for  
107.18 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
107.19 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
107.20 or 103G.2243 without further modification related to the priority order, notwithstanding  
107.21 availability of new mitigation sites or availability of credits after completion of an adequate  
107.22 environmental impact statement. Wetland replacement plan applications must be submitted  
107.23 within one year of the adequacy determination of the environmental impact statement to be  
107.24 eligible for approval under this paragraph.

107.25 Sec. 8. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

107.26 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt  
107.27 rules governing the approval of wetland value replacement plans under this section and  
107.28 public-waters-work permits affecting public waters wetlands under section 103G.245. These  
107.29 rules must address the criteria, procedure, timing, and location of acceptable replacement  
107.30 of wetland values and may address the state establishment and administration of a wetland  
107.31 banking program for public and private projects, including provisions for an in-lieu fee  
107.32 program; the administrative, monitoring, and enforcement procedures to be used; and a  
107.33 procedure for the review and appeal of decisions under this section. In the case of peatlands,

108.1 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program  
108.2 established by the board must conform with Code of Federal Regulations, title 33, section  
108.3 332.8, as amended.

108.4 (b) After the adoption of the rules, a replacement plan must be approved by a resolution  
108.5 of the governing body of the local government unit, consistent with the provisions of the  
108.6 rules or a comprehensive wetland protection and management plan approved under section  
108.7 103G.2243.

108.8 (c) If the local government unit fails to apply the rules, or fails to implement a local  
108.9 comprehensive wetland protection and management plan established under section  
108.10 103G.2243, the government unit is subject to penalty as determined by the board.

108.11 (d) When making a determination under rules adopted pursuant to this subdivision on  
108.12 whether a rare natural community will be permanently adversely affected, consideration of  
108.13 measures to mitigate any adverse effect on the community must be considered.

108.14 Sec. 9. **[115.051] REVIEW OF PROPOSED ACTIONS OF THE POLLUTION**  
108.15 **CONTROL AGENCY.**

108.16 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

108.17 (b) "Local government unit" means a statutory or home rule charter city, county, local  
108.18 public utilities commission, sanitary district, or an organization formed for the joint exercise  
108.19 of powers under section 471.59.

108.20 (c) "Proposed action" means an action that is all of the following:

108.21 (1) being considered by the commissioner of the Pollution Control Agency or has been  
108.22 undertaken by the commissioner but is not yet final;

108.23 (2) would, once final, constitute one of the following:

108.24 (i) the issuance, amendment, modification, or denial of a water quality standard under  
108.25 section 115.44, a water-related permit, a total maximum daily load (TMDL) study, or a  
108.26 watershed restoration and protection strategy (WRAPS); or

108.27 (ii) another action or decision undertaken pursuant to the commissioner's authority under  
108.28 chapter 114D or 115 that is or would be eligible for a contested case hearing under chapter  
108.29 14 or that would constitute rulemaking under that chapter.

108.30 (d) "Requisite number" means five or more if the proposed action is rulemaking under  
108.31 chapter 14. The term means one or more if the proposed action is one that is or would be  
108.32 eligible for a contested case hearing under chapter 14.

109.1 (e) "Review petition" means a written petition of a local government unit adopted by  
109.2 resolution of the applicable governing body that describes the need for review by an expert  
109.3 review panel of the scientific basis of a proposed action that potentially affects the petitioner.

109.4 (f) "Review proceeding" means a proceeding under chapter 14 of the Office of  
109.5 Administrative Hearings to review a proposed action.

109.6 **Subd. 2. Office of Administrative Hearings review of scientific basis for proposed**  
109.7 **action.** In any review proceeding, the administrative law judge must examine the  
109.8 administrative record and, without deference to the commissioner, independently determine  
109.9 from the record whether:

109.10 (1) the proposed action is based on reliable scientific data and analyses, as confirmed  
109.11 by publicly available peer-reviewed literature;

109.12 (2) every test, measurement, or model the commissioner relied on in support of the  
109.13 proposed action was used by the commissioner for the purpose for which the test,  
109.14 measurement, or model was designed, consistent with generally accepted and peer-reviewed  
109.15 scientific practice;

109.16 (3) the proposed action is consistent with the findings of any applicable external peer  
109.17 review panel the commissioner convened under section 115.035; and

109.18 (4) the proposed action is based on a demonstrated, significant causal relationship between  
109.19 the parameters of concern and the water-quality objective at issue, not the correlation alone.  
109.20 When a causal relationship may be confounded by other factors, the reviewing authority  
109.21 must determine whether the relevance and effect of those factors were assessed to ensure  
109.22 the predicted causal relationship is valid.

