

## S.F. No. 959 – Environment Omnibus Bill (Delete Everything Amendment)

**Author:** Senator Bill Ingebrigtsen  
Senator Carrie Ruud

**Prepared by:** Ben Stanley, Senate Counsel (651/296-4793)

**Date:** April 3, 2021

---

**Section 1 [Investment of Financial Assurance Money Under Permit to Mine]** allows the State Board of Investment to invest money collected as part of the financial assurance provided under a permit to mine and appropriates that money to the commissioner of natural resources for financial assurance purposes.

**Section 2 [Certifiable Fish Disease Definition]** amends the definition of a certifiable fish disease to include cases where an enumerated disease is expressed through clinical symptoms or through the presence of a disease pathogen.

**Section 3 [Conforming Change]** makes a statutory change to conform to the new VHS-susceptible species definitions in sections 6 and 7.

**Section 4 [Emergency Fish Disease Definition]** amends the definition of an emergency fish disease definition to include the presence of pathogens.

**Section 5 [Fish Health Inspection]** amends the requirements for wild fish inspection so that it includes a reference to the fact that such inspections also searching for pathogens.

**Section 6 [VHS-Susceptible Species Definition]** defines VHS-susceptible species as aquatic species that are natural hosts for viral hemorrhagic septicemia.

**Section 7 [VHS-Susceptible Species List Definition]** defines the VHS-susceptible species list as VHS-susceptible species listed in the Fish Health Blue Book that are found in or that can survive in the Great Lakes region.

**Sections 8 through 15 [Conforming Changes]** make statutory changes to conform to the new VHS-susceptible species definitions in sections 6 and 7.

**Section 16 [Expedited Rulemaking for Mississippi River Corridor Critical Area]** authorizes the Department of Natural Resources (DNR) to use expediting rulemaking to set the placement and boundaries of land use districts established in the Mississippi River Corridor Critical Area.

**Section 17 [Unadopted Rules]** prohibits the commissioner of natural resources from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

**Section 18 [School Trust Land Reporting]** changes the reporting frequency on the management of school trust lands from biannually (twice yearly) to biennially (once each biennium).

**Section 19 [Reimbursement of DNR Costs – Utility Licenses]** requires an applicant for a license to permitting the passage of utilities over state lands or waters to reimburse the Department of Natural Resources (DNR) for certain costs associated with reviewing the application and issuing the license

**Section 20 [Conveyance of Conservation Easements]** allows the DNR to convey conservation easements on state-owned land.

**Section 21 [Easement Conveyance to Tribal Governments/Reimbursement of DNR Costs]** allows the DNR to convey easements for trails, highways, or roads to federally recognized Indian tribes. Requires a state, federal, or tribal applicant for an easement on state-owned land to reimburse the DNR for certain costs associated with reviewing the application and issuing the easement.

**Section 22 [Reimbursement of DNR Costs – Road Easements to Private Parties]** requires private persons who apply for road easements over state-owned land to reimburse the DNR for certain costs associated with reviewing the application and issuing the easement.

**Section 23 & 24 [Transporting Unregistered Snowmobiles]** repeal prohibition on transportation of unregistered snowmobiles.

**Section 25 [Definition of ATV]** amends the definition of all-terrain vehicle to remove outdated references to low pressure or non-pneumatic tires.

**Section 26 [Critical Habitat Private Sector Matching Account – Match]** allows bond proceeds to provide a match for money in the critical habitat private sector matching account and allows the commissioner to spend two dollars for every one dollar of match put into the account.

**Section 27 [Critical Habitat Private Sector Matching Account – Uses]** allows money in the critical habitat private sector matching account (other than bonding proceeds) to be used for restoration and enhancement of critical natural habitat and for monitoring and evaluation for rare resources and native plant communities.

**Section 28 [Restoration and Enhancement Clarification]** clarifies that DNR has authority to restore and enhance critical natural habitats, not just improve them.

**Section 29 [Asset Preservation Activity Reporting Date]** changes to March 1 from January 15 the date by which the commissioner of natural resources must submit to the commissioner of

management and budget a list of projects paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year.

**Section 30 [Revision of DNR AIS Plan]** requires DNR to revise the state's aquatic invasive species plan by December 31, 2021, and every ten years thereafter.

**Section 31 [Repeal Invasive Carp Tagging Sunset]** repeals sunset of authority for DNR to issue permits to tag and release invasive carp.

