

## CHAPTER 412—H.F.No.1001

[Coded in Part]

*An act relating to the environment; establishing a state environmental policy and a program for the systematic review of environmental effects of various projects and actions; requiring an annual environmental report; and amending Minnesota Statutes 1971, Sections 4.12, Subdivision 2; 40.02; 104.01, Subdivision 3; 115.03, Subdivision 1; 116.07, Subdivision 2.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[116D.01] ENVIRONMENTAL POLICY ACT; ESTABLISHMENT; PURPOSE.** The purposes of this act are: (a) to declare a state policy that will encourage productive and enjoyable harmony between man and his environment; (b) to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and (c) to enrich the understanding of the ecological systems and natural resources important to the state and to the nation.

Sec. 2. **[116D.02] DECLARATION OF STATE ENVIRONMENTAL POLICY.** Subdivision 1. The legislature, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high density urbanization, industrial expansion, resources exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state's people.

Subd. 2. In order to carry out the policy set forth in this act, it is the continuing responsibility of the state government to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs and resources to the end that the state may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of the state safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

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(c) Discourage ecologically unsound aspects of population, economic and technological growth, and develop and implement a policy such that growth occurs only in an environmentally acceptable manner;

(d) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever practicable, an environment that supports diversity, and variety of individual choice;

(e) Encourage, through education, a better understanding of natural resources management principles that will develop attitudes and styles of living that minimize environmental degradation;

(f) Develop and implement land use and environmental policies, plans, and standards for the state as a whole and for major regions thereof through a coordinated program of planning and land use control;

(g) Define, designate, and protect environmentally sensitive areas;

(h) Establish and maintain statewide environmental information systems sufficient to gauge environmental conditions;

(i) Practice thrift in the use of energy and maximize the use of energy efficient systems for the utilization of energy, and minimize the environmental impact from energy production and use;

(j) Preserve important existing natural habitats of rare and endangered species of plants, wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation, including necessary protective measures where appropriate;

(k) Reduce wasteful practices which generate solid wastes;

(l) Minimize wasteful and unnecessary depletion of nonrenewable resources;

(m) Conserve natural resources and minimize environmental impact by encouraging extension of product lifetime, by reducing the number of unnecessary and wasteful materials practices, and by recycling materials to conserve both materials and energy;

(n) Improve management of renewable resources in a manner compatible with environmental protection;

(o) Provide for reclamation of mined lands and assure that any mining is accomplished in a manner compatible with environmental protection;

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(p) Reduce the deleterious impact on air and water quality from all sources, including the deleterious environmental impact due to operation of vehicles with internal combustion engines in urbanized areas;

(q) Minimize noise, particularly in urban areas;

(r) Prohibit, where appropriate, flood plain development in urban and rural areas; and

(s) Encourage advanced waste treatment in abating water pollution.

**Sec. 3. [116D.03] ACTION BY STATE AGENCIES.** Subdivision 1. The legislature authorizes and directs that, to the fullest extent practicable the policies, regulations and public laws of the state shall be interpreted and administered in accordance with the policies set forth in sections 1 to 6.

Subd. 2. All departments and agencies of the state government shall:

(a) On a continuous basis, seek to strengthen relationships between state, regional, local and federal-state environmental planning, development and management programs;

(b) Utilize a systematic, interdisciplinary approach that will insure the integrated use of the natural and social sciences and the environmental arts in planning and in decision making which may have an impact on man's environment; as an aid in accomplishing this purpose there shall be established advisory councils or other forums for consultation with persons in appropriate fields of specialization so as to ensure that the latest and most authoritative findings will be considered in administrative and regulatory decision making as quickly and as amply as possible;

(c) Identify and develop methods and procedures that will ensure that environmental amenities and values, whether quantified or not, will be given at least equal consideration in decision making along with economic and technical considerations;

(d) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) Recognize the worldwide and long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize interstate, national and international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

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(f) Make available to the federal government, counties, municipalities, institutions and individuals, information useful in restoring, maintaining, and enhancing the quality of the environment, and in meeting the policies of the state as set forth in this act;

(g) Initiate the gathering and utilization of ecological information in the planning and development of resource oriented projects; and

(h) Undertake, contract for or fund such research as is needed in order to determine and clarify effects by known or suspected pollutants which may be detrimental to human health or to the environment, as well as to evaluate the feasibility, safety and environmental effects of various methods of dealing with pollutants.