109.23 **Subd. 3. Effect of Office of Administrative Hearings finding of inadequate basis for**  
109.24 **proposed action.** If an administrative law judge determines that any of the conditions set  
109.25 forth in subdivision 2, clauses (1) to (4), are not satisfied, then:

109.26 (1) if the proposed action was a proposed rule, the administrative law judge must find  
109.27 that the need for or reasonableness of the rule has not been established pursuant to section  
109.28 14.14, subdivision 2; and

109.29 (2) if the proposed action was before the Office of Administrative Hearings as part of a  
109.30 contested case hearing, the administrative law judge must include this finding in the report  
109.31 required by sections 14.48 to 14.56, which shall constitute the final decision in the case.

109.32 **Subd. 4. When independent expert review panel required; composition.** The Office  
109.33 of Administrative Hearings must convene an expert review panel to review the scientific

110.1 basis of a proposed action when it receives the requisite number of review petitions and  
110.2 finds, based on its independent review of the petitions, that the petitions demonstrate the  
110.3 existence of a material scientific dispute regarding the scientific validity of the commissioner's  
110.4 proposed action. The Office of Administrative Hearings shall issue an order granting or  
110.5 denying a petition within 30 days of its receipt of the petition. A review panel must consist  
110.6 of three independent experts with qualifications in the subject matter of the scientific dispute  
110.7 who are employed neither by the Pollution Control Agency nor by a petitioner to the  
110.8 proceeding and who are not directly or indirectly involved with the work conducted or  
110.9 contracted by the agency. The composition of the panel must be determined as follows:

110.10 (1) the commissioner of the Pollution Control Agency must select one expert satisfying  
110.11 the requirements of this subdivision;

110.12 (2) the petitioners must jointly select one expert satisfying the requirements of this  
110.13 subdivision; and

110.14 (3) the two experts selected under clauses (1) and (2) must mutually agree to a third  
110.15 expert satisfying the requirements of this subdivision. If the two experts are unable to agree  
110.16 on a third expert, the Office of Administrative Hearings must make the appointment.

110.17 Subd. 5. **Conduct of independent expert review panel.** Upon granting a petition for  
110.18 independent expert review, the Office of Administrative Hearings must, as soon as practicable  
110.19 thereafter, issue an order establishing the independent expert review panel, identifying the  
110.20 independent experts selected pursuant to subdivision 4. This order must include a statement  
110.21 of the specific scientific issues or questions in dispute to be submitted for review by the  
110.22 panel. The commissioner and all petitioners must agree on the issues or questions in dispute  
110.23 to be submitted for review. If they cannot agree on one or more issues or questions, the  
110.24 Office of Administrative Hearings must determine the issue or questions to be submitted  
110.25 giving substantial consideration to the questions raised in any petitions it has received. The  
110.26 panel must review the scientific evidence relevant to those issues or questions as found in  
110.27 the petitions, the administrative record for the proposed action, and the results of any external  
110.28 peer review conducted according to section 115.035, in accordance with the guidance in  
110.29 the United States Environmental Protection Agency's Peer Review Handbook. The panel  
110.30 must submit a written opinion on the scientific validity of the commissioner's approach that  
110.31 is in controversy. If the panel finds deficiencies, the panel must recommend how the  
110.32 deficiencies can be corrected. The written opinion shall become part of the administrative  
110.33 record and must be submitted to the Office of Administrative Hearings, which shall send a  
110.34 written copy of the opinion to the commissioner of the Pollution Control Agency, all  
110.35 petitioners, and the chairs and ranking minority members of the house of representatives

111.1 and senate committees having jurisdiction over environment and natural resources policy  
111.2 and finance.

