

2012 Natural Resources Legislation

A Summary of the Actions of the 2012 Regular Session of the Eighty-Seventh Minnesota Legislature

**Minnesota Department of Natural Resources
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2012 Legislative Summary
Minnesota Department of Natural Resources

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DIVISION OF ECOLOGICAL AND WATER RESOURCES

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

Effective 7-01-2012, unless otherwise noted

- Section 15, Subd. 5 Aquatic Invasive Species (civil penalties)
 - Civil penalties/amounts are generally doubled from previous amounts.
 - Penalty amounts are doubled the base amount if one or more prior convictions or civil citations.
 - Failing to leave drain plug opened while transporting watercraft added to civil citation penalty provision.

- Section 13, Subd. 2, Aquatic Invasive Species (inspection authority)
 - DNR can require mandatory inspections of water-related equipment before a person places or removes equipment into/out of a water body.
 - Inspection stations can be located at or near public water access sites or in locations that allow for servicing multiple water bodies.
 - (f) Commissioner shall ensure inspection stations: 1) have adequate staffing, 2) allow for reasonable travel time between accesses and inspection stations, 3) are located so as not to create traffic delays or public safety issues, 4) have decontamination equipment available, and 5) do not reduce capacity or hours of operation of public accesses.
 - Commissioner may enter into delegation agreements with local or tribal government if local or tribal government assume all legal, financial, and administrative responsibility in their jurisdiction, and must: employ inspectors that have been trained/authorized by DNR, 2) conduct inspections and decontamination measures as approved by DNR, 3) have decontamination equipment available at inspection stations or within reasonable distance of inspection stations, 4) provide inspection stations that do not create traffic delays or public safety issues, 5) submit a plan approved by DNR with no reduction in capacity or hours of operation of public accesses, adequate staffing and enforcement capacity, 6) must submit an annual report to DNR, and 7) other requirements per section.
 - Allows conservation officers and other peace officers to require water-related equipment be removed from a water body if necessary to implement aquatic invasive species control measures.

- Section 21, Subd. 4, Boating/Fishing (Aquatic Species Prevention Program)
 - Clarifying that a person may not launch any water-related equipment (was watercraft/trailer) into waters of the state with prohibited species attached.
 - Portable bait containers do not need to be drained when fishing through the ice, except when in VHS designated waters.
 - New boat trailer decal required that will be issued after completion of aquatic invasive species prevention educational training (display of the decal effective 7-1-2015).
 - The watercraft aquatic invasive species rules decal passed in 2011 is repealed.

- Section 12, Property Owners (Persons transporting water-related equipment)
 - (f) Boat lift, dock, swim raft, etc. removed from any water body may not be placed in another water body for at least 21 days.

- Section 7, Subd. 15a., Service Providers
 - Service providers definition includes service provided as a benefit of a yacht club, boat club, marina, or similar organization.
 - Service provider decals to be displayed on inside lower driver's side windshield.

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- Bait Harvesting/ possession of bait
 - Section 8, Subd. 3., Harvest of bait by hook and line from infested waters is allowed for bullheads, goldeyes, mooneyes, sheepshead (freshwater drum) and suckers with following conditions: 1) to be used for personal use ONLY; 2) used on the same body of water where caught and while still on that water body; 3) the bait/fish may not be transported live from or off that water body; 4) bait/fish meet all other size restrictions and requirements; and 5) bait/fish are included in any daily limits.
 - Section 26, (b), Possession/importation of dead bait from VHS waters must be preserved in a manner prescribed by the commissioner. Shipments need to have documentation showing water body source, lot number, company contact information (name, phone, address), date of packaging and labeling, and valid negative fish health certification for the water body.
- Section 42, Wetland Conservation Act (Agricultural activities)
 - For wetlands that are drained on agricultural land, a deed restriction to enforce the requirement that the land stay in agricultural use for ten years is now optional rather than mandatory.
- Wetland Conservation Act (Exemptions)
 - Section 42, Subd. 7, Revised the exemption for activities covered under the federal farm program “Swampbuster” provision to require a memorandum of understanding between the Board of Water and Soil Resources (BWSR) and the USDA-Natural Resources Conservation Service.
 - Section 43, Subd. 9, Deminimis exemption revised and simplified: exemption limit increased for forested wetlands in southern Minnesota; provision added to increase exemption limits for wetlands in shoreland areas if certain water quality measures are established.
- Wetland Conservation Act (Wetland replacement)
 - Section 44, Subd. 3., BWSR authorized to implement an in-lieu-fee wetland replacement program for certain areas and activities whereby applicants pay into an account used to develop wetland replacement projects.
- Wetland Conservation Act (Assumption of Section 404 of Federal Clean Water Act)
 - Section 45, BWSR authorized to seek full or partial state assumption of the federal Clean Water Act Section 404 program (regulating discharge of dredged/fill material in wetlands and waters). Requires consultation with the DNR, MPCA and MDA.

Miscellaneous Items

- Section 39, Subd. 4., (Removal of logs, dead trees and branches)
 - Removal of logs, dead trees, and branches is exempt from any permit requirements, unless required by a local government unit.
 - A person must have landowner permission before removing trees from public or private land.
 - Public entities are encouraged to allow removal of logs, dead trees, and branches that present a safety hazard on their land.
- Section 48, Water Allocation Priorities
 - Eliminates language stating that diversions of water from the state for use in other states or regions of the U.S. or Canada must be discouraged.
 - Provides criteria for legislative approval of water diversions.
- Section 51, Monitoring Wells (Monitoring equipment)
 - Requires that cost of drilling monitoring wells be shared proportionally by all water use permit holders that are directly affecting a particular water resources feature.

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- **General Permits**
 - Section 2, Subd. 7., Expands the potential use of general permits to Endangered Species taking permits, special permits for wild animal taking, aeration system permits and aquatic plant management permits.
 - Section 50, Subd.1, c, Expands the use of general permits to all activities regulated under work in public waters and water appropriation rules, not just those with minimal impact.
 - Section 52, Subd. 7, c, Requires DNR to charge a \$100 fee for utilizing a general permit related to public waters, water appropriation and aeration systems.
 - Section 58, Subd. 2, f, Requires a \$30 fee for utilizing a general permit related to aquatic plan management.

- **Section 77, Subd. 15., Environmental Review (Duplicative permit information; environmental assessment)**
 - Directs the Environmental Quality Board to not require, unless necessary, information in an Environmental Assessment Worksheet that is also part of a permitting process for a proposed action.

- **Section 85, Subd. 7, c, Woody Biomass/Habitat Restoration (Linking Habitat Restoration to Bioenergy and Local Economies)**
 - Technical changes to LCCMR appropriation to clarify DNR's authority to provide grants for this project to public and private entities and to sell woody biomass from public or private property and use the proceeds for additional projects under this appropriation.

- **Section 94, Asian Carp Legacy Appropriation (Protect Aquatic Habitat from Asian Carp)**
 - Modifies language in legacy appropriation to require DNR to notify chairs and ranking minority members of the legislative natural resources committees before entering into any contract with the Outdoor Heritage Fund appropriation for Asian carp deterrent barriers.

Chapter 264, Regular Session SF 2493

Legacy

- **Deterrent Barriers for Asian Carp**
 - Article 1, Section 2, Subd. 5, h, Appropriates \$7.5 million to design, construct, operate, and evaluate structural deterrents for Asian carp.
 - Article 1, Section 6, Subd. 15, b, Language added to HF 2164 requires DNR to notify chairs and ranking minority members of the legislative natural resources committees before entering into any contract with this appropriation.
 - Article 1, Section 2, Subd. 3, b, Any dollars in this appropriation that are unspent by December 12, 2012 may be used to complete the Mississippi River Northwoods acquisition project.
 - Article 1, Section 2, Subd. 7, Any dollars that are not needed to fund approved projects in this bill's acquisition appropriations may be added for the Asian carp barrier appropriation.
 - Article 4, Section 2, Subd. 9, c, Reduces fiscal year 2013 Environmental Trust Fund Appropriation for aquatic invasive species by \$1 million (but this is off-set by a \$1 million increase in the Invasive Species Account in HF 2171).
 - Article 2, Section 4, Appropriates \$1.8 million from the Clean Water Fund and \$2 million from the Environment and Natural Resources Fund for an Aquatic Invasive Species Cooperative Research Center at the University of Minnesota. The University is required to collaborate with DNR as a condition of receiving this appropriation.

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Chapter 277, Regular Session HF2171

Game & Fish

- Twin Lakes SNA
 - Article 1, Section 87, Requires DNR to hold a public hearing on the issue of whether hunting should be allowed in the Twin Lakes Scientific and Natural Area (currently archery hunting is allowed and a couple of local landowners are opposed to it).

