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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 858

February 16, 2009
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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

A bill for an act

relating to waters; providing for temporary drawdown of public waters; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Section 1. **[103G.408] TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

(a) The commissioner, upon consideration of recommendations and objections as provided in clause (4) and paragraph (c), may issue a public waters work permit for the temporary drawdown of a public water when:

(1) the permit applicant is a public entity;

(2) the commissioner deems the project to be beneficial and in the public interest;

(3) the permit applicant has obtained permission from a majority of the riparian landowners; and

(4) the permit applicant has conducted a public hearing according to paragraph (d).

(b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the public water is located and on the lake improvement district, if one exists.

(c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.

(d) The hearing notice for a public hearing under paragraph (a), clause (4), must:

(1) include the date, place, and time for the hearing;

(2) include the waters affected and a description of the proposed project;

(3) be mailed to the director, the county auditor, the clerk or mayor of a municipality, the lake improvement district if one exists, the watershed district or water management organization, the soil and water conservation district, and all riparian owners of record affected by the application; and

(4) be published in a newspaper of general circulation in the affected area.