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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3906

02/27/2020 Authored by Persell, Wagenius, Acomb, Cantrell, Ecklund and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; establishing Lorax Act; appropriating money;
1.3 proposing coding for new law in Minnesota Statutes, chapter 88.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 88.85 NO NET LOSS OF FOREST.

1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.7 the meanings given them.

1.8 (b) "Deforest" means to permanently remove trees from forest land to clear the land for
1.9 an alternate purpose.

1.10 (c) "Forest land" has the meaning given under section 89.001, subdivision 4.

1.11 Subd. 2. Findings; public interest. (a) The legislature finds that the forests of Minnesota
1.12 are important to comprehensive forest and water management and provide public value by:

1.13 (1) protecting drinking water and reducing the cost of water treatment;

1.14 (2) conserving and cooling surface waters;

1.15 (3) maintaining and improving water quality;

1.16 (4) preserving wildlife habitat;

1.17 (5) providing recreational opportunities;

1.18 (6) reducing runoff;

1.19 (7) providing for floodwater retention;

1.20 (8) reducing stream sedimentation;

- 2.1 (9) contributing to improved subsurface moisture;
 2.2 (10) helping to moderate climatic change;
 2.3 (11) sequestering carbon;
 2.4 (12) contributing to climate resiliency;
 2.5 (13) enhancing the natural beauty of the landscape; and
 2.6 (14) contributing greatly to the health, safety, economic well-being, and general welfare
 2.7 of this state and its citizens.

2.8 (b) The legislature finds that it is in the public interest to:

- 2.9 (1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's
 2.10 existing forests;
 2.11 (2) increase the quantity, quality, and biological diversity of Minnesota's forests by
 2.12 restoring or enhancing diminished or converted forests;
 2.13 (3) avoid direct or indirect impacts from activities that destroy or diminish the quantity,
 2.14 quality, and biological diversity of forests; and
 2.15 (4) replace forest values where avoiding activity is not feasible and prudent.

2.16 Subd. 3. **No net loss.** A person may not deforest forest land unless the forest land is
 2.17 replaced with forest land that has an equal or greater public value under a replacement plan
 2.18 approved by the commissioner under this section.

2.19 Subd. 4. **Forest land replacement plans.** (a) The commissioner must approve forest
 2.20 land replacement plans under this section.

2.21 (b) Replacement must be guided by the following principles in descending order of
 2.22 priority:

- 2.23 (1) avoiding the direct or indirect impact to forest land;
 2.24 (2) minimizing the impact by limiting the degree or magnitude of the activity and its
 2.25 impact on forest land; and
 2.26 (3) compensating for the impact by replacing the forest land as provided under this
 2.27 section.

2.28 (c) Replacement plans must consider the following public benefits:

- 2.29 (1) replacement forest to provide an equivalent amount of groundwater protection as
 2.30 removed forest;

3.1 (2) nondegradation of water;

3.2 (3) climate resiliency;

3.3 (4) carbon sequestration; and

3.4 (5) nonfragmentation of forest.

3.5 (d) Forest land replacement must be done in the ratio of one acre of replacement forest
3.6 for each acre of deforested forest.

3.7 (e) Forest land replacement plans must include:

3.8 (1) tree species, size, and quantity;

3.9 (2) methods of planting, protecting, caring for, and managing trees;

3.10 (3) maps detailing the location of tree plantings; and

3.11 (4) trees of an appropriate species for the biome and for climate resiliency as approved
3.12 by the commissioner.

3.13 Subd. 5. **Forest land replacement siting.** Forest land replacement must follow the
3.14 following priority order:

3.15 (1) in the same minor watershed as the impacted forest;

3.16 (2) in the same watershed as the impacted forest;

3.17 (3) in the same basin; and

3.18 (4) in another basin.

3.19 Subd. 6. **Exceptions.** Replacement requirements under this section do not apply to forest
3.20 land deforested as part of a conservation project approved by the commissioner.

3.21 Subd. 7. **Citation.** This section may be cited as the "Lorax Act."

3.22 Sec. 2. **APPROPRIATION.**

3.23 \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner of
3.24 natural resources to implement Minnesota Statutes, section 88.85.