



**S.F. No. 2536, as introduced - 87th Legislative Session (2011-2012) [12-5837]**

2.1 Sec. 2. Minnesota Statutes 2010, section 97A.095, subdivision 2, is amended to read:

2.2 Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule,  
2.3 designate any part of a lake as a migratory feeding and resting area if there is adequate,  
2.4 free public access to the area. Before designation, the commissioner must ~~receive a~~  
2.5 ~~petition signed by at least ten local resident licensed hunters describing the area of a lake~~  
2.6 ~~that is a substantial feeding or resting area for migratory waterfowl, and find that the~~  
2.7 ~~statements in the petition are correct, and that adequate, free public access to the lake~~  
2.8 ~~exists near the designated area~~ describe the area in a public notice and receive public  
2.9 comments for 30 days. The commissioner must consider an area for designation upon  
2.10 presentation of a petition signed by at least ten licensed hunters demonstrating that the area  
2.11 is a substantial feeding or resting area for migratory waterfowl. The commissioner shall  
2.12 post the area as a migratory waterfowl feeding and resting area. Except as authorized in  
2.13 rules adopted by the commissioner, a person may not enter a posted migratory waterfowl  
2.14 feeding and resting area, during a period when hunting of migratory waterfowl is allowed,  
2.15 with watercraft or aircraft propelled by a motor, other than an electric motor with battery  
2.16 power of 12 volts or less. The commissioner may, by rule, further restrict the use of  
2.17 electric motors in migratory waterfowl feeding and resting areas.

2.18 Sec. 3. Minnesota Statutes 2010, section 103G.005, is amended by adding a  
2.19 subdivision to read:

2.20 Subd. 11a. **Shallow lake.** "Shallow lake" means a body of water, excluding a  
2.21 stream, that is greater than or equal to 50 acres in size and less than or equal to 15 feet  
2.22 in maximum depth.

2.23 Sec. 4. Minnesota Statutes 2010, section 103G.408, is amended to read:

2.24 **103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

2.25 (a) The commissioner, upon consideration of recommendations and objections as  
2.26 provided in clause ~~(4)~~ (2), item (iii), and paragraph (c), may issue a public waters work  
2.27 permit for the temporary drawdown of a public water when:

2.28 (1) the public water is a shallow lake to be managed for fish, wildlife, or ecological  
2.29 purposes by the commissioner and the commissioner has conducted a public hearing  
2.30 presenting a comprehensive management plan outlining how and when temporary  
2.31 drawdowns under this section will be conducted; or

2.32 ~~(1)~~ (2) the permit applicant is a public entity; and:

2.33 ~~(2)~~ (i) the commissioner deems the project to be beneficial and makes findings of  
2.34 fact that the drawdown is in the public interest;

3.1 ~~(3)~~ (ii) the permit applicant has obtained permission from at least ~~75 percent~~  
3.2 two-thirds of the riparian landowners; and

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

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

3.9 (c) A county, municipality, watershed district, watershed management organization,  
3.10 or lake improvement district required to be served under paragraph (b) or section  
3.11 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit  
3.12 or an objection to the issuance of a permit with the commissioner within 30 days after  
3.13 receiving a copy of the application.

3.14 (d) The hearing notice for a public hearing under paragraph (a), clause ~~(4)~~ (2),  
3.15 item (iii), must:

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

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

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

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

3.23 (e) Periodic temporary drawdowns conducted under paragraph (a) shall not be  
3.24 considered takings from riparian landowners.

3.25 ~~(e)~~ (f) This section does not apply to public waters that have been designated for  
3.26 wildlife management under section 97A.101.