Sec. 4. [116D.04] ENVIRONMENTAL IMPACT STATEMENTS. Subdivision 1. Where there is potential for significant environmental effects resulting from any major governmental action or from any major private action of more than local significance, such action shall be preceded by a detailed statement prepared by the responsible agency or, where no governmental permit is required, by the responsible person, on:

(a) The environmental impact of the proposed action, including any pollution, impairment, or destruction of the air, water, land, or other natural resources located within the state;

(b) Any direct or indirect adverse environmental, economic, and employment effects that cannot be avoided should the proposal be implemented;

(c) Alternatives to the proposed action;

(d) The relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity, including the environmental impact of predictable increased future development of an area because of the existence of a proposal, if approved;

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(f) The impact on state government of any federal controls associated with proposed actions; and

(g) The multistate responsibilities associated with proposed actions.

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Subd. 2. The Minnesota environmental quality council shall, by January 1, 1974, prescribe by rule and regulation in conformity with provisions of Minnesota Statutes, Chapter 15, guidelines and regulations setting forth those instances in which environmental impact statements are required to be prepared for new and existing actions, including the time and manner in which such statements shall be prepared and acted upon, and to coordinate the processing of such statements among local, state and federal agencies. The council may require the preparation of an environmental impact statement for any action or project not referred to in its guidelines and regulations. Further, the council may require the revision of an environmental impact statement which is found to be inadequate.

Subd. 3. Upon the filing with the council of a petition of not less than 500 persons requesting an environmental impact statement on a particular action, the council shall review the petition and, where there is material evidence of the need for an environmental review, require the preparation of an environmental impact statement in accordance with provisions of this section.

Subd. 4. Prior to the preparation of a final environmental impact statement, the person responsible for the statement shall consult with and request the comments of every governmental office which has jurisdiction by law or special expertise with respect to any environmental effect involved. Copies of the drafts of such statements and the comments and views of the appropriate offices shall be made available to the council and the public. The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.

Subd. 5. (a) "Permits for natural resources management and development" shall include only permits required by the following sections of Minnesota Statutes: 84.415, utility crossings of public lands and waters; 84.45, aircraft operation in wilderness areas; 84.60 and 84.621, underground storage of gas or liquid; 89.17, use of state forest lands; 89.18, roads through state forests; 90.151, cutting and removal of timber; 93.01 to 93.43, exploration and mining of minerals; 104.04, flood plain management ordinances; 105.41, appropriation and use of waters; 105.42, construction of dams, alteration of shorelines and waterways; 105.43, establishment of lake levels; 105.44 and 113.02, irrigation of agricultural lands; 105.485, shoreland conservation ordinances; 93.13 and 105.64, drainage to facilitate mining; 115.03 and 115.43, water pollution; 116.07 and 116.081, air, solid waste, and noise pollution; 117.47, use of state lands for taconite mining; 117.49, condemnation by pipeline companies; 160.20, connecting drains to highway drains; 360.018, subdivision 6, airport construction.

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(b) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(c) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

Subd. 6. No state action significantly affecting the quality of the environment shall be allowed, nor shall any permit for natural resources management and development be granted, where such action or permit has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state, so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land and other natural resources from pollution, impairment, or destruction. Economic considerations alone shall not justify such conduct.

Subd. 7. Regardless of whether a detailed written environmental impact statement is required by the council to accompany an application for a permit for natural resources management and development, or a recommendation, project, or program for action, officials responsible for issuance of aforementioned permits or for other activities described herein shall give due consideration to the provisions of this act, as set forth in section 3, in the execution of their duties.

Subd. 8. In order to facilitate coordination of environmental decision making and the timely review of agency decisions, the council shall establish by regulation a procedure for early notice to the council and the public of natural resource management and development permit applications and other impending state actions having significant environmental effects.

