



Riparian Reporter

A Publication for Minnesota Lakeshore Homeowners from Minnesotans' For Healthy Lakes
www.mnhealthylakes.org

Minnesotans for Healthy Lakes

WHERE WE ARE TODAY

On November 13, 2003, Minnesota Aquatic Management Society (MAMS) hosted a meeting with legislators, Senators, and lakefront property owners. Dr. William Haller with the center for aquatic and invasive species at the University of Florida, and Kurt Getsinger with the Army Core of Engineers Aquatic Waterways presented professional and scientific information on Aquatic Plant Management. Over two hundred concerned riparian property owners, lake association members, pond owners, and lake improvement district representatives attended. Several senators and representatives from Minnesota attended. Following the conclusion of Dr. Haller and Mr. Getsinger's presentations, a quick poll was taken to see just how concerned Minnesotans are regarding the fate of Aquatic plant management in Minnesota. There was a unanimous response in favor the following:

✍️ 100 ft should be the standard area allowed for a permit unless asked for less.

✍️ Exotic Vegetation should be removed wherever it is found, not restricted to 15%.

Inspections if individual properties are wasting valuable tax dollars and should not be required.

MHL Introduces Bill HF2632

MHL has introduced a bill at the capitol seeking several regulatory changes. Additional needed changes have been identified but will not be sought during this legislative session due to limited time.

The new legislation needs your voice. We have asked Senator Gen Olson (Minnesota Senate) and Representative Kathy Tingelstad (House of Representatives) to author and champion our bill. Both lawmakers are members of the Environmental and Natural Resource committees. We need your help today.

OUR 2004 LEGISLATIVE GOALS

(Please Note: New language is underlined)

The commissioner must issue or deny a permit request within ten business days of receipt. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil or other exotic aquatic control programs, and these permits are not subject to the littoral limitations in subdivision 3, paragraph (b).

A reasonable time frame for permit issuance is needed. Permits that can take one to two months to approve or deny should not compromise three to four quality months of summer.

The state should defray permit fees for lake wide non-native weed control. Reduction of exotic bio-pollutants is primarily funded by private citizens and is a benefit to the state.

DNR rules developed for native nuisance weeds should not be used for exotic weed control. Littoral limitations must be relaxed so effective lake wide management of exotics like Eurasian water milfoil can be achieved. Variances can be applied for but are not granted. A statutory change is required to allow for implementation of a lake wide control programs where appropriate.

(b) On all public waters, a permit request for the control of submerged vegetation for up to 100 feet of shoreline per individual riparian property owner must be granted. Permit requests must be granted for up to 15 percent of a total water basin's littoral area. Aggregate requests in excess of the 15 percent limitation may be granted, but cannot exceed 50 percent of the littoral area of the water basin.

Excessive submerged weeds create the greatest encumbrance to lake usage. Historically, aquatic control permits were generally granted with uniform fairness. Today we are experiencing random application of the existing rules by DNR individuals as well as DNR regions. Arbitrarily limiting a property owner to as little as twenty-five or fifty feet while others receive more or less serves no overall management purpose. Media and DNR attention focusing on emergent vegetation should not be confused with requests to control submerged vegetation. Submerged weeds in many lakes are an increasing problem.

Submerged weed control by herbicide is limited to 15% of the littoral zone; that zone being the area of a lake that is fifteen feet deep or less. This conservative "one size fits all rule" should be relaxed in cases where excessive weed growth warrants. The precedent for weed control up to 50% of the littoral area has long been established by the DNR that allows for mechanical removal equal to this amount.

These ultra conservative actions by the DNR undermine one of the very tenets of the APM program to allow reasonable access and use of our lakes and ponds.

The Deadline is Now!
Communicate today in support of Bill HF2632

Last year without the necessary ground swell of support the DNR increased group permit fees from \$200.00 to \$750.00.

- 1) Contact your representative and ask them to support bill HF2632
- 2) Contact the environmental and resources committee members.
- 3) Contact your shoreline neighbors and association members.

A complete detailed listing of key decision makers can be found at the web sites listed below. Please take fifteen minutes to make a difference.

To find your local representative go to: <http://www.leg.state.mn.us/leg/Districtfinder.asp>

To contact environmental committee members refer to the following websites.