**Section 32 [Repeal of Golf Course Authority; APO Authority]** removes authority for the commissioner of natural resources to establish provisions for the improvement and maintenance of golf courses already established in state parks and for the charging of reasonable use fees. Gives DNR the authority to establish administrative authority to issue courtesy warnings for state park permit violations.

**Section 33 [State Park Statute Nomenclature]** modernizes state park statute nomenclature.

**Section 34 [Use of Fee Revenue to Operate Point-of-Sale System]** allows DNR to use revenue collected from the state park reservation fee to operate their point-of-sale system.

**Section 35 [Owner of Vehicle Responsible for State Park Permit]** makes the owner of a vehicle entering a state park responsible for the permit.

**Section 36 [Free State Park Permit; Members of Indian Tribes]** authorizes DNR to issue a free annual state park permit to any member of the 11 federally recognized tribes in Minnesota.

**Section 37 [State Park Open House Day Application to Overnight Guests]** clarifies that on state park open house days, registered guests are exempt from state park permit requirements until camping or lodging check-out time the following day.

**Section 38 [Appropriation of Cross-Country-Ski Account Money for Trails]** statutorily appropriates money in the cross-country-ski account for developing and maintaining state cross-country-ski trails.

**Section 39 [Riverlands State Forest]** statutorily establishes Riverlands State Forest.

**Section 40 [Reimbursement of DNR Costs – Leases of Forest Lands]** requires applicants for leases of and permits on state forest lands to reimburse the DNR for certain costs associated with reviewing the application and issuing the lease.

**Section 41 [Reimbursement of DNR Costs – Leases of Certain Lands]** requires applicants for leases of state-owned land to remove sand, gravel, clay, rock, marl, peat, and black dirt; to store ore, waste materials from mines, or rock and tailings from ore milling plants; for roads or railroads; to compensate the permanent school fund according to section 92.122; or for other uses consistent with the interests of the state to reimburse the DNR for certain costs associated with reviewing the application and issuing the lease.

**Section 42 [Monitoring Fee for Leased Recreational Trails]** allows DNR to charge an easement construction monitoring fee to recreational trail lessees in St. Louis County.

**Section 43 [Conservation Planning Leases]** authorizes DNR to lease state-owned land for 21 years for conservation planning purposes.

**Section 44 [Minnow Definition Modification]** expands the statutory definition of minnow to include members of the sucker family (Catostomidae) that are greater than 12 inches in length.

**Sections 45 & 46 [Conforming Changes]** make conforming changes as a result of changes made in other sections.

**Section 47 [Fee Authority Clarification]** clarifies that DNR has statutory authority to charge a fee for a walk-in-access hunter validation.

**Section 48 [Deer Stands in WMAs Sunset Repeal]** repeals a sunset on authority to leave deer stands overnight in certain wildlife management areas.

**Section 49 [Conforming Change]** makes a conforming change related to section 50.

**Section 50 [DNR Regulation of Snake, Lizard, and Salamander Trade]** directs the commissioner of natural resources to prescribe conditions and issue permits to breed, propagate, and sell snakes, lizards, and salamanders.

**Section 51 [Minnow Dealer Violations]** redefines minnow dealer convictions to be consistent with other game and fish violations.

**Section 52 [Revocation of Hunting Privileges for Certain Violations]** revokes hunting privileges for five years if night or thermal vision equipment was in possession during specific violations, including taking wild animals in closed season, closed hours, or while trespassing.

**Sections 53 & 54 [Fee Authority Clarification]** clarifies that DNR has statutory authority to charge a fee for a license to take light geese and sandhill crane.

**Sections 55 & 56 [Conforming Changes]** make conforming changes as a result of changes made in other sections.

**Section 57 [Red Lake Band Code Governs Taking of Animals on Reservation Lands]** ensures that Red Lake Band's Conservation Code governs the taking and tagging of wild animals on Red Lake Reservation lands.

**Section 58 [Fee Authority Clarification]** clarifies that DNR has statutory authority to charge a fee for an apprentice-hunter validation.

**Section 59 [Crossbows Prohibited During Muzzleloader Deer Season]** clarifies that crossbows may not be used during muzzleloader deer season.

**Section 60 [Shooting at Decoys from Motor Vehicles]** prohibits shooting a decoy of a wild animal placed by a peace officer by discharging a firearm or an arrow from a bow from a motor vehicle.

**Section 61 [Blaze Orange/Pink Required for Persons in Ground Blinds]** requires a person in a fabric or synthetic ground blind on public land during the open season where deer may be taken by firearms to have a blaze orange or blaze pink on top of the blind and on each side of the blind.