Subd. 9. Prior to the final decision upon any state project or action significantly affecting the environment or for which an environmental impact statement is required, or within ten days thereafter, the council may delay implementation of the action or project by notice to the agency or department and to interested parties. Thereafter, within 45 days of such notice, the council may reverse or modify the decisions or proposal where it finds, upon notice and hearing, that the action or project is inconsistent with the policy and standards of sections 1 through 6. Any aggrieved party may seek judicial review pursuant to chapter 15.

Sec. 5. [116D.05] REVIEW OF AUTHORITY, REPORT. All agencies of the state government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein that prohibit full compliance

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with the purposes and provisions of sections 1 to 6, and shall propose to the governor not later than July 1, 1974, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this act.

Sec. 6. [116D.06] **EFFECT OF EXISTING OBLIGATIONS.** Subdivision 1. Nothing in sections 3, 4 or 5 shall in any way affect the specific statutory obligations of any state agency to (a) comply with criteria or standards of environmental quality, (b) coordinate or consult with any federal or state agency, or (c) act or refrain from acting contingent upon the recommendations or certification of any other state agency or federal agency.

Subd. 2. POLICIES ARE SUPPLEMENTAL. The policies and goals set forth in sections 1 to 6 are supplementary to those set forth in existing authorizations of state agencies.

Sec. 7. [116D.07] **GOVERNOR, REPORT REQUIRED.** The governor shall transmit to the legislature and make public by November 15 of each year an environmental quality report which shall set forth:

(1) The status and condition of the major natural, man made, or altered environmental classes of the state, including, but not limited to, the air, the aquatic, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment;

(2) Current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic and other requirements of the state;

(3) The adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;

(4) A review of the programs and activities, including regulatory activities, of the federal government in the state, the state and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources;

(5) A program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation;

(6) A review of identified, potentially feasible programs and projects for solving existing and future natural resources problems;

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(7) Measures as may be necessary to bring state government statutory authority, administrative regulations and current policies into conformity with the intent, purposes, and procedures set forth in this act;

(8) The status of statewide natural resources plans; and

(9) A statewide inventory of natural resources projects, consisting of (a) a description of all existing and proposed public natural resources works or improvements to be undertaken in the coming biennium by state agencies or with state funds, (b) a biennial tabulation of initial investment costs and operation and maintenance costs for both existing and proposed projects, (c) an analysis of the relationship of existing state projects to all existing public natural resources works of improvement undertaken by local, regional, state-federal, and federal agencies with funds other than state funds, and (d) an analysis of the relationship of proposed state projects to local, regional, state-federal, and federal plans.

The purpose of this environmental quality report by the governor is to provide the information necessary for the legislature to assess the existing and possible future economic impact on state government of capital investments in and maintenance costs of natural resources works of improvement.

Sec. 8. Minnesota Statutes 1971, Section 4.12, Subdivision 2, is amended to read:

Subd. 2. The state planning officer shall:

(1) Review current programming and future planning of all state departments and agencies.

(2) Report regularly and on or before January 15 of each odd numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.

(4) Require each state department and agency having planning programs to regularly file copies thereof with him for review.

(5) Make available to the legislature or any authorized committee or commission thereof information concerning statewide development plans and basic research from which the plans have been developed.

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(6) Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.

(7) Review all plans filed with the federal government by state departments and agencies pursuant to Minnesota Statutes, Section 16.165, or any other law as a part of his duties prescribed by this section. The commissioner of administration shall furnish the state planning officer the information required by this clause.

(8) Encourage the development of planning programs by state departments and agencies and local levels of government.

(9) Act as the coordinating agency for submission of the environmental impact statements required by the National Environmental Policy Act and the state's comments thereon to the appropriate federal agencies.

