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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1188**

February 19, 2007

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

1.1 A bill for an act
1.2 relating to natural resources; providing for protection of ecological value and
1.3 riparian rights in issuing aquatic farm licenses; amending Minnesota Statutes
1.4 2006, section 17.4984, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 17.4984, subdivision 1, is amended to read:

1.7 Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic
1.8 farm without first obtaining an aquatic farm license from the commissioner.

1.9 (b) Applications for an aquatic farm license must be made on forms provided by
1.10 the commissioner.

1.11 (c) The person or entity requesting a license renewal for an aquatic farm in waters
1.12 of the state must submit for each body of water a management plan that is designed to
1.13 ensure that the ecological value for that water for supporting waterfowl and other native
1.14 aquatic wildlife will be restored to its original condition.

1.15 (d) If a water body has more than one shoreline owner, the person or entity
1.16 requesting a license or license renewal must fully disclose in writing plans for the body of
1.17 water to each shoreline owner, obtain written permission from each owner, and submit a
1.18 copy of each permission to the commissioner. The commissioner shall not take riparian
1.19 rights from shoreland owners without their written permission according to this paragraph.
1.20 The commissioner shall not issue or renew a license unless the written permissions
1.21 required under this paragraph are received.

1.22 (e) Before issuing a license renewal, the commissioner must determine that the
1.23 implementation of the management plan under paragraph (c) will ensure that the
1.24 ecological value of the water will be restored.

2.1 (f) Before issuing a new license under this section for any water body, the
2.2 commissioner must determine that the license will maintain the water body's original
2.3 ecological value for supporting waterfowl and other native aquatic wildlife.

2.4 (g) Licenses are valid for five years and are transferable upon notification to the
2.5 commissioner.

2.6 ~~(d)~~ (h) The commissioner shall issue an aquatic farm license on payment of the
2.7 required license fee under section 17.4988 and compliance with this section.

2.8 ~~(e)~~ (i) A license issued by the commissioner is not a determination of private
2.9 property rights, but is only based on a determination that the licensee does not have a
2.10 significant detrimental impact on the public resource.

2.11 (j) The commissioner shall not issue or renew a license to raise minnows in a
2.12 water body if the water body is the subject of a protective easement or other interest
2.13 in land that was acquired with funding from migratory waterfowl stamp proceeds
2.14 under section 97A.075, subdivision 2, or if the water body was the subject of any other
2.15 development, restoration, maintenance, or preservation project funded under section
2.16 97A.075, subdivision 2.