Environment and Natural Resources Policy Committee

<http://ww3.house.leg.state.mn.us/comm/committee.asp?comm=11>

Environment and Natural Resources Committee Members and Staff

<http://www.senate.leg.state.mn.us/committee/2003-2004/Environment/members.htm>

Information on Environmental State Representatives:

Senate – Environment and Natural Resources Committee Members and Staff

Chair: John Marty
Vice Chair: Tom Saxhaug
Ranking Minority Member: Pat Pariseau
Office: 323 Capitol
Phone: (651) 296-5712
Meets: Monday & Wednesday at 12:30 p.m. to 3:00 p.m. at 107 Capitol
Members: Don Betzold Dennis R. Frederickson John C. Hottinger
 Michael J. Jungbauer Keith Langseth Gen Olson
 LeRoy A. Stumpf

House of Representatives – Environment and Natural Resources Policy Committee Membership

Chair: Tom Hackbarth
Vice Chair: Ray Cox
Lead-DFL: Karen Clark
Phone: (651) 296-2439
Meets: Tuesday & Thursday at 10:15 a.m. in Room 5 of the State Office Building
Members: Tony Cornish Bill Haas Joe Hoppe Larry Howes Doug Lindgren

COMMITTEE MEETING



Seated Left to Right are Bill Iacoe and Paul Isensee Co-Chairmen of Minnesotans for Healthy Lakes. Standing Left to Right are Joe Bester and Doug Jonak Committee Members.

DNR SPECIFICATIONS

For the past 26 years DNR policy has typically permitted aquatic weed control in 100 feet (or more) in width adjacent to an individual property and 15% of the littoral zone per lake basin. This protects 85% of the weedy zone of every lake and while we have long considered such limits to be extremely excessive, lakeshore property owners have lived with these arbitrary rules. These rules are not and have never been based upon scientific data as most of us would have expected from the DNR.

DNR micromanagement and ultra excessive restrictions threaten the lakeshore homeowners:

1. Property values
2. Esthetic appreciation of your property and your lake
3. Ability to utilize the lake area adjacent to your property for swimming and fishing
4. Ability to reasonably access your dock and the main lake by boat through weed beds
5. Safety while swimming

These new policies are making it nearly impossible for aquatic management firms, lake associations and individuals to form contracts or agreements for lake weed controls. Lakeshore homeowners currently have “no rights” to any specific amount of aquatic weed control and must rely upon the whim of a DNR regulator who is not acting within a policy giving the individual homeowner the long accepted standard of 100 feet or their entire frontage (whichever is less) and 15% of the lake littoral zone. To protect lakeshore homeowner these minimal rights must be established in DNR policy this winter. Then state laws need to be rewritten establishing lakeshore homeowners rights by law. One of the dangers of this over regulation is that it actually encourages the use of illegal products not EPA approved for use in the aquatic environment.

DNR EXOTIC SPECIES PROGRAM

Since Eurasian watermilfoil (EWM) was first discovered in the late 1980's the DNR has widely disseminated information on the destructive nature of the species and of other exotic (non-native) species in Minnesota. The DNR was given or assumed the responsibility and authority to regulate the control and spread of EWM and other exotic species. Now that the EWM has spread to over 100 lakes the public needs to be made aware that the DNR is protecting the species from legal means of control thereby increasing the probability of spread to even more lakes.

Products approved for use in public waters by the Environmental Protection Agency (EPA) and by all 50 states are being prohibited by the DNR from use by lake associations trying to save their lakes. The DNR irresponsibly claims to be still studying (for 15 years) the products even though they are in wide use all over our country and in many other countries. While the DNR “protects” EWM they also see that residents are fined up to \$700.00 for accidentally failing to remove one piece of one weed from their boat trailer. They seem to forget that these lakes belong to the public. Only a tiny fraction of the monies allotted to the DNR Exotic Species Program go to control the growth of EWM.

Visit Our Website

Our website is www.mnhealthylakes.org. Please note that it is .org not a .com. The site has information on our organization, and links to other useful and informative websites. Updates on our bill as it moves through the legislature will be posted to keep you informed. Please check the site often during this legislative session.