Sec. 9. Minnesota Statutes 1971, Section 40.02, is amended to read:

**40.02 PUBLIC POLICY; PURPOSE.** As a guide to the interpretation and application of this chapter, the public policy of the state is declared to be as follows. Improper land-use practices have caused and contributed to serious erosion of farm and grazing lands of this state by wind and water and that thereby topsoil is being washed out of fields and pastures and has speeded up the removal of the absorptive top soil causing exposure of less absorptive and less protective, but more erosive, subsoil; and that land occupiers have failed to cause the discontinuance of such practice as creates this condition, and the consequences thereof have caused the deterioration of soil and its fertility and the deterioration of crops grown thereon, and declining yields therefrom, and diminishing of the underground water reserve, all of which have caused water shortages, intensified periods of drought, and crop failure, and thus brought about suffering, disease, and impoverishment of families and the damage of property from floods and dust storms; and that all of these effects may be prevented by land-use practices contributing to the conservation of topsoil by carrying on of engineering operations such as the construction of terraces, check dams, dikes, ponds, ditches, and the utilization of strip cropping, lister furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses.

It is hereby declared that it is for the public welfare, health, and safety of the people of Minnesota to provide for the conservation of the soil and soil resources of this state, and for the control and prevention of soil erosion, for land resource planning and development, for the implementation of land resource use practices

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that effectively reduce siltation and loss of the land base through activities associated with farming, mining, construction, forestry, and other activities of man, and for flood prevention or the conservation development, utilization, and disposal of water, including but not limited to, measures for fish and wildlife and recreational development, and thereby preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands by land-use practices, as herein provided for.

Sec. 10. Minnesota Statutes 1971, Section 104.01, Subdivision 3, is amended to read:

Subd. 3. It is the policy of this state and the purpose of sections 104.01 to 104.07 to reduce flood damages through flood plain management, stressing nonstructural measures such as flood plain zoning and flood proofing, and flood warning practices. It is the policy of this state and the purpose of sections 104.01 to 104.07 not to prohibit but to guide development of the flood plains of this state consistent with the enumerated legislative findings to provide state coordination and assistance to local governmental units in flood plain management, to encourage local governmental units to adopt, enforce and administer sound flood plain management ordinances, and to provide the commissioner of natural resources with authority necessary to carry out a flood plain management program for the state and to coordinate federal, state, and local flood plain management activities in this state.

Sec. 11. [105.405] WATER SUPPLY MANAGEMENT. Subdivision 1. The commissioner shall develop and manage water resources to assure a supply adequate to meet long range seasonal requirements for domestic, municipal, industrial, agricultural, fish and wildlife, recreational, power, navigation, and quality control purposes from surface or ground water sources, or from a combination of these.

Subd. 2. No permit authorized by sections 105.37 to 105.55 nor any plan for which the commissioner's approval is required or permitted, involving a diversion of any waters of the state, surface or underground, to a place outside of this state shall be granted or approved until after a determination by the commissioner that the water remaining in this state will be adequate to meet the state's water resources needs during the specified life of the diversion project.

Sec. 12. Minnesota Statutes 1971, Section 115.03, Subdivision 1, is amended to read:

115.03 POWERS AND DUTIES. Subdivision 1. The agency is hereby given and charged with the following powers and duties:

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To administer and enforce all laws relating to the pollution of any of the waters of the state;

To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 115.01 to 115.09;

To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;

To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution of any waters of the state;

To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state; and

To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

Sec. 13. Minnesota Statutes 1971, Section 116.07, Subdivision 2, is amended to read:

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Subd. 2. **ADOPTION OF STANDARDS.** The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of solid waste control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due

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consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

Approved May 19, 1973.

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## CHAPTER 413—H.F.No.873

[Coded]

*An act relating to subdivided lands; the regulation of the disposition of lots, parcels, units or interests in lands within real estate subdivisions; to require registration; to protect the purchaser from unfair and deceptive trade practices; to provide for the filing of bonds and performance assurances; to regulate advertising, promotion and sales contracts; to provide for the payment of fees; and to provide penalties; repealing Minnesota Statutes 1971, Sections 83.01 to 83.19.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [83.20] **SUBDIVIDED LANDS; REGULATION AND DISPOSITION; DEFINITIONS.** Subdivision 1. (a) "Advertising" shall include the publication or causing to be published of any information offering for sale or for the purpose of causing or inducing any other person to purchase or to acquire an interest in

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