- Non-resident Fishing License Surcharge
 - Article 2, Section 20, Subd. 7, Raises non-resident fishing license surcharge from \$2 to \$3. (These dollars are transferred into the Invasive Species Account.)
 - Article 2, Section 34, Provides a one-time transfer of \$500,000 from the Game and Fish Fund into the Invasive Species Account, in addition to the transfer of the revenues from the non-resident fishing license surcharge.
 - Article 2, Section 36, Appropriates an additional \$1 million in fiscal year 2013 from the Invasive Species Account for aquatic invasive species activities to off-set the \$1 million decrease in the Environmental Trust Fund appropriation in SF 2493.

Chapter 150, Regular Session

SF1567

Permitting & Environmental Review

- Permitting efficiency
 - Article 1, Section 1, Subd. 14a, a, Modifies 150-day goal for issuing permits so that clock starts ticking when application is submitted, even if it's not substantially completed.
 - Article 1, Section 1, Subd. 14a, d, If DNR notifies an applicant that a permit application is incomplete, the notice must enumerate all deficiencies, citing applicable rules and statutes.

- Water Conservation Rate Structure (Water supply plan; demand reduction)
 - Article 1, Section 3, Subd,4, a, Replaces requirement for public water suppliers to have a conservation rate structure, with a requirement to have water demand reduction measures, which must include a conservation rate structure or a uniform rate with a conservation program that achieves demand reduction.
 - Article 1, Section 3, Subd, 4, b, Extends date to for public water suppliers (metro and non-metro) to have water demand reduction measures in place to January 1, 2015.

- Environmental Review
 - Article 2, Section 2, Subd. 2, Modifies environmental review triggers so they are more consistent between corn ethanol, butanol and cellulosic biofuels produced from forest biomass.
 - Article 2, Section 2, Subd. 2, 3, g, If project proposers are subject to an EIS for a project that requires multiple permits under multiple agencies, and the permit approval process includes mandatory or discretionary hearings before a hearing officer, the proposer may request a consolidated hearing process.
 - Article 2, Section 3, Subd. 5b, Requires report by EQB, PCA, DNR, and DOT by December 1, 2012, and every five years thereafter, that lists the mandatory EISs and EAWs for which the agencies or political subdivisions were the RGU with the following information: 1) intended historical purpose of the mandatory category; 2) whether projects subject to the category are also subject to local, state, or federal permits; and 3) an analysis of whether the category should be modified, eliminated, or unchanged based on its relationship to existing permits and other regulatory requirements.
 - Article 2, Section 4, Creates a pilot environmental review process that can be used by DNR and PCA on up to three project proposals. The process would allow scoping to occur without preparation of an Environmental Assessment Worksheet and contains other streamlining provisions; for example, summarizing impact analyses for a DEIS that will be completed in detail for permitting. The bill also lists a series of criteria that a proposed project would have to meet in order to qualify for the pilot process.

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DIVISION OF ENFORCEMENT

Chapter 128, Regular Session SF1240

Criminal Forfeiture Provisions

- Sections 1-7, Subds. 2, 3, 4, 5a, 8, 9, and 10, OHV forfeiture upon second gross misdemeanor violation of recklessly/carelessly upsetting the natural and ecological balance of a wetland. Changes are consistent with the standards in the 2011 Criminal Forfeitures legislation. Prosecutor more closely coordinates forfeiture processes, officers work more closely with prosecutor on the forfeiture processes.
- Sections 8-14, Subd. 2, 3, 4, 5a, 8, 9, and 10, DWI forfeiture process changes consistent with the 2011 Criminal Forfeitures legislation and the OHV forfeiture processes above. Prosecutor more closely coordinates forfeiture processes, officers work more closely with prosecutor on the forfeiture processes.
- Sections 7, 14, and 20, Subd. 10 and 1, Forfeited property under these sections cannot be sold to agency or prosecutor staff, or to persons related to agency or prosecutor staff.

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

- Section 5, Subd. 1, DWI operating suspensions clarified for boating while intoxicated and snowmobile or ATV DWI convictions. Suspension includes all vehicles of the type being operated under the conviction.
- Section 13, AIS and APM permits to be more clearly coordinated when permitted control activities involve invasive species or designated infested waters.
- Section 25, Subd. 4a, Failure to appear in court/pay fine suspension more closely conform to driver's license suspension language for consistent application by the courts.

Chapter 277, Regular Session HF2171

Game & Fish

Article 1; Game and Fish Policy

- Section 16, Subd. 4, Shooting range performance standards reference codified in statute, rulemaking is no longer required. Trespass law amended to treat private shooting preserves in a similar manner as public lands (within 500 feet of a building for discharging firearms to take wild animals).
- Section 18, Shooting range accessibility for DNR's firearm safety course for publicly funded shooting ranges in the seven county metro area, limited by reasonable times and direct costs. Correctional and detention facilities exempted.
- Section 31, Subd. 3., 3, c, Deer license revocation is double the normal revocation period for any convictions involving trophy deer.
- Section 49, Subd. 7, 2, b, Stockade or corral defined for outdoor recreation trespass law as fenced enclosure not greater than one acre.
- Section 54, b, Blaze orange requirements while deer hunting now allows archery deer hunter in a stationary position to take small game without blaze orange.
- Section 56, Subd. 3., 3, Remote control decoys clearly allowed for motorized waterfowl decoys during the times and locations allowed for motorized waterfowl decoys. Remote control decoys allowed for mourning doves.
- Section 58, Subd. 3, a, Deer baiting restrictions clarified. Agricultural crops that are reintroduced and concentrated where a person is hunting are bait. Liquid scents or mineral attractants that contain liquid or solid food ingredients are bait. One year license revocation when convicted of hunting deer with bait.
- Section 66, Beaver /dam removal by local government allowed through similar process to road authorities. Local government and road authorities need to contact Conservation Officer for permit prior to killing or arranging to kill beaver, and must report the killing to a Conservation Officer or Wildlife staff.
- Section 84, a, Penalties for taking wolves are generally a misdemeanor, wildlife restitution value reduced to misdemeanor level (\$500) similar to deer.

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- Section 88, Enforcement records management system report to legislature due January 15 2015 on projected costs for planning, implementing, maintaining, and administering the comprehensive system.

Chapter 287, regular session

HF2685

Omnibus Transportation

- **Article 4; Transportation Policy**

- Section 10, Subd. 1, 4, c, Conservation Officer patrol vehicles can be unmarked, must be registered and display appropriate license number plates.

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DIVISION OF FISH AND WILDLIFE

Chapter 264, Regular Session SF 2493 Legacy

- DNR will be directly appropriated \$33.56M for the following:
 - \$2.9M - WMA Acquisition (FAW)
 - \$4.3M - Prairie Restoration/Enhancement (FAW)
 - \$3.87M - Shallow Lakes and Wetlands Restoration/Enhancement (FAW)
 - \$2.63M - Marsh Lake Enhancement (FAW)
 - \$3.48M - Aquatic Habitat Program (FAW)
 - \$3.67M - Lower St. Louis River Habitat Restoration (FAW)
 - \$7.5M - Asian Carp Barriers and Deterrents (EWR)
 - \$4.99M - CPL Grants Program (FAW)
 - \$175,000 - Pass-through Contract Management (OMBS)
 - \$45,000 - Restorations Technical Evaluation Panel (OMBS)
- Other provisions
 - Fee title acquisitions must be open to public taking of fish and game during the open season unless otherwise provided by state law.

Chapter 293, Regular Session HF 1752 Omnibus Bonding

- Section 1 Capital program or project appropriation may be used to pay state agency staff costs attributed directly to the program or project.
 - Section 7 (Natural Resources) appropriates a total of \$46,500,000.
 - Flood hazard mitigation - \$30,000,000
 - Dam repair, reconstruction, and removal - \$3,000,000
 - State forest land restoration - \$2,500,000
 - Unspent appropriation for complete projects and not more than 10% may be transferred for asset preservation.

Chapter 277, Regular Session HF2171 Game & Fish

- Article 1 Game and Fish Policy
 - Section 1 (Mission and Efficiency) broadens commissioner authority to include planning and implementing to recruit new and retain existing outdoor recreation participants including but not limited to anglers, hunters, and campers.
 - Section 2 (Electronic Transactions) provides that game and fish licenses related to hunting, trapping, angling, commercial netting and fishing, and other activities will be available by electronic transactions regardless of whether a biennial appropriation has been enacted. General funds used as a contingency to achieve this would be replaced with the eventual appropriated funds.
 - Section 3 (Land Gifts) directs that deeds conveying land or an interest in land to the state must indicate whether the state may resell the donated land or interest in land. The commissioner must notify the donor of the option to express this in the deed.
 - Section 11 (Bait Harvest from Infested Waters) allows the harvest by hook and line of bullheads, goldeyes, mooneyes, sheepshead, and suckers for bait from infested waters for noncommercial personal use. Fish removed must be used in the same body of water and must not be moved live from the water body.
 - Section 18 (Public Shooting Range Accessibility) requires that a publicly owned or managed shooting range in the seven county metropolitan area must be available twice during the spring and twice during the summer for DNR firearms safety training. Fees may be charged to cover direct costs. Cities of the