111.3 Subd. 6. **Status of action pending independent expert panel review.** Once the Office  
111.4 of Administrative Hearings has received the requisite number of review petitions, it must  
111.5 notify the Pollution Control Agency of this fact and:

111.6 (1) the Pollution Control Agency shall not grant or deny a contested case petition filed  
111.7 by the local government unit on the proposed action that is the subject of a petition or  
111.8 otherwise proceed towards finalizing the proposed action until the Office of Administrative  
111.9 Hearings denies the petition for independent expert review, or if the petition is granted, it  
111.10 has received and considered the written opinion required by subdivision 5; and

111.11 (2) the Office of Administrative Hearings shall not conduct the review required by  
111.12 subdivision 2 until it has received the written opinion required by subdivision 5.

111.13 Subd. 7. **Chapter 14 requirements must be followed.** Nothing in this section shall be  
111.14 construed to abrogate or otherwise repeal any of the procedural requirements of chapter 14.  
111.15 Upon receipt of a written opinion pursuant to subdivision 5, the Pollution Control Agency  
111.16 and the Office of Administrative Hearings shall make the opinion available to the public  
111.17 for review and continue to follow all applicable provisions of chapter 14, including public  
111.18 comment and hearing requirements.

111.19 Subd. 8. **Timing of review petition submission.** A review petition submitted to the  
111.20 Office of Administrative Hearings must be submitted within the time period for filing a  
111.21 contested case petition or prior to the expiration of the public comment period as noticed  
111.22 in the statement of intent to adopt the rule, as applicable.

111.23 Subd. 9. **This section is supplementary.** The duties and procedures set forth in this  
111.24 section are supplementary and applicable to those set forth in section 14.091.

111.25 Sec. 10. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

111.26 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
111.27 resource management permits be issued or denied within 90 days for Tier 1 permits or 150  
111.28 days for Tier 2 permits following submission of a permit application. The commissioner of  
111.29 the Pollution Control Agency shall establish management systems designed to achieve the  
111.30 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require  
111.31 individualized actions or public comment periods, and "Tier 2 permits" are permits that  
111.32 require individualized actions or public comment periods.

112.1 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
112.2 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit  
112.3 categories. The report is due August 1 each year. For permit applications that have not met  
112.4 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
112.5 for not meeting the goal, the commissioner shall separately identify delays caused by the  
112.6 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
112.7 level of public engagement. The report must specify the number of days from initial  
112.8 submission of the application to the day of determination that the application is complete.  
112.9 The report must aggregate the data for the year and assess whether program or system  
112.10 changes are necessary to achieve the goal. The report must be posted on the agency's Web  
112.11 site and submitted to the governor and the chairs and ranking minority members of the house  
112.12 of representatives and senate committees having jurisdiction over environment policy and  
112.13 finance.

112.14 (c) The commissioner shall allow electronic submission of environmental review and  
112.15 permit documents to the agency.

112.16 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
112.17 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~  
112.18 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If  
112.19 the commissioner determines that an application is incomplete, the notice to the applicant  
112.20 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
112.21 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
112.22 determines that the application is complete, the notice must confirm the application's Tier  
112.23 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2  
112.24 permit, provide the permit applicant with a schedule for reviewing the permit application.  
112.25 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
112.26 agreement under chapter 446A.

112.27 (e) For purposes of this subdivision, "permit professional" means an individual not  
112.28 employed by the Pollution Control Agency who:

112.29 (1) has a professional license issued by the state of Minnesota in the subject area of the  
112.30 permit;

112.31 (2) has at least ten years of experience in the subject area of the permit; and

112.32 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency  
112.33 under agency rules and complies with all applicable requirements under chapter 326.



