

NEWS RELEASE – MN DNR Weekly Legislative Update - May 26, 2022

The 2023 legislative session came to an end this week and the major bills impacting natural resource conservation were passed on time. These bills represent a once-in-a-generation investment in connecting people to the outdoors, mitigating and adapting to climate change, and manage natural resources proactively. These investments will benefit Minnesota's environment, economy, and health long into the future.

These bills contain a comprehensive set of investments and policy changes, and a daunting number of details. Below we'll try to summarize some of the highlights from these bills.

Major bills passed this session:

Environment, natural resources, climate and energy finance and policy bill (HF2310)

"A majority of the legislative provisions that support the DNR's work are contained in this bill. The entire omnibus bill is lengthy and contains many policy and fiscal components related to the environment and natural resources, as well as energy and climate change. Also contained in this omnibus bill are the Environment and Natural Resources Trust Fund appropriations, which can be found at https://www.house.mn.gov/comm/docs/OijdfPG5502V5ORwNDwM2Q.pdf?utm_medium=email&utm_source=govdelivery

Below are some bill highlights related to funding:

Connecting People to the Outdoors:

"Get Out MORE" — the Modernize Outdoor Recreation Experiences initiative receives a one-time investment of \$110 million to improve accessibility at DNR-managed facilities and public lands, modernize camping infrastructure, renew, and rehabilitate public water accesses, modernize fish hatcheries and shore fishing sites and to replace culverts and bridges.

State trail maintenance and operations receive a one-time investment of \$2 million to address the most immediate, critical maintenance needs.

The No Child Left Inside (NCLI) grant program receives an investment of \$1 million to continue bringing natural-resource-based education and recreation programs to children with limited opportunities to participate in the outdoors.

Mitigating Climate Change:

The State Forest Nursery receives an investment of \$800,000 to increase existing seed collection activities.

Ash tree management receives funding of \$15.2 million to address reforestation needs and tree planting for neighborhoods and communities impacted by emerald ash borer and other forest health concerns.

Forest management receives an investment of \$4.2 million to provide cost-share assistance and plot-based inventory on private woodlands.

Wildlife management receives an investment of \$10 million to enhance and restore grasslands and wetlands on existing state wildlife management areas in western and southern Minnesota.

Land management receives an investment of \$1.6 million to optimize the management of state administered peatlands to protect and restore Carbon storage.

Managing Natural Resources Proactively:

Chronic Wasting Disease monitoring and surveillance receives an investment of \$1.4 million with funding provided through fiscal year 2027.

Enforcement aviation receives an investment of \$3.05 million to replace an ageing aviation fleet.

Mining oversight receives an investment of \$1.2 million to support existing staffing in environmental research, environmental review and permitting of existing and proposed mining projects in Minnesota.

Land management receives an investment of \$2.85 million to modernize the utility online licensing application process and ensure adequate staffing to support timely review of broadband applications.

Reforestation receives an investment of \$3 million to prepare reforestation sites and plant seedlings or seed.

Water management receives an investment of \$800,000 to ensure that a base level of staffing and resources are devoted to water resource management.

Upper Sioux Agency State Park:

Provides \$5 million for the Upper Sioux Agency State Park land transfer to ensure the agency can prepare the park for transfer to the Tribal Nation.

Investments from the Natural Resources Fund:

\$13.2 million for the state's water recreation system through a related fee increase.

\$1.52 million for the state's utility license application process through a related fee increase.

\$320,000 in grants to local units of government for regional trails.

\$1.95 million for the state's all-terrain/off road vehicle system.

\$900,000 for protecting and managing public waters through a related fee increase.

Investments from the Game and Fish Fund:

\$1 million from the Game and Fish Fund (with the additional \$1 million from the General Fund) for No Child Left Inside grant program.

\$600,000 for Shooting Sports Facilities Grants.

\$75,000 for fish stocking in the metro.

\$268,000 for native fish conservation and classification.

\$767,000 for studying the effects of neonicotinoid pesticides on wildlife.