**Section 62 [Infrared Illuminators]** allows infrared illuminators to be used to enhance night vision equipment and prohibits night vision equipment from being used to take coyote or fox during the regular firearms deer season.

**Section 63 [No New Antler Point Restrictions]** prohibits new antler point restrictions.

**Section 64 [Nuisance Bears]** requires the DNR to issue permits for wildlife control operators to take nuisance bear by live tracking and relocation.

**Section 65 & 66 [Conforming Changes]** make conforming changes as a result of changes made in other sections.

**Section 67 [Repeal of Duck Decoy Prohibitions]** repeals prohibition on using duck decoys during early duck season and at any time in WMAs. Instead, the commissioner of natural resources has authority to designate by rule all or any portion of a wetland or lake closed to the use of decoys.

**Section 68 [Upper Red Lake Is a Special Management Water]** defines Upper Red Lake as a special management water.

**Section 69 [Permitting of Youth Fishing Contests]** requires DNR permitting of youth fishing contests.

**Section 70 [Conforming Change]** makes a conforming change as a result of section 69.

**Section 71 [Repeal of Minnow Importation Ban]** repeals a prohibition on importing minnows for release into public waters.

**Section 72 [Conforming Change]** makes statutory changes to conform to the new VHS-susceptible species definitions in sections 6 and 7.

**Section 73 [Importation Permit; Minnow Health Requirements]** authorizes a minnow dealer who has obtained a permit from the commissioner of natural resources (DNR) to import minnows into the state. Imposes various requirements related to the health of imported minnows. Enumerates information required to be made available to the DNR upon request.

**Section 74 [Netting of Lake Whitefish and Cisco]** limits the number of allowable nets for lake whitefish and cisco to one.

**Section 75 [Lake Superior Management Plan]** removes the Lake Superior Management Plan specific due date for reassessing annual quotas and replaces it with a requirement that the quotas be reassessed every 10 years.

**Section 76 [Water Management Policy Coordination]** requires coordination and cooperation with respect to water management policy between state, local, and regional, governments with authority over local water management, conservation, land use, and land management. Requires entrance into agreements to share resources where feasible.

**Section 77 [SWCD Supervisor Compensation]** raises SWCD supervisor maximum compensation from \$75 to \$125 per day.

**Section 78 [Review of Calcareous Fen Decisions]** requires DNR to provide a hydrologic evaluation to the applicant for a water appropriation permit that is denied because of the appropriation's anticipated effect on a calcareous fen. Provides for review of the determination and authorizes applicants to file a contested case petition.

**Section 79 [Prohibition on Appropriating Water from Mt. Simon-Hinckley Aquifer]** expands to all counties the prohibition on issuing water appropriations permits from the Mt. Simon-Hinckley aquifer. The exception for appropriations for potable water use under a water conservation plan remains in place.

**Section 80 [Prohibition on Bulk Transfer of Water]** prohibits DNR from issuing water appropriations permits for more than 1 million gallons per year for transfer or consumption more than 50 miles away from the point of appropriation.

**Section 81 [Transfer of Water Use Permits]** When a water use permit is transferred as part of the conveyance of real property, this section prohibits the Department of Natural Resources (DNR) from imposing additional conditions on the permit, reducing the amount of the appropriation, reducing the term, or requiring testing.

**Section 82 [Analysis of Effect on Land Values]** requires DNR to provide estimates of the impact of any new restriction or policy on land values in the affected area before a water management plan for appropriating water is prepared.

**Section 83 [Groundwater Management Area Plan Development]** limits the types of information that may be disseminated about the development of a groundwater management area plan to information about meetings related to plan development and factual responses to public and media inquiries. Requires that impacts on land values be identified and strategies to address them included in any groundwater management area plan.

**Section 84 [Definition of Sustainable]** defines "sustainable" for purposes of groundwater management areas as a use that does not result in a change in hydrologic regime of more than 20 percent relative to the August median stream flow.

**Section 85 [Well Interference and Testing]** requires the commissioner to take into account the condition of a well when validating a well interference claim. Authorizes parties ordered to contribute to an affected well owner to file a contested case petition.

**Section 86 [Notification of OHWL Determinations]** requires DNR to notify affected local governments when the department establishes an ordinary high-water level for a public water.

**Section 87 [Appeal of OHWL Determinations]** establishes a process for a local government to appeal an ordinary high-water level for a public water.

