

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 962

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DATE 02/07/2019 D-PG Introduction and first reading OFFICIAL STATUS
Referred to Environment and Natural Resources Finance

1.1 A bill for an act
1.2 relating to waters; appropriating money to assume permitting program under Clean
1.3 Water Act.

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

1.5 Section 1. **FEDERAL CLEAN WATER ACT SECTION 404 ASSUMPTION;**
1.6 **APPROPRIATION.**

1.7 (a) \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the
1.8 general fund to the Board of Water and Soil Resources, in coordination with the Department
1.9 of Natural Resources and the Pollution Control Agency, to develop and assemble the material
1.10 required under Code of Federal Regulations, title 40, section 233.10, to assume the section
1.11 404 permitting program of the federal Clean Water Act. This is a onetime appropriation.
1.12 The board may execute contracts or interagency agreements to facilitate developing the
1.13 required agreements and materials.

1.14 (b) To the extent consistent with the requirements of section 404 assumption, the agencies
1.15 must:

1.16 (1) optimize the use of local government units in implementing the state-assumed
1.17 wetlands program;

1.18 (2) limit the increase in staffing for state agencies to that necessary to effectively
1.19 implement assumption of the section 404 permit program;

1.20 (3) maximize the scope of state-assumed waters under the Clean Water Act, section
1.21 404(g); and

2.1 (4) minimize duplication of effort and maximize process efficiencies under the assumed
2.2 program.

2.3 (c) The board must conduct regular stakeholder meetings to inform and gather input on
2.4 program development.

2.5 (d) By February 1, 2021, the board must submit the draft agreements with the federal
2.6 agencies, including any recommended changes to Minnesota Statutes necessary to secure
2.7 section 404 assumption and the additional funding needed to fully implement the
2.8 state-assumed program, to the chairs and ranking minority members of the legislative
2.9 committees and divisions with jurisdiction over the environment and natural resources.