

1.1 **Senator Hawj from the Committee on Environment, Climate, and Legacy, to which**
1.2 **was referred**

1.3 **S.F. No. 3559:** A bill for an act relating to natural resources; modifying provisions for
1.4 watersheds, soil and water conservation districts, and wetland management; modifying
1.5 wetland banking program and conservation easement programs; clarifying jurisdiction for
1.6 riparian protection and water quality; eliminating grants to control beaver damage; modifying
1.7 authority and duties of Board of Water and Soil Resources; requiring rulemaking;
1.8 appropriating money; amending Minnesota Statutes 2022, sections 103B.101, subdivision
1.9 13; 103C.005; 103C.221; 103C.331, subdivisions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
1.10 by adding subdivisions; 103D.011, subdivision 10; 103D.201, subdivision 2; 103D.205,
1.11 subdivision 4; 103D.251, subdivisions 5, 6; 103D.255; 103D.261, subdivisions 1, 2;
1.12 103D.271, subdivision 7; 103D.301, subdivisions 1, 3; 103D.305, subdivisions 2, 5;
1.13 103D.311, subdivision 4; 103D.315, subdivisions 9, 10; 103D.321, subdivision 1; 103D.331,
1.14 subdivision 2; 103D.335, subdivision 11; 103D.341, subdivision 1; 103D.345, subdivision
1.15 4; 103D.355, subdivision 1; 103D.401; 103D.405, subdivision 1; 103D.535, subdivision 3;
1.16 103D.701; 103D.705, subdivision 1, by adding a subdivision; 103D.711; 103D.715,
1.17 subdivision 1; 103D.729, subdivisions 1, 2; 103D.731; 103D.745, subdivision 3; 103D.805;
1.18 103D.811, subdivision 3; 103D.901, subdivision 2; 103F.48, subdivision 1; 103F.511, by
1.19 adding subdivisions; 103F.515; 103F.535, subdivision 5; 103G.005, subdivisions 14d, 17b;
1.20 103G.222, subdivision 1; 103G.2241, subdivisions 1, 2, 6, 9; 103G.2242, subdivisions 2,
1.21 2a, 3; Minnesota Statutes 2023 Supplement, sections 103B.101, subdivision 9; 103G.005,
1.22 subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 103D; 103F;
1.23 repealing Minnesota Statutes 2022, sections 103A.206; 103D.315, subdivision 4; 103D.405,
1.24 subdivisions 2, 3, 4, 5, 6; 103D.411; 103D.601; 103D.605, subdivisions 1, 2, 3, 4; 103D.611;
1.25 103F.511, subdivision 8b; 103F.950; Minnesota Statutes 2023 Supplement, section 103D.605,
1.26 subdivision 5; Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3110; 8400.3210;
1.27 8400.3260; 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610; 8400.3630;
1.28 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3930.

1.29 Reports the same back with the recommendation that the bill be amended as follows:

1.30 Page 2, delete section 1

1.31 Page 5, line 17, before the comma, insert "to achieve the purposes of this chapter and
1.32 fulfill other statutory responsibilities,"