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- first class (cities with more than 100,000 inhabitants) or ranges on the same premises as correctional facilities are exempted.
- Sections 19 and 35 (Deer Bonus Permits and Owners of Agricultural Land) expands the definition of bonus permit to include free antlerless deer licenses issued to landowners or tenants of at least 80 acres of agricultural land. These licenses may be issued in permit areas that allow the taking of antlerless deer without a lottery application.
 - Sections 20 (References to “Brush Wolf”) eliminates all references to “brush wolf” (also known as coyotes).
 - Sections 64, 68, 84, 90 (References to “Gray” Wolf) replaces all references to the “gray” wolf and simply refers to “wolf”.
 - Sections 22, 48, 69 (Elimination of Obsolete Language) eliminates language that is obsolete or redundant (i.e. emergency deer feeding and wild cervid health management biannual report, waiver for license applications and social security numbers, 2008 fall turkey season).
 - Sections 21, 44, 45 (Deer and Small Game License Donations and Surcharges) eliminates an obsolete reference to a 2010 report on the effectiveness of the venison donation program. This section also eliminates the use of nonresident hunting license surcharges and deer license donations for the venison donation program. Instead the surcharge on deer bonus licenses are appropriated for deer management including the cost for processing deer for the venison donation program. The \$5 surcharge on nonresident hunting licenses, donations from deer license purchasers (\$1, \$3, or \$5), and donations from small game license purchasers (\$1, \$3, or \$5) will be used for the administration of a walk-in access program.
 - Sections 23, 42, 43, 46, 50 - 52,55, 60 – 63, 65, 71, 85 (Wolf License, Fees, Account, and Season) creates clear authority for the commissioner to issue a wolf license; to charge a fee for the license and application; establishes a wolf management and monitoring account in the Game and Fish Fund to receive license revenues for wolf management, research, damage control, enforcement, and education; to limit the number of wolves taken; to limit the number of hunters and trappers; and other aspects of a wolf season.
 - Section 24 (Vacating Refuges Open to Hunting) authorizes the commissioner to vacate refuges that have been open to hunting and trapping for at least five years, without having to go through a formal public process.
 - Section 25 (Migratory Waterfowl Sanctuary) expands commissioner authority and allows for designating a migratory waterfowl sanctuary without necessarily receiving a petition signed by at least ten residents. Authority is also expanded to limit access to waterfowl sanctuaries to include times other than only during the open migratory waterfowl season.
 - Section 26 (Waterfowl Feeding and Resting Areas) expands commissioner authority to either designate a waterfowl feeding and resting area after describing the area in a public notice and receiving public comments or after receiving a petition signed by at least ten residents.
 - Section 27 (Walk-In Access Program) establishes a walk-in access program to provide public access to wildlife habitat on private land for hunting effective March 1, 2013.
 - Section 28 (Portable Stands) allow for two additional options for a hunter to identify a portable stand left overnight in a wildlife management area by a person hunting with a valid bear license.
 - Section 29 (Replacement Deer Licenses) is a technical change clarifying that this section of Minnesota Statute refers to replacing deer licenses.
 - Sections 30 and 47 (Replacement Turkey Licenses) authorizes the commissioner to issue replacement turkey licenses if the original license and unused tags are submitted and the applicant pays a fee (\$5) to replace the license.

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- Section 32 – 34, 59 (Application for License) standardizes the price of hunting license applications (i.e., moose, elk, turkey, bear) to \$4 per person.
- Section 37 - 38 (Nonresident Deer Licenses for Youth) is a technical change that clarifies that both resident and nonresident youth big game licensing requirements and specifies that both resident and nonresident youth, including those age 10 or 11, must pay a fee. Obsolete language is removed from Section 37.
- Section 36, 39 – 41 (Excluding Wolf Take from Small Game, Lifetime License Types) excludes the taking of wolves from small game youth, lifetime small game hunting, lifetime sporting, and lifetime sporting with spearing option license types.
- Section 49 (Taking With Firearms in Certain Areas) restricts taking of wild animals with a firearm within 500 feet of private property unless the land is a licensed shooting preserve or within 500 feet of a fenced enclosure with livestock of one acre or less without permission of the owner, occupant, or lessee.
- Section 53 (Hunter Satisfaction Survey) clarifies that the commissioner shall collect hunter information on participation and satisfaction using established social science methods.
- Section 54 (Blaze Orange Requirements) This language amends the current blaze orange requirements for small game hunting by providing an exception for archery deer hunters to take small game without blaze orange while stationary or while hunting small game by falconry.
- Section 56 (Use of Radio Equipment for Hunting) allows for (a) radio communication between a handler and a dog and (b) use of a remote controlled motorized decoy for taking migratory waterfowl or mourning doves.
- Section 57 (Use of Mechanical or Electronic Assistance by Physically Disabled) allows physically disabled hunters to use a mechanical or electronic device to hold or discharge a firearm or bow.
- Section 66 (Removal of Beavers) expands authority from Road Authorities to include Local Government Units to remove beaver and associated dams for silvicultural purposes. Methods to remove the beaver by employees are loosened to include any method other than poison or artificial lights.
- Section 67 - 68 (Coyote, Fox, and Wolf Control) authorizes the commissioner to determine by written order in the State Register the payment amount for each coyote, fox, or wolf taken by certified predator controllers.
- Section 70 (Hunter Must be Concealed) expands commissioner authority to designate areas for the taking of waterfowl in open water. This authority would allow designation of border waters, large lakes or other areas for open water hunting.
- Section 72 (Body-Gripping Traps) restricts the use of body-gripping traps greater than 6-1/2 inches and less than 7-1/2 inches (also known as Conibear 220 traps) on public lands and waters unless the trap is recessed seven inches or more from the top and front of an enclosure, no attractants are within 20 feet of the trap, or the trap is elevated at least three feet from the surface of the ground or snowpack.
- Sections 75 and 83 (Winter Open Season for Trout in Boundary Waters Canoe Area) clarifies that the winter season for trout species in lakes (and undesignated trout streams) entirely within the BWCA is January 1 to March 31. The winter season for trout species in lakes (and undesignated trout streams) outside or partially within BWCA is January 15 to March 31.
- Sections 76 – 78 (Minnow Importation and Uses) restricts the manner in which minnows imported from other states (that may be coming from waters infested with aquatic invasive species or disease) are transported. Containers must be tagged and tracked on permit paperwork. Permittees must disclose certain viruses. Live minnows used for feeding at a licensed hatchery or farm may only be obtained within the state effective July 1, 2013. Only dead minnows may be imported for feeding at these facilities. Designated containment facilities may be issued permits to import minnows for later export with specific conditions to avoid spreading aquatic invasive

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- species and pathogens. Designated facilities and their premises, equipment, and vehicles are subject to inspection. Permittees may be required to furnish evidence of financial responsibility.
- Section 79 - 80 (Temporary Drawdown of Public Waters) defines “shallow lake” and clarifies that permits for temporary drawdowns may include shallow lakes managed for fish, wildlife, or ecological purposes. Public hearings must be conducted presenting the management plan and outlining when and how temporary drawdowns will be conducted. Periodic temporary drawdowns are not considered takings from riparian landowners.
 - Section 82 (Laws 2011 First Special Session, Fish and Wildlife Management) allows that up to ten percent of the Fish and Wildlife management appropriation from the heritage enhancement account (increased from five percent) may be used to expand hunter and angler recruitment and retention activities including grants to organizations and securing public shooting range availability in the seven county metropolitan area for participants in the DNR firearms safety instruction course.
 - Section 84 (Restitution Value for Wolves) changes through rule the restitution value for wolves to \$500 now that the species is no longer listed on the federal Endangered Species Act. DNR Initiative
 - Section 87 (Twin Lakes SNA) requires the department to conduct public hearings to determine if hunting should be allowed on the Twin Lakes Scientific and Natural Area (SNA). Archery hunting is currently allowed on this SNA and a couple of local landowners are opposed to this activity there. The department can comply with this legislation.
 - Section 89 (Report to Legislature – Risks of Introducing Invasive carp Through Fish Transportation) mandates a report from the commissioner by February 15, 2013 after consultation with the aquaculture industry and other affected parties on the risks of introducing invasive carp species through transportation of fish between water bodies with recommendations on necessary changes in statutes, rules, or permitting procedures.
 - Section 91 (Repealer) repeals
 - M.S. 87A.02, subdivision 1 (shooting range standards)
 - M.S. 97A.045, subdivisions 8 and 13 (Wisconsin nonresident reciprocity; bovine TB cervid carcass removal)
 - M.S. 97A.065, subdivision 1 (revenue from rough fish “fish and turtle sales”)
 - M.S. 97A.095, subdivision 3 (prohibiting migratory waterfowl hunting on Muskrat Lake)
 - M.S. 97A.331, subdivision 7 (taking of wolves illegally gross misdemeanor)
 - M.S. 97A.485, subdivision 12 (youth deer license cost)
 - M.S. 97A.552 (fishing regulations and importing from Canada)
 - M.S. 97B.645, subdivision 2 (permit to snare wolves)
 - M.S. 97C.031 (open seasons for lakes with unbalance fish populations)
 - M.S. 17.4993, subdivision 2, is repealed on July 1, 2013 (allows importation of live minnows to feed fish)
- Article 2 Game and Fish License Fees
 - Section 1 (Land Acquisition) stipulates that revenue for the sale of game and fish licenses may not be used to purchase land in fee title or easements except for revenues from the small game license surcharges and hunting and fishing stamps.
 - Section 2 (Deer Licenses) stipulates that fifty cents from each annual deer license and fifty cents from each lifetime deer license shall be credited to the wolf management and monitoring account effective March 1, 2013.
 - Section 3 (License Period) changes the license year for resident and nonresident angling licenses and the angling portion of the sporting license to begin on March 1 and end on the last day of February. A three year individual angling license is also established effective March 1, 2013.

