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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3822

04/06/2016 Authored by Bly

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

1.1 A bill for an act
1.2 relating to natural resources; modifying aquatic plant management permit
1.3 requirements; amending Minnesota Statutes 2014, section 103G.615,
1.4 subdivisions 3, 3a, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 103G.615, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Permit standards.** The commissioner shall, by rule, prescribe standards to
1.9 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. The commissioner must require that landowners
1.12 with shoreline on waters to be treated are notified at least 60 days before the issuance of a
1.13 permit for chemical control of aquatic plants, including invasive aquatic plants.

1.14 Sec. 2. Minnesota Statutes 2014, section 103G.615, subdivision 3a, is amended to read:

1.15 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant
1.16 management permit" means an aquatic plant management permit as defined in rules of the
1.17 Department of Natural Resources that authorizes the selective control of invasive aquatic
1.18 plants to cause a significant reduction in the abundance of the invasive aquatic plant.

1.19 (b) The commissioner may waive the dated signature of approval requirement in rules
1.20 of the Department of Natural Resources for invasive aquatic plant management permits if
1.21 obtaining signatures would create an undue burden on the permittee or if the commissioner
1.22 determines that aquatic plant control is necessary to protect natural resources.

2.1 (c) If the signature requirement is waived under paragraph (b) because obtaining
2.2 signatures would create an undue burden on the permittee, the commissioner shall require
2.3 an alternate form of landowner notification, including news releases or public notices in
2.4 a local newspaper, a public meeting, or a mailing to the most recent permanent address
2.5 of affected landowners. The notification must be given annually and must include: the
2.6 proposed date of treatment, the target species, the method of control or product being
2.7 used, and instructions on how the landowner may request that control not occur adjacent
2.8 to the landowner's property. If the proposed control method is for chemical treatment,
2.9 notification must occur at least 60 days before treatment.

2.10 (d) The commissioner may allow dated signatures of approval obtained for an
2.11 invasive aquatic plant management permit to satisfy rules of the Department of Natural
2.12 Resources to remain valid for three years if property ownership remains unchanged.

2.13 Sec. 3. Minnesota Statutes 2014, section 103G.615, is amended by adding a
2.14 subdivision to read:

2.15 Subd. 3b. **Chemical control; petition.** A landowner notified of an aquatic
2.16 plant management permit for chemical control of an aquatic plant may petition the
2.17 commissioner to require alternative control methods to be used, including alternative
2.18 chemicals or mechanical controls, up to 30 days following the notification. Within 30 days
2.19 of receipt of the petition and before issuing or renewing the permit, the commissioner must
2.20 hold a public hearing and take public comments on the aquatic plant management permit
2.21 and the proposed and alternative control methods. The commissioner must consider the
2.22 alternative control methods and public comments received when determining whether to
2.23 issue, modify, or deny the permit application.