

Invasive species war spills into Minnesota court

By Josephine Marcotty, Star Tribune

The ice went out on Christmas Lake last week, and soon a new gate will go up at its only public boat ramp, signaling the start of what may be the most contentious boating season yet in Minnesota's two-decade fight over zebra mussels and other invasive species.

The gate, installed in November, is more than a method to keep invasive species out of one of the most pristine and exclusive lakes in the metro area. Some see it as a challenge to individual privacy and a virtual Minnesota birthright – unfettered access to any lake or river in the state.

Those two imperatives – protecting the lakes and keeping them open to all – are at the heart of a lawsuit filed last week by three west-metro lake associations against the Minnesota Department of Natural Resources (DNR). The associations claim the state has failed to devise a comprehensive plan against invasive species and has thwarted their efforts to protect the lakes they treasure.

“It’s not clear to the general public that the battleground for zebra mussels in 2012 is Minnesota,” said Joe Shneider, president of the Christmas Lake Homeowners Association, one of litigants. “Every state east of us has lost the war,” he said.

But some say the lawsuit and the gates will only inflame the debate, not solve the problem.

“Those aren’t their lakes,” said Vern Wagner, executive director of Anglers for Habitat. “Those lakes belong to the citizens of Minnesota.”

DNR officials say they are doing more than ever to fight such invasive species as zebra mussels and milfoil. The Legislature has increased funding from \$3.8 million in 2010 to an expected \$8.6 million this year. And now the DNR is asking for laws that would require boat owner education, give the agency authority to conduct mandatory boat inspections, and allow it to delegate that same authority to counties and cities.

When critics complain about the lack of a statewide plan, what they really mean is that they want the state to inspect every boat before launch in any of the state's 13,000 lakes, said Luke Skinner, supervisor of the state's invasive species program.

Not only would that be breathtakingly expensive, officials said, but it raises profound questions about the reach of government into the privacy of the state's 800,000 boats.

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