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- Sections 10 – 27, 30 - 33, 38 (Fishing, Hunting, and Trapping License Fee Increases or Adjustments) increases angling, hunting, and trapping licenses effective March 1, 2013.
 - Lifetime resident angling licenses: age 3 and under ~~\$227~~ \$304, age 4-15 ~~\$300~~ \$415, age 16-50 ~~\$383~~ \$508, 51 and over ~~\$203~~ \$335.
 - Lifetime resident angling and spearing: age 3 and under ~~\$485~~ \$380, age 4-15 ~~\$620~~ \$509, age 16-50 ~~\$755~~ \$617, age 51 and older ~~\$376~~ \$386.
 - Lifetime resident small game hunting: age 3 and under ~~\$217~~ \$223, age 4-15 ~~\$290~~ \$301, age 16-50 ~~\$363~~ \$430, age 51 and over ~~\$213~~ \$274.
 - Lifetime resident deer hunting: age 3 and under ~~\$337~~ \$406, age 4-15 ~~\$450~~ \$538, age 16-50 ~~\$573~~ \$656, age 51 and over ~~\$383~~ \$468.
 - Lifetime resident sporting: age 3 and under ~~\$357~~ \$528, age 4-15 ~~\$480~~ \$728, age 16-50 ~~\$613~~ \$861, age 51 and over ~~\$413~~ \$602.
 - Lifetime nonresident angling: age 3 and under ~~\$447~~ \$726, age 4-15 ~~\$600~~ \$925, age 16-50 ~~\$773~~ \$1,054, age 51 and over ~~\$513~~ \$702.
 - Resident hunting: 18 or over and under 65 small game ~~\$12.50~~ \$15.50, age 65 or over small game ~~\$6~~ \$7, 18 and over turkey ~~\$23~~ \$26, 13 or over and under 18 turkey ~~\$12~~ \$5, 18 or over deer firearms, archery, muzzleloader ~~\$26~~ \$30, party not more than six moose ~~\$310~~ \$356, bear ~~\$38~~ \$44, party not more than two elk ~~\$250~~ \$287, prairie chickens ~~\$20~~ \$23, age 13 or over and under 18 deer firearms, archery, muzzleloader ~~\$13~~ \$5, NEW age 18 or over small game consecutive 72-hour period \$19, NEW age 16 or over and under age 18 small game \$5.
 - Nonresident hunting: age 18 or over small game ~~\$73~~ \$90.50, age 18 or over deer firearms, archery, muzzleloader ~~\$135~~ \$160, bear ~~\$195~~ \$225, age 18 or over turkey ~~\$78~~ \$91, age 13 or over and under 18 turkey ~~\$12~~ \$13, raccoon or bobcat ~~\$155~~ \$178, age 13 or over and under 18 deer firearms, archery, muzzleloader ~~\$13~~ \$15, NEW age 18 or over small game consecutive 72-hour period \$75, NEW age 16 and over and under age 18 small game \$15.
 - Surcharge: \$5 added to nonresident age 18 or over turkey.
 - Small game surcharge exempt: NEW 72-hour hunting, NEW age 16 and over and under 18 small game, NEW nonresident 72-hour hunting.
 - Resident fishing: age 18 or over ~~\$17~~ \$22, age 18 or over married couple ~~\$25~~ \$35, age 18 or over spearing \$5 and must possess an angling license, age 18 and over 24-hour ~~\$8.50~~ \$10, NEW age 18 and over consecutive 72-hour \$12, NEW age 18 or over 3 consecutive years \$63, NEW age 16 or over and under age 18 \$5.
 - Nonresident fishing: age 18 or over ~~\$37.50~~ \$40, 18 or over consecutive 7-day ~~\$26.50~~ \$33, age 18 or over consecutive 72-hour ~~\$22~~ \$27, age 18 or over one or both parents and dependent children under 16 ~~\$50.50~~ \$55, age 18 or over 24-hour ~~\$8.50~~ \$12, married couple consecutive 14-day ~~\$38.50~~ \$43, age 18 or over spearing from dark house ~~\$37.50~~ \$10 and must possess an angling license, NEW age 16 or over and under 18 \$5, ~~\$2~~ \$5 surcharge to all nonresident fishing licenses except 24-hour.
 - Sporting resident angling and small game: individual ~~\$23~~ \$31.50, combination two angling one small game ~~\$32~~ \$45.50.
 - NEW Super Sport resident license angling including trout; small game, including pheasant and state waterfowl; deer by firearms or muzzleloader or archery: age 18 or over individual \$92.50, married couple \$118.50.
 - Ice shelters: resident annual ~~\$11.50~~ \$15, annual rented ~~\$26~~ \$30, 3-year ~~\$34.50~~ \$42, 3-year rented ~~\$78~~ \$87, nonresident annual ~~\$33~~ \$37, nonresident consecutive 7-day ~~\$19~~ \$21, nonresident 3-year ~~\$99~~ \$111.

2012 Legislative Summary

Minnesota Department of Natural Resources

- Trapping: age 14 and under 18 ~~\$6~~ \$5, age 18 or over and under 65 ~~\$20~~ \$23, age 65 or over ~~\$10~~ \$11.50, nonresidents ~~\$73~~ \$84.
- NEW Super Sports licenses are not eligible for a duplicate license and no fee is charged for a replacement deer license issued under the super sport.
- Camp Ripley archery hunt: application ~~\$8~~ \$12.
- Pheasant stamp exempt: nonresidents under age 18 and residents over 65, residents and nonresidents NEW consecutive 72-hour hunting.
- Waterfowl stamp exempt: residents and nonresidents NEW consecutive 72-hour hunting.
- Trout and Salmon stamp exempt from: NEW consecutive 72-hour angling license, over age 18 and under 65, NEW nonresident consecutive 72-hour angling.
- Section 4 (Validity of Licenses) This language stipulates that if a licensee's age, residency or student status changes then licenses to take wild animals will be valid for the balance of the license year effective March 1, 2013.
- Section 5 – 9 (Youth Licenses) adjusts the license age requirements for turkey, resident small game, nonresident small game, big game, and nonresident angling license types.
- Section 28 (Electronic Licensing Commission) stipules that the commissioner shall retain the commission and issuing fees for all license fees effective March 1, 2013.
- Section 29 (Firearms Safety Certificate Required) clarifies that residents under the age of 18 would not be required to have a Firearms Safety Certificate under existing programs in state law effective March 1, 2013.
- Section 34 (Invasive Species Account Transfer) transfers \$500,000 from the Game and Fish Fund to the Invasive Species Account in fiscal year 2012 and, in combination with Section 36 of the bill, offsets a \$1 million reduction in a fiscal year 2013 Environmental Trust Fund appropriation to the invasive species program (see SF 2493, Article 2, sec. 2).
- Section 35 (Invasive Species Appropriation) increases the appropriation from the Invasive Species account by \$1 million for fiscal year 2013, to offset the \$1 million reduction in the fiscal year 2013 Environmental Trust Fund appropriation for invasive species (see SF2493, Article 2, sec. 2). The dollars come from a transfer from the Game and Fish Fund account that is supported by an increase in the nonresident fishing license surcharge (Article 2, sec. 20) and the overall increase in hunting and fishing licenses.
- Section 36 (Walk-In Access Account Transfer) authorizes the transfer of \$616,000 from the venison donation account to the walk-in access account and is available until spent.
- Section 37 (Repealer) repeals Minnesota Statutes 2010, section 97A.451, subdivisions 3a and 7, effective March 1, 2013 (fishing licenses for youth and those over 65 years spearing)

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

- Section 6 (Prairie and Grassland Public Grazing Program) establishes a program using cooperative farming agreement or lease agreements on DNR administered lands where grazing will enhance wildlife habitat. A list of grazed lands will be maintained and a goal is to be financially self-sufficient. Revenues are deposited into the game and fish fund for the program.
- Section 8 (Bait Harvest from Infested Waters) allows the harvest by hook and line of bullheads, goldeyes, mooneyes, sheepshead, and suckers for bait from infested waters for noncommercial personal use. Fish removed must be used in the same body of water and must not be moved live from the water body. (also in Game and Fish Bill)
- Section 26 (Aquatic Life Prohibited for Bait) provides that live, frozen, or processed bait from waters where VHS is present may not be imported or possessed unless processed to inactivate VHS as prescribed in rule.