**Section 88 [PCA Training Fee]** clarifies that the Pollution Control Agency (PCA) may not increase the fee for training water pollution control or subsurface sewage treatment system personnel without legislative approval.

**Section 89 [Effluent Limitation Compliance]** provides that to the extent allowed by federal law, an industrial NPDES or state disposal system permit holder that constructs a treatment works

facility to comply with modified effluent standards, may not be required to expend additional capital investment on the treatment works for 16 years.

**Section 90 [Wastewater & Water Supply System Operator Certification Fee]** clarifies that the PCA may not increase the fee for wastewater & water supply system operator certification without legislative approval.

**Sections 91 & 92 [Wastewater Laboratory Certification Fee]** prohibit the PCA from increasing the fee for wastewater laboratory certification without legislative approval.

**Sections 93 through 98 [Advanced Recycling Definitions]** statutorily defines various terms related to advanced recycling, a manufacturing process for converting post-use polymers and recovered feedstocks into other products.

**Section 99 [Advanced Recycling Is Not Waste Processing]** excludes advanced recycling from the definition of waste processing.

**Section 100 [Fuels Produced Using Advanced Recycling]** excludes fuels produced using advanced recycling from the definition of refuse-derived fuels.

**Section 101 [Recovered Feedstock Definition]** defines recovered feedstock for purposes of advanced recycling.

**Section 102 [Advanced Recycling Is Not Waste Recovery]** excludes advanced recycling from the definition of waste recovery.

**Section 103 [Advanced Recycling Facilities Are Not Waste Recovery Facilities]** excludes advanced recycling facilities from the definition of waste recovery facilities.

**Section 104 [Solvolysis Definition]** defines solvolysis for purposes of advanced recycling.

**Section 105 [Advanced Recycling Feedstock Is Not Waste]** excludes materials that can be used as advanced recycling feedstock from the definition of waste.

**Section 106 [Advanced Recycling Facilities Are Not Waste Facilities]** excludes an advanced recycling facility from the definition of a waste facility.

**Section 107 [Advanced Recycling Is Not Waste Management]** excludes advanced recycling from the definition of waste management.

**Section 108 [Discarded Mattress Stewardship Program]** creates a framework for creating a discarded mattress stewardship that would facilitate the statewide collection and disposal of used mattresses.

**Section 109 [Tribal Eligibility for Recycling Grants]** makes federally recognized tribes eligible for competitive grants to political subdivisions to establish curbside recycling or composting.

**Section 110 [Reuse and Redevelopment at Closed Landfills]** authorizes PCA to implement reuse and redevelopment strategies at closed landfills.

**Section 111 [Environmentally Beneficial Uses of Closed Landfills]** allows PCA to include installation of solar equipment, energy storage, use of landfill gas, pollinator habitat or other practices into a land use plan at a closed landfill.

**Section 112 [Closed Landfill Emergency Account]** creates a closed landfill emergency account in the remediation fund to address emergencies at closed landfills.

**Section 113 [PCA Permitting Efficiency Report Modifications]** modifies requirements for the PCA's permitting efficiency report as follows:

- Makes it semiannual instead of annual
- Requires it to cover only Tier 2 permits, not Tier 1 permits
- Requires information about the percentage of applications completed in a category
- Requires separate information about industrial and municipal permits to be separately stated

**Section 114 [Advanced Recycling Materials Are Not Solid Waste]** excludes materials used in connection with advanced recycling from the definition of solid waste.

**Section 115 [Repeal of Vehicle Emissions Standards Authority]** repeals the authority of the PCA to adopt vehicle emissions standards.

**Section 116 [Water Permit Fees]** clarifies that the PCA may not increase water-related permit fees without legislative approval.

**Section 117 [Manure Spreading Changes Repeal]** repeals recent changes introduced to the feedlot general permit and prohibits those changes in future permits.

**Section 118 [Unadopted Rules]** prohibits the commissioner of the PCA from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

**Section 119 [Conforming Change]** makes a conforming change as a result of the creation of the closed landfill emergency account.

**Section 120 [EAW Petitions]** requires that the 100 signatories to an environmental assessment worksheet petition reside or own property in the county where the proposed action will be undertaken or in one or more adjoining counties.

**Sections 121 & 122 [Mississippi River Corridor Critical Area Changes]** exempt plans and local regulations in the Mississippi River Corridor Critical Area from the review and approval procedures that ordinarily apply and replaces those requirements with a more streamlined review and approval process.