1.33 Page 7, line 29, strike "state" and insert "public"

1.34 Page 8, line 10, strike "state" and insert "public"

1.35 Page 9, line 27, strike "to act as engineer"

1.36 Page 10, line 30, strike "commissioner" and reinstate the stricken "director"

1.37 Page 11, line 2, strike ", the" and delete "commissioner"

1.38 Page 13, line 26, delete "withdrawal of territory" and insert "enlargement"

1.39 Page 14, line 2, delete "commissioner" and insert "director"

1.40 Page 15, line 16, delete "commissioner" and insert "director"

1.41 Page 16, line 21, delete the second "a" and insert "each"

- 2.1 Page 18, line 13, strike "the commissioner," and reinstate the stricken "the director"
- 2.2 Page 19, line 23, delete everything after "(b)"
- 2.3 Page 19, line 24, delete everything before "The"
- 2.4 Page 24, line 5, delete the new language and reinstate the stricken language
- 2.5 Page 24, lines 12 and 13, delete the new language and reinstate the stricken language
- 2.6 Page 25, line 2, reinstate the stricken language
- 2.7 Page 25, line 3, reinstate the stricken language and delete the new language
- 2.8 Page 25, lines 7, 9, 10, 15, and 16, reinstate the stricken "engineer's" and delete
- 2.9 "technical"
- 2.10 Page 25, lines 21 to 28, delete the new language and reinstate the stricken language
- 2.11 Page 26, lines 11 to 14, delete the new language and reinstate the stricken language
- 2.12 Page 26, line 18, reinstate the stricken "engineer's" and delete "technical"
- 2.13 Page 26, line 29, before "103B.231" insert "103D.401, or" and delete the second "or"
- 2.14 Page 26, line 30, delete "103D.401"
- 2.15 Page 28, line 15, strike "with ample security," and insert "as required by section 574.26"
- 2.16 Page 29, after line 4, insert:
- 2.17 "Sec. 58. Minnesota Statutes 2022, section 103E.729, subdivision 9, is amended to read:
- 2.18 Subd. 9. **Sunset.** This section expires on July 31, ~~2024~~ 2029."
- 2.19 Page 37, line 1, before "DISTRICT" insert "SOIL AND WATER CONSERVATION"
- 2.20 Page 37, lines 3, 11, 13, and 14, delete "board"
- 2.21 Page 40, delete lines 1 to 3 and insert:
- 2.22 "(c) Notwithstanding paragraph (a), wetlands includes deepwater aquatic habitats that
- 2.23 are not public waters or public waters wetlands. For purposes of this paragraph, "deepwater
- 2.24 aquatic habitats" has the meaning given in *Corps of Engineers Wetlands Delineation Manual*,
- 2.25 United States Army Corps of Engineers (January 1987)."
- 2.26 Page 41, line 15, reinstate the stricken language
- 2.27 Page 41, line 16, before "the" insert "subdivision 1, clause (1),"
- 2.28 Page 43, line 16, after "responsible" insert "for the wetland replacement"

3.1 Page 44, delete lines 20 to 28 and insert:

3.2 "(1) impacts to wetlands on agricultural land labeled prior converted cropland and impacts
3.3 to wetlands resulting from drainage maintenance activities authorized by the United States
3.4 Department of Agriculture, Natural Resources Conservation Service on areas labeled farmed
3.5 wetland, farmed wetland pasture, and wetland. The prior converted cropland, farmed wetland,
3.6 farmed wetland pasture, or wetland must be labeled on a valid final certified wetland
3.7 determination issued by the Natural Resources Conservation Service in accordance with
3.8 Code of Federal Regulations, title 7, section 12, as amended. It is the responsibility of the
3.9 owner or operator of the land to provide a copy of the final certified wetland determination
3.10 to, and allow the Natural Resources Conservation Service to share related information with,
3.11 the local government unit and the board for purposes of verification."

3.12 Page 46, line 13, delete "and" and insert "including"

3.13 Page 47, line 5, delete "that is" and insert "when wetland impacts are"

3.14 Page 49, line 30, after "(b)" insert "For wetland boundary determinations," and reinstate
3.15 the stricken "the"

3.16 Page 49, line 32, after the period, insert "For wetland type determinations,"

3.17 Page 50, line 2, after the semicolon, insert "Classification of Wetlands and Deepwater
3.18 Habitats of the United States, United States Fish and Wildlife Service (August 2013 edition);
3.19 or"

3.20 Page 50, line 3, delete "; or" and strike "Classification"

3.21 Page 50, line 4, strike the old language and delete the new language

3.22 Page 50, line 5, delete the new language and strike everything before the period and
3.23 insert "and including updates, supplementary guidance, and replacements, if any, for any
3.24 of these publications"

3.25 Page 52, delete section 84

3.26 Page 52, delete lines 14 and 15

3.27 Renumber the sections in sequence

3.28 Amend the title as follows:

3.29 Page 1, line 3, after the comma, insert "drainage repair,"

3.30 Page 1, line 7, delete "appropriating money;"

3.31 Amend the title numbers accordingly

4.1

And when so amended the bill do pass. Amendments adopted. Report adopted.

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4.3

(Committee Chair)

4.4

February 20, 2024.....

4.5

(Date of Committee recommendation)