113.1 (f) Upon the agency's request, an applicant relying on a permit professional must  
113.2 participate in a meeting with the agency before submitting an application:

113.3 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at  
113.4 least the following:

113.5 (i) project description, including, but not limited to, scope of work, primary emissions  
113.6 points, discharge outfalls, and water intake points;

113.7 (ii) location of the project, including county, municipality, and location on the site;

113.8 (iii) business schedule for project completion; and

113.9 (iv) other information requested by the agency at least four weeks prior to the scheduled  
113.10 meeting; and

113.11 (2) during the preapplication meeting, the agency shall provide for the applicant at least  
113.12 the following:

113.13 (i) an overview of the permit review program;

113.14 (ii) a determination of which specific application or applications will be necessary to  
113.15 complete the project;

113.16 (iii) a statement notifying the applicant if the specific permit being sought requires a  
113.17 mandatory public hearing or comment period;

113.18 (iv) a review of the timetable established in the permit review program for the specific  
113.19 permit being sought; and

113.20 (v) a determination of what information must be included in the application, including  
113.21 a description of any required modeling or testing.

113.22 (g) The applicant may select a permit professional to undertake the preparation of the  
113.23 permit application and draft permit.

113.24 (h) If a preapplication meeting was held, the agency shall, within seven business days  
113.25 of receipt of an application, notify the applicant and submitting permit professional that the  
113.26 application is complete or is denied, specifying the deficiencies of the application.

113.27 (i) Upon receipt of notice that the application is complete, the permit professional shall  
113.28 submit to the agency a timetable for submitting a draft permit. The permit professional shall  
113.29 submit a draft permit on or before the date provided in the timetable. Within 60 days after  
113.30 the close of the public comment period, the commissioner shall notify the applicant whether  
113.31 the permit can be issued.

114.1 (j) Nothing in this section shall be construed to modify:

114.2 (1) any requirement of law that is necessary to retain federal delegation to or assumption  
114.3 by the state; or

114.4 (2) the authority to implement a federal law or program.

114.5 (k) The permit application and draft permit shall identify or include as an appendix all  
114.6 studies and other sources of information used to substantiate the analysis contained in the  
114.7 permit application and draft permit. The commissioner shall request additional studies, if  
114.8 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and  
114.9 information necessary for the commissioner to perform the commissioner's responsibility  
114.10 to review, modify, and determine the completeness of the application and approve the draft  
114.11 permit.

114.12 Sec. 11. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision to  
114.13 read:

114.14 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2  
114.15 permit is required, the commissioner must issue the notice with the draft permit within 150  
114.16 days of receiving a completed permit application unless the permit applicant and the  
114.17 commissioner mutually agree to a different date. Upon request of the permit applicant, the  
114.18 commissioner must provide a copy of the draft permit to the permit applicant and consider  
114.19 comments on the draft permit from the permit applicant before issuing the public notice.

114.20 Sec. 12. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

114.21 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
114.22 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
114.23 upon applications for agency permits and implementing and enforcing the conditions of the  
114.24 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
114.25 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
114.26 permitting, implementation, and enforcement. The agency may impose an additional  
114.27 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
114.28 of implementing and enforcing the conditions of a permit under the rules of the agency.  
114.29 Any money collected under this paragraph shall be deposited in the environmental fund.

114.30 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
114.31 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
114.32 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage

115.1 facilities subject to a notification, permit, or license requirement under this chapter,  
115.2 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
115.3 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
115.4 indirect reasonable costs, including legal costs, required to develop and administer the  
115.5 notification, permit, or license program requirements of this chapter, subchapters I and V  
115.6 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
115.7 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
115.8 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
115.9 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
115.10 applicable regulations; responding to federal guidance; modeling, analyses, and  
115.11 demonstrations; preparing inventories and tracking emissions; and providing information  
115.12 to the public about these activities.

115.13 (c) The agency shall set fees that:

115.14 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
115.15 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
115.16 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of  
115.17 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national  
115.18 primary ambient air quality standard has been promulgated;

115.19 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
115.20 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
115.21 regulated under this chapter or air quality rules adopted under this chapter; and

115.22 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
115.23 needed to match grant funds received by the state under United States Code, title 42, section  
115.24 7405 (section 105 of the federal Clean Air Act).