2012 Legislative Summary

Minnesota Department of Natural Resources

- Sections 32 - 36 (Local Water Management Coordination and Plans) describes a planning process and defines a plan to manage the water and related natural resources of a watershed that has been approved by the board and adopted by LGUs.
- Section 39/40 (Removal of Dead Logs, Trees, and Branches) provides that removal for shoreland is exempt from permit requirements unless required by LGU.
- Sections 42 – 44 (Wetlands and Wetland Conservation Act)
 - Wetlands on agricultural land: For wetlands that are drained on agricultural land, a deed restriction to enforce the requirement that the land stay in agricultural use for ten years is now optional rather than mandatory.
 - Exemptions
 - Revised the exemption for activities covered under the federal farm program “Swampbuster” provision to require a memorandum of understanding between the Board of Water and Soil Resources (BWSR) and the USDA-Natural Resources Conservation Service.
 - De minimis exemption revised and simplified: exemption limit increased for forested wetlands in southern Minnesota; provision added to increase exemption limits for wetlands in shoreland areas if certain water quality measures are established.
 - Wetland replacement: BWSR authorized to implement an in-lieu-fee wetland replacement program for certain areas and activities whereby applicants pay into an account used to develop wetland replacement projects.
 - Section 404 assumption
 - BWSR authorized to seek full or partial state assumption of the federal Clean Water Act Section 404 program (regulating discharge of dredged/fill material in wetlands and waters). Requires consultation with the DNR, MPCA and MDA.
- Section 88 (Environment and Natural Resources Trust Fund) extends the appropriation for the 2009 cooperative habitat research in deep lakes to June 30, 2013.

2012 Legislative Summary
Minnesota Department of Natural Resources

DIVISION OF FORESTRY

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

- Section 92, Forest Resources Council Study
 - Requires the Minnesota Forest Resources Council to submit a report to the Legislature by January 15, 2013, on the status of private forest land management and the policy of the state to promote healthy and robust forests. The study will evaluate existing and potential financial incentives for private forest land management and include recommendations for state policies that will ensure private forest lands are sustainable and continue to contribute to Minnesota’s economic vitality as well as provide access to the public to hunting and fishing resources.
- Section 98, a, (Repealer)
 - *Minnesota Statutes*, section 89.06 is repealed. This provision eliminates language that required the commissioner of Natural Resources to submit a plan to the Legislature on the benefits/costs of making the nursery and tree improvement program self-supporting by February 1, 1983.
 - *Minnesota Statutes*, section 90.042 is repealed. This provision eliminates the requirement that the commissioner of Natural Resources provide a complete description of the public involvement process for timber harvest plans to the Legislature by July 1 of each year.

Chapter 249, Regular Session HF2244

School Trust Lands

This bill makes the following major changes to current policy:

- Section 10, Creates a governor-appointed school trust lands director housed in the Department of Administration with up to five employees to advise the governor and Department of Natural Resources (DNR) on trust land management.
- Section 7, Subd. 1, Replaces the current legislative-citizen permanent school fund advisory committee with an all-legislative commission to advise the DNR and school trust lands director on trust land management.
- Section 7, Subd. 2, Requires trust lands to be managed in the most profitable manner possible.
- Section 4, Subd. 18, 6, Requires trust lands not being managed under policies where long-term economic return is promoted to be identified by 2013 and compensated for by 2018. This means buying out trust lands in Scientific and Natural areas or designated as old growth, water access sites, etc.
- Section 3, Subd. 5, c, Requires an analysis to be prepared that compares forest management costs incurred on trust lands to those incurred on other public and private lands with similar land assets, and presented to the commission prior to reimbursement certification.

Chapter 293, Regular Session HF1752

Omnibus Bonding

- Section 7, Subdivision 4. Roads and Bridges—\$2,000,000 is appropriated for the design, reconstruction, resurfacing, replacement, and construction of publicly owned DNR-maintained roads, culverts, and bridges.
- Section 7, Subdivision 5. State Forest Land Restoration—\$2,500,000 is appropriated to increase reforestation activities to meet the requirements of *Minnesota Statutes*, section 89.002, subdivision 2, including planting, seeding, site preparation, and for timber stand improvement.

Chapter 236, Regular Session SF1750

DNR Lands

- Section 9. Deletion From State Forest—a portion of the Fond du Lac State Forest that lies within the Mille Lacs Upland Ecological Section is removed, leaving all the remaining lands in the state forest within the North Shore Ecological Section.

2012 Legislative Summary
Minnesota Department of Natural Resources

- Section 10. Addition to State Forest—adds the portion of the Fond du Lac State Forest within the Mille Lacs Upland Ecological Section that was removed in section 9 to the Nemadji State Forest, where all lands are also in the Mille Lacs Upland Ecological Section.

2012 Legislative Summary
Minnesota Department of Natural Resources

DIVISION OF PARKS AND TRAILS

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

Unless otherwise noted, all provisions are effective July 1, 2012.

- Section 4. (Apprentice Rider Validation) new section allows a rider without the required safety certificate to participate in up to 2 DNR-sponsored trail riding events in state parks, state trails, state recreation areas and state forests. Applies to off-highway motorcycles, all-terrain vehicles, and snowmobiles. The event must be designed to involve new or apprentice riders. The riders must be at least 12 years old and must be accompanied by an adult with a valid safety certificate. Will facilitate PAT's "I can ride" initiative.
- Section 5. Technical amendment to MS 84.91, subd. 1 to clarify that a rider convicted of a DWI violation while snowmobiling or riding an ATV may not operate any snowmobile or ATV for a year; current law could be interpreted so that the rider is prohibited from using the specific machine they were using at the time of violation, but is not prohibited from using other machines.
- Section 12. (AIS-Water-related equipment) Amendment to MS 84D.10, subd. 4 imposes a 21-day waiting period before boat lifts, docks, swim rafts, or similar can be moved from one water body to another. Provision could be relevant for management activities at public accesses and state park swimming areas.
- Section 16. Amendment to MS 85.018, subd. 2 removes clause prohibiting a local government sponsor from designating a grant-in-aid trail for motorized and non-motorized use during the same use season. With this change, motorized and non-motorized use can be allowed during the same season with landowner and local government approval.
- Section 17, Subd. 3, to make holders of a federal access pass eligible for half-priced state park camping Sunday through Thursday. The federal access pass is available for persons with a permanent physical, mental, or sensory impairment. Before this amendment, discounted camping was limited to campers with a state-issued disability certificate under 169.345 or in a vehicle with disability plates issued under 168.021, subd. 1. [**Note:** *sight and mental disabilities are eligible for the federal pass, but not the certificate in 169.345 or license plates in 168.021.*]
- Section 18, Subd. 7 to make holders of a federal access pass eligible for a special state park permit. The federal access pass is available for persons with a permanent physical, mental, or sensory impairment. Previously, the special state park permit was available only to campers with a state-issued disability certificate under 169.345 or in a vehicle with disability plates issued under 168.021, subd. 1. [**Notes:** *sight and mental disabilities are eligible for the federal pass, but not for the certificate in 169.345 or license plates in 168.021. Also, 85.055, subd. 1 (7) discounts the special permit fee to \$12 (from \$25) for persons with a disability certificate under 169.345 or disability plates under 168.021. Presumed legislative intent was to provide the \$12 fee to federal access pass holders, but 85.055, subd. 1 (7) wasn't amended to include pass holders as eligible for the discount.*]
- Section 19, Subd. 1 to establish petty misdemeanor penalty for violations of rules, and for destruction of plants, facilities or other state property in Ch 86A outdoor recreation units. This is a reduction from misdemeanor penalty in state parks, state recreation areas, and state waysides, and a clarification of penalty authority in other outdoor recreation units: state forests, state trails, wild and scenic rivers, WMAs, AMAs, historic sites, and public water accesses. Violations in WMAs remain misdemeanors. If other provisions of law (e.g., Ch 609 criminal code, or littering in 85.20, subd. 6) provide different penalties, the violator may be charged and prosecuted under those provisions. [**Note:** *The state payables list will need to be updated per this amendment.*]
- Section 20. Amends 85.46, subd. 1 to establish petty misdemeanor penalty for horse pass violations. Reduced from misdemeanor, will be consistent with ski pass violations.
- Section 39. Amends 103F.211 (shoreland management) to exempt the removal of logs and dead trees and branches from shoreland areas, unless a permit is required by a local government. Landowner permission must be obtained, and public landowners are encouraged to allow removal from their lands for safety purposes. [*Possible implications for water trail management*].

