103G,405 WATER LEVEL CONTROL FOR LANDLOCKED LAKES.

- (a) Except as provided in paragraph (c), the commissioner must issue a water level control permit to establish a control elevation for a landlocked lake below the ordinary high-water level for the lake if:
 - (1) the commissioner finds that:

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- (i) the control is necessary to prevent adverse impacts to the lake or adjoining property;
- (ii) other reasonable or cost-effective alternatives are not available; and
- (iii) natural resource or hydrologic conditions exist in the watershed that would limit the potential for continuous discharge of excess waters from the lake; and
- (2) the outlet and discharge of excess waters is addressed in an approved water management plan under chapter 103B or 103D.
- (b) In addition to the requirements in section 103G.301, subdivision 6, if the proposed control elevation is more than 1-1/2 feet below the ordinary high-water level, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the lake is located and the lake improvement district, if one exists.
- (c) The commissioner may not issue a permit to establish a control elevation more than 1-1/2 feet below the ordinary high-water level of a lake if a county, municipality, watershed district, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, files a written objection to the issuance of the permit with the commissioner within 30 days after receiving a copy of the application.

History: 1990 c 391 art 7 s 39; 1996 c 407 s 45