115.25 The agency must not include in the calculation of the aggregate amount to be collected  
115.26 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
115.27 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge  
115.28 on existing fees. The commissioner may not collect the surcharge after the grant funds  
115.29 become unavailable. In addition, the commissioner shall use nonfee funds to the extent  
115.30 practical to match the grant funds so that the fee surcharge is minimized.

115.31 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
115.32 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
115.33 year by the percentage, if any, by which the Consumer Price Index for the most recent  
115.34 calendar year ending before the beginning of the year the fee is collected exceeds the

116.1 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
116.2 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
116.3 all-urban consumers published by the United States Department of Labor, as of the close  
116.4 of the 12-month period ending on August 31 of each calendar year. The revision of the  
116.5 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
116.6 year 1989 shall be used.

116.7 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
116.8 environmental fund and must be used solely for the activities listed in paragraph (b).

116.9 (f) Permit applicants who wish to construct, reconstruct, or modify a ~~facility~~ project may  
116.10 offer to reimburse the agency for the reasonable costs of staff time or consultant services  
116.11 needed to expedite the preapplication process and permit development process through the  
116.12 final decision on the permit, including the analysis of environmental review documents.  
116.13 The reimbursement shall be in addition to permit application fees imposed by law. When  
116.14 the agency determines that it needs additional resources to develop the permit application  
116.15 in an expedited manner, and that expediting the development is consistent with permitting  
116.16 program priorities, the agency may accept the reimbursement. The commissioner must give  
116.17 the applicant an estimate of costs to be incurred by the commissioner. The estimate must  
116.18 include a brief description of the tasks to be performed, a schedule for completing the tasks,  
116.19 and the estimated cost for each task. The applicant and the commissioner must enter into a  
116.20 written agreement detailing the estimated costs for the expedited permit decision-making  
116.21 process to be incurred by the agency and any recourse available to the applicant if the agency  
116.22 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned  
116.23 to the project and describe the commissioner's commitment to make assigned staff available  
116.24 for the project until the permit decision is made. The commissioner must not issue a permit  
116.25 until the applicant has paid all fees in full. The commissioner must refund any unobligated  
116.26 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency  
116.27 for the purpose of developing the permit or analyzing environmental review documents.  
116.28 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of  
116.29 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what  
116.30 conditions are included in a permit, or the application of state and federal statutes and rules  
116.31 governing permit determinations; and shall not affect final decisions regarding environmental  
116.32 review.

116.33 (g) The fees under this subdivision are exempt from section 16A.1285.

117.1 Sec. 13. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to  
117.2 read:

117.3 Subd. 13. **Irrevocability, suspensions, or expiration of permits; environmental**  
117.4 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to  
117.5 appropriate money to the commissioner of the Pollution Control Agency for environmental  
117.6 review and permitting activities of the agency:

117.7 (1) a permit granted by the commissioner may not be terminated or suspended for the  
117.8 term of the permit nor shall it expire without the consent of the permittee, except for breach  
117.9 or nonperformance of any condition of the permit by the permittee that is an imminent threat  
117.10 to impair or destroy the environment or injure the health, safety, or welfare of the citizens  
117.11 of the state; and

117.12 (2) environmental review and permit application work on environmental review and  
117.13 permits filed before July 1 of that year must not be suspended or terminated.

117.14 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the  
117.15 commissioner for the environmental review and permitting activities is enacted.

117.16 Sec. 14. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to  
117.17 read:

117.18 Subd. 14. **Unadopted rules.** (a) The commissioner of the Pollution Control Agency  
117.19 must not enforce or attempt to enforce an unadopted rule. For the purposes of this subdivision,  
117.20 "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive  
117.21 statement, or similar pronouncement, if the guideline, bulletin, criterion, manual standard,  
117.22 interpretive statement, or similar pronouncement meets the definition of a rule as defined  
117.23 under section 14.02, subdivision 4, but has not been adopted according to the rulemaking  
117.24 process provided under chapter 14. If an unadopted rule is challenged under section 14.381,  
117.25 the commissioner must overcome a presumption against the unadopted rule.

