

CHAPTER 46A-16

MINNESOTA BOUNDARY WATERS

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46A-16-1. South Dakota-Minnesota Boundary Waters Commission--Creation--Composition. There is hereby created an interstate commission to be known as the South Dakota-Minnesota Boundary Waters Commission, which shall consist of the secretaries of the Departments of Environment and Natural Resources and Game, Fish and Parks of South Dakota and the commissioner of natural resources and the director of the pollution control agency of Minnesota, or their legal successors, and an engineer appointed by the mutual consent of the Governors of South Dakota and Minnesota for a period of four years.

Source: SL 1939, ch 294, § 1; SDC Supp 1960, § 55.5301; SDCL § 46-29-1; SL 1980, ch 313, § 1; SL 1991, ch 17 (Ex. Ord. 91-4), § 17.

46A-16-2. Repealed by SL 2015, ch 192, § 5.

46A-16-3. Legal advisers to commission. The attorneys general of both states shall act as legal advisers of the South Dakota-Minnesota Boundary Waters Commission.

Source: SL 1939, ch 294, § 6; SDC Supp 1960, § 55.5306; SDCL, § 46-29-2.

46A-16-4. Plan for controlling levels of boundary waters. The South Dakota-Minnesota Boundary Waters Commission may investigate and determine the most desirable and beneficial levels of boundary waters artificially controlled and may prescribe a plan for controlling and regulating the water levels.

Source: SL 1939, ch 294, § 2; SDC Supp 1960, § 55.5302 (1); SDCL § 46-29-3; SL 2011, ch 165, § 537.

46A-16-5. Hearings on desirable water level and plan of regulation--Orders. The South Dakota-Minnesota Boundary Waters Commission may hold hearings and take evidence that is presented, either after complaint or upon its own initiative, as to the desirability of any water level and plan of regulation and may make orders

concerning the water level and plan of regulation as in the opinion of the commission are for the best interests of the public.

Source: SL 1939, ch 294, § 2; SDC Supp 1960, § 55.5302 (4); SDCL § 46-29-4; SL 2011, ch 165, § 538.

46A-16-6. Hearings by commission--Time and place--Publication of notice--Final orders of commission, publication. Said hearings shall be held at such time and place as may be designated by the South Dakota-Minnesota Boundary Waters Commission in either state, in any county affected by the subject matter. At least two weeks' publication notice of said hearings shall be given by publication of the notice in all legal newspapers in each county bordering on the boundary waters which may be affected by the subject matter of said hearings. All final orders of the commission shall be published once each week for two consecutive weeks in a legal newspaper in each county bordering on the boundary waters which may be affected thereby. The printer's affidavit of publication of all notices and orders shall be filed with the commission.

Source: SL 1939, ch 294, § 3; SDC Supp 1960, § 55.5303; SL 1961, ch 278, § 1; SDCL, § 46-29-5.

46A-16-7. Orders to further purposes of chapter. The South Dakota-Minnesota Boundary Waters Commission may make orders necessary to further the purposes of this chapter.

Source: SL 1939, ch 294, § 2; SDC Supp 1960, § 55.5302 (3); SDCL § 46-29-6; SL 2011, ch 165, § 539.

46A-16-8. Investigations, surveys and hearings--Procedure for conduct. The South Dakota-Minnesota Boundary Waters Commission may prescribe procedure for the conduct of its investigations, surveys, and hearings.

Source: SL 1939, ch 294, § 2; SDC Supp 1960, § 55.5302 (2); SDCL, § 46-29-7; SL 1993, ch 256, § 87.

46A-16-9. Order of determination of commission regulating water levels--Appeal by aggrieved party to circuit court--Notice of appeal, service--Appeal from judgment of district court to Supreme Court. Any party aggrieved by any order of determination of the South Dakota-Minnesota Boundary Waters Commission establishing or regulating water levels as above provided for may appeal therefrom to the district court or circuit court as the case may be of any county in either state in which the subject matter of the order of determination is wholly or partially located or to the district court of the county in either state where the capital thereof is located. Notice of appeal must be served upon the commission or any member thereof, within thirty days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court to the Supreme Court of its respective state.

Source: SL 1939, ch 294, § 8; SDC Supp 1960, § 55.5308; SDCL, § 46-29-8.

46A-16-10. Injunction restraining violation of order or notice of commission. The South Dakota-Minnesota Boundary Waters Commission may, upon verified petition, apply to the district court or circuit court in either state as the case may be, in any county affected by the subject matter, for an injunction restraining the violation of any order or notice made by it pursuant to the provisions of this chapter.

Source: SL 1939, ch 294, § 6; SDC Supp 1960, § 55.5306; SDCL, § 46-29-9; SL 1993, ch 256, § 88.

46A-16-11. Expenses not to be incurred without adequate appropriation. The South Dakota-Minnesota Boundary Waters Commission may not incur any obligation for expenses except after an adequate legislative appropriation.

Source: SL 1939, ch 294, § 5; SDC Supp 1960, § 55.5305; SDCL § 46-29-10; SL 2011, ch 165, § 540.

46A-16-12. Construction of artificial controls to maintain boundary water levels. The Game, Fish and Parks Commission may participate with the state of Minnesota in the construction of artificial controls deemed necessary to maintain the most desirable and beneficial levels of boundary waters as determined by the South Dakota-Minnesota Boundary Waters Commission. The Game, Fish and Parks Commission may expend funds for that purpose.

Source: SL 1953, ch 114; SDC Supp 1960, § 55.5309; SDCL § 46-29-11; SL 2011, ch 165, § 541.

46A-16-13. Big Stone lake water level--Maintenance, operation, and discharge limitation of Big Stone control dam. It is hereby determined that the most desirable and beneficial level for the waters of Big Stone Lake from May first to October first of each year is elevation 967, project datum. The South Dakota-Minnesota Boundary Waters Commission, the South Dakota secretary of game, fish and parks and the Minnesota commissioner of conservation shall maintain and operate the Big Stone Control Dam in conformance herewith. Water discharges from the control dam may not exceed one hundred cubic feet per second unless it is determined to be impracticable to do so by the South Dakota-Minnesota Boundary Commission, the South Dakota secretary of game, fish and parks and the Minnesota commissioner of conservation.

Source: SDC 1939, § 55.5309 as enacted by SL 1961, ch 278, § 2; SDCL, § 46-29-12; SL 1981, ch 325, § 1.

46A-16-14. Concurrence of Minnesota necessary to make chapter effective. This chapter shall become effective immediately after the passage of an act in substantial conformance herewith by the Legislature of Minnesota.

Source: SL 1939, ch 294, § 7; SDC Supp 1960, § 55.5307; SDCL, § 46-29-13.

46A-16-15. Lake protection and rehabilitation projects--Commission powers. The South Dakota-Minnesota Boundary Waters Commission may plan, coordinate, hold public hearings on, and propose lake protection and rehabilitation projects for boundary water lakes. The commission may accept and distribute grants from any source for the purposes set forth in this section. The commission shall seek the advice of local units of government and encourage them to voluntarily implement projects proposed by the commission and to enter into agreements with one another for that purpose.

Source: SL 1980, ch 313, § 2; SL 1981, ch 325, § 2; SDCL Supp, § 46-29-14.

46A-16-16. Local advisory committees for lake projects. The South Dakota-Minnesota Boundary Waters Commission shall establish a local advisory committee for each lake protection and rehabilitation project. The committee shall consist of a majority of locally elected officials of governmental units within the lake watershed including tribal government.

Source: SL 1980, ch 313, § 3; SDCL Supp, § 46-29-15.