2012 Legislative Summary

Minnesota Department of Natural Resources

- Section 40. (wild and scenic river statutes) to exempt the removal of logs and dead trees and branches that present a safety hazard from wild and scenic river shorelands, unless a permit is required by a local government. Landowner permission must be obtained, and public landowners are encouraged to allow removal from their lands for safety purposes. [*Possible implications for water trail management*].
- Section 77. Information is required as part of permitting is not required to be included in an EAW, unless necessary. Purpose is to avoid duplicative information in EAWs and permit applications. [*Possible implications for EAWs prepared for PAT projects.*]
- Section 86. Amends 2011 session law to permit in-season hunting and trapping, and the use of dogs for hunting purposes in La Salle Lake SRA.
- Section 87. Requires the DNR to prepare a legislative report addressing the long-term funding, use, expansion, and administration of Minnesota's system of state parks, recreation areas, trails, and forest day use areas. The report must include long-term funding options to reduce reliance on general funds; consideration of how to optimize the system to focus investment on the most important resources and the highest quality recreational opportunities; and recommend programs and initiatives to increase participation. Report is due January 15, 2013. [This section is effective May 4, 2012.]
- Section 91. Extends 2009 lottery-in-lieu appropriations to June 30, 2013. Affects projects funded by PAT with lottery-in-lieu revenues.

Chapter 264, Regular Session SF 2493

Legacy

[Effective 07/01/2012 unless otherwise noted]

- Article 1 – Outdoor Heritage Fund
 - Section 2, Subd. 1, b, - Mississippi Northwoods Habitat Complex Protection, provides \$11,040,000 for the DNR, in agreement with Crow Wing County, to acquire land along the Mississippi River to be added to the county forest system. Includes provision that any paved trail developed in the area would be an alteration in intended use of the property subject to restrictions and replacement of interest under new subd. 16 in 97A.056. Any plan for paved trail development must be submitted to the LSOHC, and no paved trail development or use is allowed unless specified in the plan for trail use and alignment approved by the LSOHC.
- Article 3 – Parks and Trails Fund
 - Section 1, Subd. 3 to eliminate the requirement for a non-state cash match, and states there is no limitation on maximum grant award. Includes provision that additional consideration shall be given to applicants who provide a non-state cash match.
- Article 4 – Environmental and Natural Resource Trust Fund
 - Section 1, f, amends 2011 appropriation to eliminate \$1 million of second year funding for Trust for Public Land acquisition on La Salle Lake; acreage number was removed. Note that in the appropriation under Article 1 (LSOHC), \$1 million was added for La Salle Lake habitat.
 - Section 2 (c) reduces by \$1 million the 2011 appropriation to accelerate AIS prevention, including development and implementation of BMPs for public water access facilities.
- Article 5 – Arts and Cultural Heritage Funds
 - Section 7 appropriates funding for a historical rulemaking website to provide searchable access to historical documents relating to state agency rulemaking. [**Note:** *anticipate request for historical PAT records on Ch 6100 rulemaking.*]

2012 Legislative Summary
Minnesota Department of Natural Resources

Chapter 277, Regular Session HF2171

Game & Fish

[Effective 08/01/2012 unless otherwise noted]

Article 1 – Game and Fish Policy

- Section 1, Subd. 14, (DNR mission statement) to add item 8: “plan and implement activities designed to recruit new outdoor recreation participants, including youth, women, and minorities, and retain existing participants. This includes but is not limited to anglers, hunters, trappers, and campers.”
- Section 3, Subd. 1, to require deeds to clearly indicate whether the state may resell donated land, and to require the commissioner to notify land donors that they may request deed restrictions prohibiting resale.

Sections 4 to 9, and 86 change the snowmobile registration/trail pass sticker system in section 84.82 so that a trail pass is no longer required if the snowmobile is registered in Minnesota. The new registration fee is the equivalent of the previous registration fee and trail pass combined. Annual trail passes must be purchased for machines not registered in Minnesota.

Section by section description:

- Section 4. Minor technical amendments to 84.82, Subd. 2, relating to snowmobile registration; substantive changes are in later sections.
- Section 5, Subd. 3, changing snowmobile registration fees from \$45 to \$75 for three years, and changing duplicate/transfer registration fees from \$4 to \$10. Does not apply to snowmobiles used for agricultural purposes or those registered by a dealer or manufacturer. *[Note that trail pass fee is now included with registration, so net fee is unchanged for riders who normally both register and purchase a trail pass.]*
- Section 6, Subd. 6, to exempt from state registration a snowmobile that is 1) registered by an Indian tribal government to a tribal member, and 2) has not been outside the tribal reservation boundary for more than 30 consecutive days.
- Section 7, Subd. 1, so that:
 - snowmobiles not registered in MN, and snowmobiles registered by manufacturers and dealers, must have an annual snowmobile state trail sticker to operate on a state or GIA trail;
 - fees for one-year state trail stickers are \$35 fee for an individual, and \$15 fee for a dealer or manufacturer;
 - violators of this subdivision must purchase an annual state trail sticker for \$70;
 - the trail sticker exemption for state or local government snowmobiles is deleted, but the no-fee registration under subd. 5 will now allow state trail and GIA trail use, and
 - deletes now-superfluous clause relating to whether a trail sticker was purchased with a temporary permit.
- Section 8, Subd. 2 to credit fees from state trail stickers (in addition to registration fees and apportioned gas tax receipts) to the snowmobile trails and enforcement account in the natural resources fund.
- Section 9, Subd. 3 to dedicate at least 60% of revenue from registrations and trail stickers to grants-in-aid to develop, maintain, and groom trails, and acquire easements.
- Section 86 (included here with other related amendments) requires display of a valid trail sticker until the snowmobile registration is renewed under the new statutory provisions in secs. 4, 5, 7, 8, and 9.
- Section 10, Subd. 1 to prohibit snowmobile metal traction devices (studs) on paved public trails that are designated closed to stud use by the local government, and on paved state trails that are closed to stud use by the commissioner (open unless posted closed). This is the opposite of the past situation where studs could be used only on trails designated to allow stud use (closed unless posted open.)
- Section 12, Subd. 2 to provide that a watercraft license is not required for nonmotorized watercraft 10 feet in length or less (changed from 9 feet). [Effective 01/01/2013.]
- Section 13, Subd. 1 to delete language regarding the fee for a canoe, kayak, sailboard, paddle boat, or rowing shell (language moved to new subdivision 1a). [Effective 01/01/2013]

2012 Legislative Summary

Minnesota Department of Natural Resources

- Section 14. Amended by adding a Subd. 1a to provide \$10.50 registration fee for a canoe, kayak, sailboard, paddle board, paddle boat, rowing shell of any length over 10 feet. [**Note:** adds paddle board registration fee.] [Effective 01/01/2013.]
- Section 15. Technical amendment to 86B.415, subd. 2 to reflect new subdivision 1a. created in Section 14. [Effective 01/01/2013.]
- Section 81. Amended to include noncommercial aviation activities among the recreational purposes for which liability is limited when private landowners allow access to their lands for public recreational use. Defines “noncommercial aviation activities” as the use of private, nonstaffed airstrips for takeoffs and landings related to other recreational purposes under this subdivision that are not commercial operations under 360.013, subd. 45.” [Effective 05/04/2012.]

Chapter 131, Regular Session SF1183

Tort Liability Limits

- Section 1, Subd. 4, to limit the total liability of the state and its employees to \$1 million for claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by the state or operating under a state permit. [Effective 3/16/2012, and applying to claims occurring on or after 3/16/2012].
- Section 2, Subd. 1, to limit the liability of any municipality on any claim within the scope of sections 466.01 to 466.15 to \$1 million for claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by a municipality or operating under a municipal permit. [**Note:** for the purposes of this section, “municipality” includes all types of local government units, including cities, towns, counties, joint powers boards, etc.] [Effective 3/16/2012, and applying to claims occurring on or after 3/16/2012].

Chapter 287, Regular Session HF 2685

Omnibus Transportation Policy

[Effective 08/01/2012 unless otherwise noted]

Article 3 Transportation Policy

- Section 14 (bridge inspections), Subd. 7, regarding the frequency of bridge inspections. Impact to DNR is limited because 165.03 applies to bridges constructed on public highways or streets; inspection of DNR bridges is covered by memorandum of understanding between the DNR and MNDOT.
- Section 15, Subd. 19 [definition of motorcycle] to reference meaning given in 169.011, subd. 44. No change in meaning.
- Section 16, Subd. 20 [definition of motorized bicycle] to reference meaning given in 169.011, subd. 45. No change in meaning.
- Section 17. Adds a subdivision to 168.012 regarding the taxation of e-bikes and exempting e-bikes from the provisions of chapter 168.
- Section 23, Subd. 4 [definition of bicycle] to include electric-assisted bicycles as defined in subdivision 27 [as amended], and exclude scooters, motorized foot scooters, or similar devices.
- Section 24, Subd. 27 [electric-assisted bicycle] to define an e-bike as a bicycle (instead of a motor vehicle); adds requirements relating to federal safety standards for bicycles.
- Section 25, Subd. 44 [motorcycle] to clarify that “motorcycle” does not include motorized bicycles or e-bikes.
- Section 26, Subd. 45 [motorized bicycle] to clarify that a “motorized bicycle” does not include an electric-assisted bicycle.
- Section 29, Subd. 6 regarding bicycle equipment to allow studded tires and provide that bicycle lighting may include a front lamp that emits a white flashing signal.
- Section 30. Adds a subdivision 6b to 169.222 to prohibit persons under the age of 15 from operating an e-bike.