117.26 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,  
117.27 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or  
117.28 standard, the commissioner must follow the rulemaking process provided under chapter 14  
117.29 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive  
117.30 statement, or similar pronouncement.

118.1 Sec. 15. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

118.2 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
118.3 effects resulting from any major governmental action, the action shall be preceded by a  
118.4 detailed environmental impact statement prepared by the responsible governmental unit.  
118.5 The environmental impact statement shall be an analytical rather than an encyclopedic  
118.6 document which describes the proposed action in detail, analyzes its significant environmental  
118.7 impacts, discusses appropriate alternatives to the proposed action and their impacts, and  
118.8 explores methods by which adverse environmental impacts of an action could be mitigated.  
118.9 The environmental impact statement shall also analyze those economic, employment, and  
118.10 sociological effects that cannot be avoided should the action be implemented. To ensure its  
118.11 use in the decision-making process, the environmental impact statement shall be prepared  
118.12 as early as practical in the formulation of an action.

118.13 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental  
118.14 impact statements and for which environmental assessment worksheets shall be prepared  
118.15 as well as categories of actions for which no environmental review is required under this  
118.16 section. A mandatory environmental assessment worksheet ~~shall~~ is not ~~be~~ required for the  
118.17 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),  
118.18 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
118.19 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
118.20 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or  
118.21 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
118.22 environmental assessment worksheets must be prepared. The responsible governmental unit  
118.23 for an ethanol plant or biobutanol facility project for which an environmental assessment  
118.24 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for  
118.25 supervising or approving the project as a whole.

118.26 (c) A mandatory environmental impact statement ~~shall~~ is not ~~be~~ required for a facility  
118.27 or plant located outside the seven-county metropolitan area that produces less than  
118.28 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
118.29 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
118.30 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
118.31 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that  
118.32 only uses a cellulosic feedstock to produce chemical products for use by another facility as  
118.33 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted  
118.34 under this chapter.

119.1 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion  
 119.2 of an environmental assessment worksheet by publishing the notice in at least one newspaper  
 119.3 of general circulation in the geographic area where the project is proposed, by posting the  
 119.4 notice on a Web site that has been designated as the official publication site for publication  
 119.5 of proceedings, public notices, and summaries of a political subdivision in which the project  
 119.6 is proposed, or in any other manner determined by the board and shall provide copies of  
 119.7 the environmental assessment worksheet to the board and its member agencies. Comments  
 119.8 on the need for an environmental impact statement may be submitted to the responsible  
 119.9 governmental unit during a 30-day period following publication of the notice that an  
 119.10 environmental assessment worksheet has been completed. The responsible governmental  
 119.11 unit's decision on the need for an environmental impact statement shall be based on the  
 119.12 environmental assessment worksheet and the comments received during the comment period,  
 119.13 and shall be made within 15 days after the close of the comment period. The board's chair  
 119.14 may extend the 15-day period by not more than 15 additional days upon the request of the  
 119.15 responsible governmental unit.

119.16 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed  
 119.17 action whenever material evidence accompanying a petition by not less than 100 individuals  
 119.18 who reside or own property in the state, submitted before the proposed project has received  
 119.19 final approval by the appropriate governmental units, demonstrates that, because of the  
 119.20 nature or location of a proposed action, there may be potential for significant environmental  
 119.21 effects. Petitions requesting the preparation of an environmental assessment worksheet shall  
 119.22 be submitted to the board. The chair of the board shall determine the appropriate responsible  
 119.23 governmental unit and forward the petition to it. A decision on the need for an environmental  
 119.24 assessment worksheet shall be made by the responsible governmental unit within 15 days  
 119.25 after the petition is received by the responsible governmental unit. The board's chair may  
 119.26 extend the 15-day period by not more than 15 additional days upon request of the responsible  
 119.27 governmental unit.

