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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **4157**

April 1, 2008

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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; requiring rulemaking; amending Minnesota Statutes
1.4 2006, sections 103G.005, by adding a subdivision; 103G.615, subdivision 3,
1.5 by adding subdivisions.

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

1.7 Section 1. Minnesota Statutes 2006, section 103G.005, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 15e. Riparian access. "Riparian access" means both access to and beneficial
1.10 use of public waters by riparian owners. This use includes recreational and esthetic
1.11 enjoyment of the water contiguous to their shoreline.

1.12 Sec. 2. Minnesota Statutes 2006, section 103G.615, subdivision 3, is amended to read:

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

1.17 (b) On all public waters, a permit request for the mechanical or chemical control of
1.18 submerged vegetation or algae, or both, for 100 feet of shoreline per individual riparian
1.19 property owner or the full width of the property, whichever is less, shall be granted to allow
1.20 riparian access. No permit is required on waters of less than ten acres, excluding wetlands
1.21 or public waters wetlands, that have no continuous flowing outlets. Permits issued under
1.22 this section are subject to the applicable littoral limits under subdivision 3b or 3c.

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

1.24 (1) public safety;

2.1 (2) esthetics;

2.2 (3) ecological health; and

2.3 (4) recreational use.

2.4 (d) The commissioner shall not adopt changes to Minnesota Rules, chapter 6280,
2.5 except in conformance with this section.

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

2.8 Subd. 3a. **Permit review.** The commissioner shall deny, approve, or modify a
2.9 permit within 15 days of receiving an application.

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

2.12 Subd. 3b. **Pesticide control restrictions.** Pesticide control of aquatic plants in
2.13 public waters may not exceed 15 percent of the littoral area for native species, except at
2.14 the discretion of the commissioner. Up to 100 percent of invasive aquatic species may
2.15 be treated at the discretion of the commissioner. On waters that are 20 acres or less,
2.16 pesticide control for native species may be permitted on up to five acres or one-half the
2.17 surface area of the pond, whichever is less.

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

2.20 Subd. 3c. **Littoral limit exception.** If use of pesticides to control aquatic plants was
2.21 allowed by permit before 1976 for more than 15 percent of the littoral area of a lake, the
2.22 limits permitted in 1976 remain in effect.

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

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

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

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

2.30 Sec. 7. **RULE AMENDMENT.**

3.1 The commissioner of natural resources shall amend Minnesota Rules, part
3.2 6280.0250, subpart 4, to delete item C. The commissioner may use the good cause
3.3 exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt
3.4 the amendment and Minnesota Statutes, section 14.386, does not apply except as provided
3.5 under Minnesota Statutes, section 14.388.

3.6 Sec. 8. **EFFECTIVE DATE.**

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