

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 4157

DATE: April 21, 2008

Version: As introduced

Authors: Faust and others

Subject: Aquatic Plant Management Permits

Analyst: Janelle Taylor

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill would modify the process and standards used in issuing aquatic plant management permits. Currently, the permits are issued according to standards established in Minnesota Rules, chapter 6280. The permits are issued by the Department of Natural Resources and the department is currently in the final stages of adopting revisions to these rules. This bill would prohibit the commissioner from adopting changes to the aquatic plant management rules (except in conformance with legislative changes to the aquatic plant management statutes) and would establish standards for issuing the permits, including codifying a “grandfather” clause that has allowed the commissioner to permit pesticide use to control aquatic plants in excess of state standards for certain water bodies allowed to do so prior to 1976.

Section

- 1 **Riparian access.** Adds § 103G.005, subd. 15e. Defines “riparian access.”
- 2 **Permit standards.** Amends § 103G.615, subd. 3. Requires that permit requests for mechanical or chemical control of submerged vegetation or algae or both be granted for 100 feet of shoreline per riparian property owner or the full width of the property (whichever is less) to allow riparian access. States that the permit requests are subject to the applicable littoral limits. States that no permit is required on waters less than ten acres, excluding wetlands. States that aquatic plant management permits are allowed for public safety, esthetics, ecological health, and recreational use. Prohibits the commissioner from adopting changes to Minnesota Rules, chapter 6280, except in conformance with this section.

Section

- 3** **Permit review.** Adds § 103G.615, subd. 3a. Requires the commissioner to deny, approve, or modify a permit within 15 days of receiving the application.
- 4** **Pesticide control restrictions.** Adds § 103G.615, subd. 3b. States that pesticide control of aquatic plants in public waters may not exceed 15 percent of the littoral area for native species, except at the discretion of the commissioner. Allows up to 100 percent of invasive species to be treated at the discretion of the commissioner. Allows pesticide control for native species on waters that are 20 acres or less to be permitted on up to five acres or one-half the surface area of the pond, whichever is less.
- 5** **Littoral limit exception.** Adds § 103G.615, subd. 3c. Allows pesticide use for more than 15 percent of the littoral area of a lake to be permitted if it was permitted before 1976 and states that the limits in effect in 1976 would apply. This exception applies to nine metropolitan water bodies (seven lakes and two bays of Lake Minnetonka) whose permits, issued prior to 1976, allowed this. Currently, Minnesota Rules, section 6280.0350, subpart 4, item A, clause (2), provides discretion to the commissioner to allow a larger percentage of the littoral area of a lake to be treated if it was authorized under permits issued prior to 1976.
- 6** **Mechanical devices.** Adds § 103G.615, subd. 4a. Allows the use of an automated untended aquatic plant control device to be used without a permit if the area controlled does not exceed 2,500 square feet (or a boat channel extending to open water 15 feet wide or less), and if the silt disturbed is less than three inches deep.
- 7** **Rule amendment.** Requires the commissioner to amend Minnesota Rules, part 6280.0250, subpart 4, to delete item C (which prohibits aquatic plant management permits from being issued on developed shoreline for esthetic purposes alone).
- 8** **Effective date.** States that sections 1 to 7 are effective the day following final enactment.