Below are some bill highlights related to policy:

Provisions specific to management of Chronic Wasting Disease (CWD) and whitetail deer farms:

Clarification on management of escaped farmed Cervidae when taken by a licensed hunter, and the testing requirements.

Improved fencing requirements that prevents physical contact between farmed and wild Cervidae.

No new registrations for deer farms.

No movement of deer from a herd that tests positive for CWD.

Owner of a premises where CWD is detected must allow and cooperate with inspections, depopulate within 30-days, maintain an exclusionary fence for 10-years, not raise farmed Cervidae for 10-years, disclose requirements to when selling or transferring the property, record notice with the county recorder or registrar of titles, and is responsible for proper disposal of animals.

Herd owners are liable for unlawful disposal of Cervidae exposed to CWD.

No importation of live Cervidae from state or providence with CWD detection unless tested with validated live-animal test.

Live Cervidae or Cervidae semen must originate from herd with CWD free certification.

DNR must enter into interagency agreement with the Board of Animal Health (BAH).

DNR and BAH must consult the Minnesota Center for Prion Research and Outreach at the University of Minnesota and incorporate research findings.

BAH must notify affected local government units and Tribal governments when farmed Cervidae test positive for CWD.

Once USDA approved, all farmed white-tailed deer must be tested for CWD with a live animal test.

Responsibility for administering and enforcing the statutes related to farmed white-tailed deer transferred from BAH to DNR.

Policies from the Governor's recommendations for the DNR:

Along with the appropriation mentioned above, the bill authorizes the DNR to begin the process of conveying all state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper Sioux Community.

Closes a loophole and clarifies language related to big game license revocation after certain game and fish violations.

Changes to water appropriation permitting that gives DNR greater discretion for calculating penalties, increases the Administrative Penalty Order (APO) cap to \$40,000, allows use of an APO for public water violations, and allows DNR to assess non-forgivable penalties for serious or repeat violations.

Changes that help define negative impacts to surface water from water use and provides DNR authority to establish sustainable diversion limits that minimize negative surface water impacts.

Five provisions that allow DNR to more effectively and efficiently manage Minnesota's fisheries sustainably today and into the future.

Two-line fishing on portions of the Minnesota and Mississippi Rivers

Cisco spearing allowed.

Removal of DNR's unused authority to manage whitefish.

and catfish through seining

Change to water waste as it related to nonnative carp.

Clarification on specific fishing season start and end dates.

Five provisions that provide additional options for deer hunters, promote a safer hunting environment, and allow farmers to address crop damage when it is happening.

Non-lethal scare tactics (hazing) for deer and elk when causing agricultural damage.

Blaze orange or pink required for ground blinds on public land.

Muzzleloader allowed during any deer firearm season.

Prohibiting the use of youth deer hunting tags by adults for all deer.

Clarifies that unless otherwise allowed, a person may not harvest more than one deer.

A provision that ensures consistency with federal incidental take permits for listed species.

Three provisions that improve equitable access to the outdoors.

Allowing an identification card application or tribal identification card as valid proof of residency when applying for resident hunting,

fishing and trapping license

Allowing power-driven mobility devices on Wildlife Management Areas for “people with disabilities” and not just “disabled hunters”.

Expanding the compatible uses of Walk-In Access areas to include wildlife watching and photography.

Numerous provisions that improve processes and correct legislative inaccuracies or omissions. This includes removing Naturalist Corps hiring barriers, simplifying snowmobile registration decals, and including tribal governments in the public waters permit process.

Policies adopted from various Senate and House bills:

Requirements for boater safety education brought in line with existing ATV and snowmobile safety requirements.

Provision on minnow importation and ensuring adequate bait supply.

Extension of the Sustainable Forest Resources Act.

Revision of the Statewide Aquatic Invasive Species Plan.

Modernization of muzzleloader definitions.

No use of certain insecticides on DNR managed outdoor recreation lands.

Safe crossing for snowmobiles and divided highways provided.