119.28 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part  
 119.29 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
 119.30 review under this chapter and rules of the board, if:

119.31 (1) the proposed action is:

119.32 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

119.33 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity  
 119.34 of less than 1,000 animal units;

120.1 (2) the application for the animal feedlot facility includes a written commitment by the  
 120.2 proposer to design, construct, and operate the facility in full compliance with Pollution  
 120.3 Control Agency feedlot rules; and

120.4 (3) the county board holds a public meeting for citizen input at least ten business days  
 120.5 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the  
 120.6 animal feedlot facility unless another public meeting for citizen input has been held with  
 120.7 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition  
 120.8 to other exemptions provided under other law and rules of the board.

120.9 Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300,  
 120.10 subpart 29, item B, applies, a mandatory environmental assessment worksheet is not required  
 120.11 for an animal feedlot facility with a capacity of less than 2,000 animal units or an expansion  
 120.12 of an existing animal feedlot facility with a total cumulative capacity of less than 2,000  
 120.13 animal units.

120.14 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require  
 120.15 preparation of an environmental assessment worksheet by a responsible governmental unit  
 120.16 selected by the board for any action where environmental review under this section has not  
 120.17 been specifically provided for by rule or otherwise initiated.

120.18 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental  
 120.19 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or  
 120.20 location of the project, have the potential for significant environmental effects. The same  
 120.21 process shall be utilized to determine the form, content, and level of detail of the statement  
 120.22 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In  
 120.23 addition, the permits ~~which~~ that will be required for the proposed action shall be identified  
 120.24 during the scoping process. Further, the process shall identify those permits for which  
 120.25 information will be developed concurrently with the environmental impact statement. The  
 120.26 board shall provide in its rules for the expeditious completion of the scoping process. The  
 120.27 determinations reached in the process shall be incorporated into the order requiring the  
 120.28 preparation of an environmental impact statement.

120.29 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
 120.30 and ensure coordination between state and federal environmental review and between  
 120.31 environmental review and environmental permitting. Whenever practical, information  
 120.32 needed by a governmental unit for making final decisions on permits or other actions required  
 120.33 for a proposed project shall be developed in conjunction with the preparation of an  
 120.34 environmental impact statement. When an environmental impact statement is prepared for



121.1 a project requiring multiple permits for which two or more agencies' decision processes  
 121.2 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before  
 121.3 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to  
 121.4 the contrary, conduct the hearings in a single consolidated hearing process if requested by  
 121.5 the proposer. All agencies having jurisdiction over a permit that is included in the  
 121.6 consolidated hearing shall participate. The responsible governmental unit shall establish  
 121.7 appropriate procedures for the consolidated hearing process, including procedures to ensure  
 121.8 that the consolidated hearing process is consistent with the applicable requirements for each  
 121.9 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest  
 121.10 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
 121.11 a permit identified in the draft environmental impact statement must accept and begin  
 121.12 reviewing any permit application upon publication of the notice of preparation of the  
 121.13 environmental impact statement.

121.14 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined  
 121.15 within 280 days after notice of its preparation unless the time is extended by consent of the  
 121.16 parties or by the governor for good cause. The responsible governmental unit shall determine  
 121.17 the adequacy of an environmental impact statement, unless within 60 days after notice is  
 121.18 published that an environmental impact statement will be prepared, the board chooses to  
 121.19 determine the adequacy of an environmental impact statement. If an environmental impact  
 121.20 statement is found to be inadequate, the responsible governmental unit shall have 60 days  
 121.21 to prepare an adequate environmental impact statement.

121.22 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the  
 121.23 responsible governmental unit a preliminary draft environmental impact statement under  
 121.24 this section on that action for review, modification, and determination of completeness and  
 121.25 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 121.26 statement prepared by the project proposer and submitted to the responsible governmental  
 121.27 unit shall identify or include as an appendix all studies and other sources of information  
 121.28 used to substantiate the analysis contained in the preliminary draft environmental impact  
 121.29 statement. The responsible governmental unit shall require additional studies, if needed,  
 121.30 and obtain from the project proposer all additional studies and information necessary for  
 121.31 the responsible governmental unit to perform its responsibility to review, modify, and  
 121.32 determine the completeness and adequacy of the environmental impact statement.