**Section 123 [School Trust Lands Strategic Plans]** requires the strategic plans and frameworks developed by the school trust lands director to advance strategies on school trust lands to capitalize on ecosystem services markets.

**Section 124 [Use of Proceeds from Sales of Tax-Forfeited Lands]** allows counties to use receipts from sales or rentals of forfeited lands for maintenance and upkeep at tax-forfeited properties.

**Section 125 [Wild Rice Lease Exchanges]** makes wild rice lessees responsible for all costs associated with certain land exchanges authorized in the 2016.

**Section 126 [Consideration of Gifts of Land]** allows the land exchange board to consider gifts of land when evaluating whether a proposed land exchange is in the best interests of the school trust.

**Section 127 [Section 404 Assumption Reporting Date]** pushes back by one year the date by which the board must submit a report on the additional funding necessary to secure section 404 assumption and the additional funding needed to fully implement the state-assumed program.

**Section 128 [Storm Water Rule Technical Correction]** makes a technical correction to a 2019 storm water law.

**Section 129 [Additions to State Parks]** adds land to the statutory boundaries of Fort Snelling State Park (Dakota County) and Lake Vermillion-Soudan Underground Mine State Park (St. Louis County).

**Section 130 [Addition to State Recreation Area]** adds land to the statutory boundaries of Iron Range Off-Highway Vehicle Recreation Area (St. Louis County).

**Section 131 [Deletions from State Parks]** removes land from the statutory boundaries of Fort Snelling State Park (Dakota County), Minneopa State Park (Blue Earth County), and William O'Brien State Park (Washington County).

**Sections 132 through 135 [Private Sales of Surplus & Tax-Forfeited Land]** authorize private sales of surplus land in Cass, Lake of the Woods, St. Louis County,

**Section 136 [Private Sale of Surplus Land Bordering Water in Wadena County]** authorizes private sale of surplus land bordering water in Wadena County.

**Section 137 [Boundaries of Riverlands State Forest]** sets the statutory boundaries of Riverlands State Forest.

**Section 138 [Private Sale of Tax-Forfeited Land; Aitkin County]** authorizes private sale of tax-forfeited land in Aitkin County.

**Section 139 [Goodhue County Land Transfers]** authorizes sale of county-owned land that abuts Lake Byllesby to adjoining property owners.

**Section 140 [Private Sale of Tax-Forfeited Land; Itasca County]** authorizes private sale of tax-forfeited land in Itasca County.

**Section 141 [Private Sale of Surplus Land Bordering Water; Roseau County]** authorizes private sale of surplus land bordering public waters in Roseau County.

**Section 142 [Private Sale of Tax-Forfeited Lands; St. Louis County]** authorizes private sale of tax-forfeited lands in St. Louis County.

**Section 143 [St. Louis County Land Lease]** authorizes a lease for a water intake and treatment facility for a longer term than is otherwise allowed.

**Section 144 [Private Sale of Tax-Forfeited Land; Beltrami County]** authorizes private sale of tax-forfeited land in Beltrami County.

**Section 145 [Private Sale of Surplus Land Bordering Water in Sherburne County]** authorizes private sale of surplus land bordering water in Sherburne County.

**Section 146 [Walleye Limit]** requires the DNR to reduce to 4 the daily and possession limit for walleye on inland waters.

**Section 147 [Amending of Feedlot Permits]** requires PCA to amend feedlot permits where needed to comply with the statutory changes enacted in section 117.

**Section 148 [Timber Permit Extensions; Refunds]** extends certain timber permits for two years and allows for surrendering of a timber permit and a full or partial refund under certain circumstances.

**Section 149 [Whole Effluent Toxicity]** requires the PCA to adopt rules to whole effluent toxicity measures in a uniform manner statewide.

**Section 150 [Interim Provisions]** imposes interim provisions related to whole effluent toxicity that are to remain in place until PCA adopts rules pursuant to section 149.

**Section 151 [Analysis of Green Tier Program]** requires the PCA to analyze Wisconsin's Green Tier Program, which recognizes and rewards environmental performance that voluntarily exceeds legal requirements, and to report on challenges and benefits of establishing a similar program in Minnesota.

**Section 152 [State Implementation Plan Revision]** requires the PCA to seek EPA approval of a modification of Minnesota's Clean Air Act State Implementation Plan so that the PCA would be prohibited from applying ambient air quality standards in permits issued solely to authorize operations to continue at an existing facility with unmodified emissions

**Section 153 [Repealer]** repeals statutes and rules related to DNR operation of golf courses, minnows, and antler point restrictions.