

1.1 Senator moves to amend the delete-everything amendment (SCS3631A-2)
1.2 to S.F. No. 3631 as follows:

1.3 Page 33, delete section 19 and insert:

1.4 "Section 19. Minnesota Statutes 2022, section 103D.011, subdivision 10, is amended to
1.5 read:

1.6 Subd. 10. **Engineer.** "Engineer" means ~~the~~ a licensed professional engineer as described
1.7 in section 326.02 and designated by the managers to act as engineer. The board of managers
1.8 or the engineer may work in cooperation with other licensed professionals as described in
1.9 section 326.02 in the planning and design of a watershed district project."

1.10 Page 56, line 30, delete everything after "rock," insert "or topsoil."

1.11 Page 56, delete line 31

1.12 Page 70, line 8, delete the semicolon and insert ", and"

1.13 Page 70, lines 9 and 10, reinstate the stricken language

1.14 Page 71, line 9, delete "400" and insert "100"

1.15 Page 72, after line 20, insert:

1.16 "Sec. 81. Minnesota Statutes 2023 Supplement, section 103G.2242, subdivision 1, is
1.17 amended to read:

1.18 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
1.19 rules governing the approval of wetland value replacement plans under this section and
1.20 public-waters-work permits affecting public waters wetlands under section 103G.245. These
1.21 rules must address the criteria, procedure, timing, and location of acceptable replacement
1.22 of wetland values and may address the state establishment and administration of a wetland
1.23 banking program for public and private projects, including provisions for an in-lieu fee
1.24 program; mitigating and banking other water and water-related resources; the administrative,
1.25 monitoring, and enforcement procedures to be used; provisions that protect or mitigate
1.26 impacts to the public values of watercourses that are not public waters; and a procedure for
1.27 the review and appeal of decisions under this section. In the case of peatlands, the
1.28 replacement plan rules must consider the impact on carbon. Any in-lieu fee program
1.29 established by the board must conform with Code of Federal Regulations, title 33, section
1.30 332.8, as amended.

2.1 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
2.2 of the governing body of the local government unit, consistent with the provisions of the
2.3 rules or a comprehensive wetland protection and management plan approved under section
2.4 103G.2243.

2.5 (c) If the local government unit fails to apply the rules or fails to implement a local
2.6 comprehensive wetland protection and management plan established under section
2.7 103G.2243, the government unit is subject to penalty as determined by the board.

2.8 (d) When making a determination under rules adopted pursuant to this subdivision on
2.9 whether a rare natural community will be permanently adversely affected, consideration of
2.10 measures to mitigate any adverse effect on the community must be considered."

2.11 Amend the title accordingly