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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 893

February 12, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act
1.2 relating to natural resources; modifying provisions relating to permits to harvest
1.3 or destroy aquatic plants; amending Minnesota Statutes 2006, section 103G.615,
1.4 subdivision 3, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2006, section 103G.615, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Permit standards.** (a) The commissioner shall, by rule, prescribe standards
1.9 to issue and deny permits under this section. The standards must ensure that aquatic plant
1.10 control is consistent with shoreland conservation ordinances, lake management plans and
1.11 programs, and wild and scenic river plans.

1.12 (b) On all public waters, a permit request for the mechanical or chemical control
1.13 of submerged vegetation and algae for 100 feet of shoreline by 150 feet lakeward, per
1.14 individual riparian property owner, must be granted. Permit requests must be granted for
1.15 up to 15 percent of a water basin's total littoral area. No permit is required on waters of
1.16 less than ten acres that have no continuous flowing outlets.

1.17 (c) Aquatic plant management permits are allowed for any of the following purposes:

1.18 (1) recreation;

1.19 (2) public safety;

1.20 (3) esthetics;

1.21 (4) drainage; and

1.22 (5) ecological health.

2.1 Sec. 2. Minnesota Statutes 2006, section 103G.615, is amended by adding a
2.2 subdivision to read:

2.3 Subd. 3a. **Permit decisions.** The commissioner shall approve or deny a permit
2.4 application for aquatic plant control within 15 business days of receipt of the application.
2.5 Failure to issue or deny a permit within this time constitutes a default approval to proceed.

2.6 Sec. 3. Minnesota Statutes 2006, section 103G.615, is amended by adding a
2.7 subdivision to read:

2.8 Subd. 3b. **Invasive species permits.** The commissioner shall grant permit requests
2.9 for control of aquatic nonnative invasive species without littoral area limits.

2.10 Sec. 4. Minnesota Statutes 2006, section 103G.615, is amended by adding a
2.11 subdivision to read:

2.12 Subd. 3c. **Littoral limit exception.** If use of herbicides to control aquatic plants
2.13 was allowed by permit before 1976 for more than 15 percent of the littoral area of a lake,
2.14 the limits permitted at that time remain in effect.

2.15 Sec. 5. Minnesota Statutes 2006, section 103G.615, is amended by adding a
2.16 subdivision to read:

2.17 Subd. 3d. **Permit denial review.** A person may appeal the denial or modification
2.18 of an aquatic plant control permit by submitting a request to the commissioner. The
2.19 commissioner shall use a review panel consisting of both governmental and private parties
2.20 who are knowledgeable about aquatic management practices. The panel may not include
2.21 the person responsible for the original permit denial or modification.

2.22 Sec. 6. Minnesota Statutes 2006, section 103G.615, is amended by adding a
2.23 subdivision to read:

2.24 Subd. 4a. **Mechanical devices.** An automated untended aquatic plant control device
2.25 may be used by a person without a permit if:

2.26 (1) the area controlled does not exceed 2,500 square feet, except that a boat channel
2.27 extending to open water and not exceeding 15 feet in width may be maintained; and

2.28 (2) silt disturbed by the mechanical device is less than three inches deep.

2.29 Sec. 7. **RULEMAKING PROHIBITED.**

2.30 Beginning March 1, 2007, the commissioner of natural resources shall not adopt
2.31 changes to Minnesota Rules, chapter 6280, except in conformance with this act.

3.1 Sec. 8. **EFFECTIVE DATE.**

3.2 Sections 1 to 7 are effective the day following final enactment.