122.1 Sec. 16. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

122.2 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an  
 122.3 environmental assessment worksheet, the need for an environmental impact statement, or  
 122.4 the adequacy of an environmental impact statement is entitled to judicial review of the  
 122.5 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
 122.6 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of  
 122.7 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after  
 122.8 the ~~party receives the final decision and order of the~~ responsible governmental unit provides  
 122.9 notice of the decision as required by law. Proceedings for review under this section must  
 122.10 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon  
 122.11 the responsible governmental unit and by promptly filing the proof of service in the Office  
 122.12 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by  
 122.13 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the  
 122.14 attorney general at the time of service. Copies of the writ must be served, personally or by  
 122.15 certified mail, upon the responsible governmental unit and the project proposer. The filing  
 122.16 of the writ of certiorari does not stay the enforcement of any other governmental action,  
 122.17 provided that the responsible governmental unit may stay enforcement or the Court of  
 122.18 Appeals may order a stay upon terms it deems proper. A bond may be required under section  
 122.19 562.02 unless at the time of hearing on the application for the bond the petitioner-relator  
 122.20 has shown that the claim is likely to succeed on the merits. The board may initiate judicial  
 122.21 review of decisions referred to herein and the board or a project proposer may intervene as  
 122.22 of right in any proceeding brought under this subdivision.

122.23 Sec. 17. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

122.24 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

122.25 (1) assess the proposer of a specific action for the responsible governmental unit's  
 122.26 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.  
 122.27 The costs shall must be determined by the responsible governmental unit pursuant according  
 122.28 to the rules promulgated adopted by the board; and

122.29 (2) authorize a proposer of a specific action to prepare a draft environmental impact  
 122.30 statement for that action for submission to and review, modification, and determination of  
 122.31 completeness and adequacy by the responsible governmental unit.

123.1 Sec. 18. Minnesota Statutes 2016, section 116D.045, is amended by adding a subdivision  
123.2 to read:

123.3 Subd. 6. **Data classification.** If a proposer of a specific action prepares a draft  
123.4 environmental impact statement for that action according to rules adopted under subdivision  
123.5 1, clause (2), the proposer is considered a government entity under chapter 13 and all data,  
123.6 including communications, related to the action are public government data subject to  
123.7 disclosure under chapter 13.

123.8 Sec. 19. **SUSPENSION OF CERTAIN WATER QUALITY RULES.**

123.9 Until July 1, 2019, the water quality standards or other water quality rule changes adopted  
123.10 on or after July 2, 2014, that require a local unit of government to upgrade or update its  
123.11 wastewater treatment facility or to construct a new wastewater treatment facility, are  
123.12 suspended. Water quality standards and other water quality rules in effect on July 1, 2014,  
123.13 are in effect until July 1, 2019. Any actions brought by the commissioner of the Pollution  
123.14 Control Agency before, or contested cases under Minnesota Statutes, chapter 14, that are  
123.15 pending on the effective date of this section, to enforce water quality standards or other  
123.16 water quality rules adopted on or after July 2, 2014, are suspended until July 1, 2019.

123.17 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
123.18 expires July 1, 2019.

APPENDIX  
Article locations in S0723-3

	ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS .....	Page.Ln 2.10
ARTICLE 2	STATUTORY PROVISIONS .....	Page.Ln 33.4
ARTICLE 3	ENVIRONMENTAL REFORMS .....	Page.Ln 102.26

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

**97C.701 TAKING MUSSELS.**

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

**97C.705 MUSSEL SEASONS.**

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

**97C.711 UNDERSIZED MUSSELS.**

A person must return undersized mussels to the water without injury.

**6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.**

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

**6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.**

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

**6258.0300 COMMERCIAL PERMITS FOR MUSSELS.**

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

**6258.0400 SPECIES FOR COMMERCIAL HARVEST.**

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

**6258.0500 HARVEST SITES FOR PERMITTEES.**

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

**6258.0600 HARVEST GEAR FOR PERMITTEES.**

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

**6258.0700 PERMITTEE HARVEST OPERATIONS.**

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

**6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.**

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

**6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.**

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.