Definition of Restored Prairie provided.

Repealing the sunset on using deer stands on certain Wildlife Management Areas in northwestern Minnesota.

Native swan defined, and increase penalty for game and fish violations involving swans.

Fishing, hunting, and trapping licenses to be issued in paperless format by default.

Minimum penalty for OHV trespassing violations added.

Resident angling license for spouses of nonresidents in the Armed Forces and National Guard stationed in the state provided for.

Crossbows allowed to be used for archery hunting by all, and report required.

Depositing of waste and garbage on the ice of state waters prohibited

Turtle license requirements modified, and requirements for taking and possessing revised.

Fish kill reporting required and response protocols to be developed.

Feral pig and mink report required.

Native fish conservation report required.

White Bear Lake and Lake Elmo water supply permits issued.

New positions hired to provide outreach to southeast Asian Minnesotans.

Legacy Finance Bill (HF1999):

This bill appropriates the Legacy Amendment revenues to the Clean Water Fund, Outdoor Heritage Fund, Arts and Cultural Heritage Fund, and the Parks and Trails Fund. The Clean Water Fund projects will receive \$318.4 million, the Outdoor Heritage Fund projects will receive \$171.79 million, and Parks and Trails Fund projects will receive \$136.61 million. A full list of projects funded by this bill, and prepared by the conference committee, can be found [here](#).

Environment and Natural Resources Trust Fund Renewal (HF1900/SF2404):

This bill will give voters the opportunity to renew the Environment and Natural Resources Trust Fund (ENRTF) through the year 2050. The ENRTF fund supports research, educational opportunities, land acquisition and restoration, trail and public facilities building and maintenance, as well as other projects. Since 1991, about \$700 million from the ENRTF fund has supported 1,700 projects as recommended by the Legislative-Citizen Commission on Minnesota Resources. Constitutional amendments can only be on the ballot in even-numbered years (i.e., 2024), and the Governor's signature is not required for a Constitutional amendment.

Capital Investment (HF669 and HF670):

As with most years, an agreement on capital investment (i.e., bonding) was reached at the very end of session. Unique to this year is a pair of capital investment bills, HF670 utilizing "cash" from the surplus, and HF669 using more traditional bonding funds. A complete list of projects funded by both bills can be found at ... https://assets.senate.mn/fiscalpol/tracking/2023/HF669-670-Final-5-22-23.pdf?utm_medium=email&utm_source=govdelivery

HF669 bonding appropriations to the DNR will fund modernization of the Waterville Fish Hatchery, Badura State Forest Nursery, and other high priority projects, as well as allow DNR to address some much-needed road, trail, bridge, and other infrastructure repairs. Funding for asset preservation, building betterment, and wildlife aviation infrastructure are included in the bill, but fall short of the total needs identified by the DNR. Here are a few projects worth noting in the bill:

Natural Resources Asset Protection: \$36,000,000

Betterment of Buildings: \$20,000,000

Badura State Forest Nursery: \$10,000,000

Wildfire Aviation Infrastructure: \$6,360,000

Accessibility: \$1,200,000

Dam Safety: \$4,000,000

Flood Hazard Mitigation (multiple projects): \$40,300,000

Lake Vermillion Sudan Underground Mone State Park: \$11,000,000

Parks and Trails Local and Regional Grants: \$2,000,000

Community Tree Planting Grants: \$8,400,000

St. James Open Pit Moine Complex: \$2,500,000

Reforestation: \$6,000,000

State Trails (multiple projects): \$23,560,000

Upper Sioux Agency State Park Transfer (bond defeasance): \$250,000

Acquisition and Betterment of Public Lands: \$2,500,000

HF670, the smaller "cash" bill, funds a number of capital investments that will increase access to high quality outdoor recreation and improve conservation of Minnesota's resources. A highlight in this bill is a \$1,663,000 appropriation for Community Tree Planting Grants, helping to mitigate the loss of trees from pests and disease. Again, a full list of capital investment projects can be found at ...

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