2012 Legislative Summary

Minnesota Department of Natural Resources

- Section 32, Subd. 1 [safety equipment; parking] deleting safety provisions (helmets and eye protection) relating to e-bikes.
- Section 33. Amends 169.223 Ssubd. 5 [motorized bicycle operation requirements and prohibitions], to delete references to e-bikes.

Article 4 – Transportation Policy

- Section 1. Amends 85.015 (state trails) by adding a subdivision 1d to bar the commissioner from prohibiting or otherwise restricting operation of an e-bike on any state trail for which bicycle use is permitted unless the commissioner determines that e-bike operation is not consistent with (1) the safety or general welfare of trail users, or (2) the terms of any property conveyance.
- Section 2. Amends 85.018 (grant-in-aid trails) subd. 2, by adding a paragraph (d) to bar a local unit of government from prohibiting or otherwise restricting operation of an e-bike on any trail under this section designated for bicycle use or nonmotorized use that includes bicycles, unless the local unit of government determines that e-bike operation is not consistent with (1) the safety or general welfare of trail users, or (2) the terms of any property conveyance.
- Section 3. Amends 85.018, subd. 4 providing that that the prohibition of motorized vehicle use on GIA trails designated for nonmotorized use does not apply to e-bikes.
- Section 4. Amends 160.263, subd. 2 to bar a governing body of any political subdivision from prohibiting or otherwise restricting operation of an e-bike on any bikeway, roadway, or shoulder unless the local unit of government determines that e-bike operation is not consistent with (1) the safety or general welfare of users, or (2) the terms of any property conveyance.
- Section 5. New section 160.266. Establishing the Mississippi River Trail. MNDOT (working with the DNR) will identify a bikeway originating in Itasca State Park, paralleling the Mississippi River to the Iowa border, connecting with other bikeways. The trail is eligible for funding from trust fund (Ch 116P), parks and trails legacy grants (85.535), local recreation grants (85.019, subd. 4), and other sources.
- Section 20. Amends 169.222, subd. 4 to provide that a person may operate an e-bike on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited under 85.015, 85.018 (as amended in section 2, above); or 160.263, subd. 2, par. (b), as applicable.

Chapter 236 SF1750 Lands bill

[Effective 08/01/2012 unless otherwise noted]

- Section 1. Amends 85.015, subd. 12 to require a trail segment connecting the Heartland Trail to Itasca State Park.
- Section 6. Deletions from State Parks
 - Subd. 1 amends 85.012, subd. 28 to delete land from Interstate State Park; necessary for land exchange between the state and the City of Taylor’s Falls.
 - Subd. 2 amends 85.012, subd. 40 to delete land from McCarthy Beach State Park; rectifies situation where modern survey located a private septic system and access to private property within the park boundary.
- Section 7. Additions to State Recreation Areas
 - Subd. 1 amends 85.013, subd. 11b to add 1.6 miles of wooded lakeshore to Greenleaf Lake State Recreation Area.
 - Subd. 2 amends 85.013, subd. 12a to add land to the Iron Range Off-Highway Vehicle Recreation Area; corrects gaps in designation within the area boundary.
- Section 8. Amends 85.013, subd. 12a to delete surplus land from the Iron Range Off-Highway Vehicle Recreation Area.

2012 Legislative Summary

Minnesota Department of Natural Resources

- Section 11. Exempts the Mississippi River corridor in Dayton and Ramsey from designation as a component of the Minnesota Wild and Scenic River system, current zoning is codified as the minimum standard. The corridor remains in the Mississippi River Critical Area corridor.

Chapter 293 HF1752 Bonding

Effective May 14, 2012 unless otherwise noted.

- Section 1. Bond proceeds may be used to pay state agency staff costs attributable directly to the project.
- Section 7. Natural Resources
 - Subd. 4, \$2 million for roads and bridges
 - Subd. 6, \$4 million for renewal, modification, replacement, or redevelopment of buildings and recreational infrastructure in state parks, state recreation areas, state trails, small craft harbors/marinas, fishing pier sites, and state forests.
 - Subd. 7, \$2 million for the development of Lake Vermilion State park.
 - Subd. 9, unspent appropriations (except appropriations for flood hazard mitigation) are available for asset preservation.
- Section 28. Amends 16A.633 by adding a subdivision 4, requiring the commissioner of administration to report biennially, beginning 9/1/2013, on jobs created or retained as a result of capital project funding. Agencies must provide the number and types of jobs, whether jobs are new or retained, location and pay ranges of jobs.
- Section 32. Amends 16B to add a new section, 16B.323, regarding solar energy in state buildings. Solar energy systems of 40 kW or less, manufactured in Minnesota, may be installed as part of the construction or major renovation of a state building. The costs must not exceed 5% of the appropriation; other provisions also apply.
- Section 37. Amends Laws 2006, ch. 258, section 7, subd. 23, as amended by Laws 2010, ch 399, section 2, so the \$950,000 grant to St. Louis County can be used for the segment of the Mesabi Trail from County Road 697 in Breitung Township east through Vermilion State Park. Eliminates requirement for local match.
- Section 39. Amends Laws 2008, ch. 179, section 7, subd. 27, as amended by Laws 2010, ch 189, section 56, and Laws 2010, ch 399, section 4 to extend the bond authorization and appropriation for:
 - the Chester Woods Trail from Rochester to Dover until June 30, 2016.
 - the Mill Towns Trail until December 30, 2014.
 - the Minnesota River Trail until December 30, 2014.
 - the Stagecoach Trail to Douglas Trail connection until June 30, 2014.

2012 Legislative Summary
Minnesota Department of Natural Resources

DIVISION OF LANDS AND MINERALS

Chapter 293, Regular Session HF 1752

Omnibus Bonding Bill

- Section 53: Requires the commissioner of natural resources to acquire land or interests in land needed to construct a conveyance system to accommodate the water level and outflow of water level from the Canisteo mine pit; authorizes acquisition of such land or interests in land by eminent domain, including the quick take procedures.

Chapter 236, Regular Session SF1750

Lands Bill

- Section 1, b, 2: Amends Minn. Stat. sec. 84.631 to authorize the DNR to issue road easements to individuals on school trust lands, provided that the easement term is limited to 50 years.
- Section 3, Subd, 1, 4, c: Amends Minn. Stat. sec. 92.50, subd. 1 to allow the DNR to issue real estate leases for a term of 21 years instead of 10 years.
- Section 4: Expedited exchange of land within Boundary Waters Canoe Area Wilderness for federally owned land.
- Section 5: Private sale of surplus state land within the Boundary Waters Canoe Area Wilderness, Cook, Lake and St. Louis Counties
- Section 14: Authorizes the DNR to sell a parcel of land in Dakota County.
- Section 24: Authorizes the DNR to sell a parcel of land in St. Louis County.

Chapter 249, Regular Session HF2244

Permanent School Fund

This bill addresses the oversight of and management of the school trust lands. The bill:

- Section 7, Subd. 1, Converts the Permanent School Fund Advisory Committee (PSFAC) to the Legislative Permanent School Fund Commission. The Commission is made up of 12 legislative members, with equal representation of members from the senate and house and majority and minority parties. The PSFAC includes citizen members with expertise in natural resource or finance, but there are no citizen members for the new Commission.
- Section 10, Creates a new director of school trust lands. The director is appointed by the Governor and is authorized to employ up to five employees.
- Section 8, d, Provides that the new Commission advises the commissioner of natural resources and the school trust lands director on the management of school trust lands and reviews legislation affecting school trust lands.
- Section 10, Provides that the new director of school trust lands recommends management policies for school trust lands. The director's duties are specified in Section 10 of the bill and include: determining the market value of school trust lands, proposing legislation changes to improve asset allocation, developing strategic plans, and recommending strategies for leases, sales and exchanges.
- Section 3, c, Removes fire protection costs as a certifiable cost against revenue from the school trust lands.
- Section 4, Subd. 18, 6, b, Provides that the commissioner of natural resources must give precedence to long-term economic return if there is an irresolvable conflict between maximizing the long-term economic return and protecting natural resources and recreational values on school trust lands.
- Section 4, Subd. 18, 6, c, Requires a report by the commissioner of natural resources by December 31, 2013, that inventories and identifies all school trust lands that are under a designation or policy that prohibits long-term economic return. The report must include a plan to compensate the school fund through purchase or exchange for such lands. By July 1, 2018, the permanent school fund shall be compensated for all school trust lands included under a designation or policy that prohibits long-term economic return. Future designations that prohibit long-term economic return must be compensated for before designation or application of policy to the lands.
- Section 5, Removes a restriction in Minn. Stat. sec. 92.45 that prohibits sale of school trust lands bordering public waters.
- Section 11, b, Provides that costs of new director of school trust lands and new Commission shall be paid from school trust revenues in FY14 and FY15.

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- Section 12, Provides that the bill is effective July 1, 2013.

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CLEAN WATER, LAND, AND LEGACY

Chapter 264, Regular Session SF 2493

Legacy

- Article 1: Outdoor Heritage Fund
 - Sec. 2, The Legislature approved \$99,920,000 (FY 2013) for programs to restore, enhance, and protect forests, prairies, wetlands, and habitat for fish, game, and wildlife. Of this, DNR's budget will be supplemented by \$28.936 million, including \$366,000 for DNR to administer \$4,624,000 in Conservation Partners Legacy grants, \$45,000 for DNR/BWSR to perform technical evaluations of Outdoor Heritage Fund habitat restoration projects, and \$175,000 for DNR to administer an additional \$49,980,000 in other program funding from the Outdoor Heritage Fund.
 - Article 1, Section 2, Subd. 1, d, WMA Acquisition: \$2,900,000
 - Article 1, Section 2, Subd. 1, h, Accelerated Prairie Restoration and Enhancement on DNR Lands – Phase 4: \$4,300,000
 - Article 1, Section 2, Subd. 3, e, Accelerated Shallow Lakes and Wetlands Restoration and Enhancement – Phase 4: \$3,870,000
 - Article 1, Section 2, Subd. 4, f, Marsh Lake Enhancement – \$2,630,000
 - Article 1, Section 2, Subd. 5, a, DNR Aquatic Habitat – Phase 4: \$3,480,000
 - Article 1, Section 2, Subd. 5, d, Lower St. Louis River Habitat Restoration – \$3,670,000
 - Article 1, Section 2, Subd. 5, h, Protect Aquatic Habitat from Asian Carp – \$7,500,000
 - Article 1, Section 2, Subd. 5, i, Outdoor Heritage Conservation Partners Grant Program – Phase 4: \$366,000
 - Article 1, Section 2, Subd. 6, a, Contract Management (pass-through): \$175,000
 - Article 1, Section 2, Subd. 6, b, Technical Evaluation Panel: \$45,000
 - Policy changes:
 - Article 1, Section 4, Subd. 13, 9c, Codifies several recipient requirements that have consistently appeared in each year's appropriation law.
 - Article 1, Section 2, Subd. 5, i, Adds requirement that all recipient accomplishment plans must include a hunting and fishing management plan for lands acquired by fee.
 - Article 1, Section 2, Subd. 5, i, Adds public fish and game open season clarification requirements for fee title lands purchased with OHF that will become state lands, federal lands, and other lands, respectively.
- Article 6: General Provisions
 - Section 6, Subd. 10, 2, x, 6, Updates recipient requirements to restrict reporting of information that could be used to identify, contact, or locate an individual minor.

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ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

Chapter 272, Regular Session HF2164

DNR Omnibus Policy

The DNR Omnibus Policy Bill included favorable technical corrections for two DNR appropriations and a requested appropriation extension for another DNR project.

- Section 85, Subd. 7, c, Contains a technical language fix for the *Linking Habitat Restoration to Bioenergy and Local Economies* so the department may sell woody biomass, reinvest proceeds back into the project and offer competitive grants to the public.
- Section 88, Extends the appropriation end date of the *Cooperative Habitat Research in Deep Lakes project* to June 13, 2013.
- Section 86, Permits hunting, trapping, and fishing of protected specific during designated seasons at La Salle Lake State Recreation Area (SRA); allows hunting dogs under control In the SRA during regular hunting season.

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ADMINISTRATIVE RULEMAKING

Chapter 238, Regular Session SF 1922

An act regulating agency rulemaking

- Section 1, c: Notice to Legislature
 - Minn. Stat., sec. 14.116, is amended to require that the Legislative Coordinating Commission be sent a copy of the Notice of Intent to Adopt Rules and requires the agency to report to the legislature every January a copy of the agency’s rulemaking docket and copies of all official rulemaking records for rules adopted under Chapter 14 during the preceding year.
- Section 2, 8: Statement of Need and Reasonableness
 - Minn. Stat., sec. 14.131, Statement of Need and Reasonableness (SONAR), is amended to add to the Regulatory Analysis “an assessment of cumulative effect of the rules with all other federal and state regulations related to the specific purpose of the rules being proposed.”
- Section 3: Reports
 - The agency is required to submit a report on all agency rules to the legislature by January 15, 2013. This report must update information that was reported as required by Laws 2000, chapter 469, section 4, subdivision 1.

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ELECTRONIC LICENSING SYSTEM DATA

Chapter 290, Regular Session SF 1143

Data Privacy Bill

Sec. 69. Minnesota Statutes 2010, section 84.0874, is amended to read:

(a) The following data created, collected, stored, or maintained by the department for purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any other electronic licensing transaction are private data on individuals as defined in section 13.02, subdivision 12 : name, addresses, driver's license number, and date of birth. The data may be disclosed for law enforcement purposes. The data, other than the driver's license number, may be disclosed to a government entity and for natural resources management purposes, including recruitment, retention, and training certification and verification.

(b) Private data on individuals under paragraph (a) may be disclosed as follows:

- (1) for use by any government agency, including a court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions;
- (2) for use in connection with matters of vehicle or operator safety and theft, emissions, product alterations, recalls or advisories, and performance monitoring;
- (3) for use in the normal course of business by a legitimate business or its agents, employees, or contractors, in order to verify the accuracy of personal information submitted by an individual. If the information as submitted is not correct or is no longer correct, correct information may be obtained only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual. If the person requesting access is acting as the agent of a lienholder, the requestor must submit proof of a contract with the lienholder;
- (4) for use in connection with any civil, criminal, administrative, or arbitration proceedings in any federal, state, or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, provided that the requestor provides a copy of the court order;
- (5) for use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities or antifraud activities. If the person requesting access is an agent of an insurance company, the requestor must provide the insurance company's name;
- (6) for use in providing notice to the owners of towed or impounded recreational vehicles or watercraft. The person requesting access must provide the name, address, and telephone number of the entity that requested that the recreational vehicle or watercraft be towed;
- (7) for use by any licensed private investigative agency or licensed security service for any purpose permitted under this section, provided that the person provides a copy of a valid license; or
- (8) where the use is related to the physical safety or security of operators, vehicles, pedestrians, or property. The commissioner must not disclose data under this paragraph if the commissioner concludes that the requester is likely to use the data for an improper purpose or other purpose not authorized by this paragraph.

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CAPITAL INVESTMENT

Chapter 23, Regular Session

HF 1752

Omnibus Bonding

The 2012 bonding bill provides the following for the department:

- Section 1 Continues the ability to pay state agency staff costs that are attributed directly to the capital program

Section 7, subd. 1 This is the DNR section with a total appropriation of \$46,500,000.

To the commissioner of natural resources for the purposes specified in this section. The appropriations in this section are subject to the requirements of the natural resources capital improvement program under Minnesota Statutes, section 86A.12, unless this section or the statutes referred to in this section provide more specific standards, criteria, or priorities for projects than Minnesota Statutes, section 86A.12.

- Subd. 2 Flood Hazard Mitigation Grants \$30,000,000
For the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. Levee projects, to the extent practicable, shall meet the state standard of three feet above the 100-year flood elevation. Project priorities shall be determined by the commissioner as appropriate, based on need. To the extent that the cost of a project exceeds two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project.
- Subd. 3 Dam Repair, reconstruction \$ 3,000,000
To renovate or remove publicly owned dams. The commissioner shall determine project priorities as appropriate under Minnesota Statutes, sections 103G.511 and 103G.515.
- Subd. 4 Roads and Bridges \$ 2,000,000
For the design, reconstruction, resurfacing, replacement, and construction of publicly owned DNR-maintained roads, culverts, and bridges.
- Subd. 5 State Forest Land Reforestation \$ 2,500,000
To increase reforestation activities to meet the reforestation requirements of Minnesota Statutes, section 89.002, subdivision 2, including planting, seeding, site preparation, and for timber stand improvement.
- Subd. 6 Parks and Trails Renewal and Develop \$ 4,000,000
For renewal, modification, replacement, or development of buildings and recreational infrastructure in state parks, state recreation areas, state trails, small craft harbors/marinas, fishing pier sites, and state forests.
- Subd. 7 Lake Vermilion Park Development \$ 2,000,000
For the development of Lake Vermilion State Park, established under Minnesota Statutes, section 85.012, subdivision 38a.
- Subd. 8 Lake Zumbro –Olmsted County \$ 3,000,000
For a grant to Olmsted County for the removal of sedimentation in Lake Zumbro, including final engineering, dredging, and dredged soil disposal from the sites identified in the Preliminary Engineering Report for Dredging Lake Zumbro. This project is designed to improve the recreational economy, water quality, and habitat, and increase water storage capacity within the lake to achieve renewable energy goals by optimizing long-term hydroelectric operations. This appropriation is not available until the commissioner has determined that at least an equal amount has been committed to the project from nonstate sources.
- Subd. 9 allows 10% of unspent appropriations to be spent for asset preservation.