

**TO: Blaine City Council**  
**FROM: Chris Nelson**  
**DATE: October 28, 2019**

**RE: Invasive Species control in the City of Blaine**

### Background

The City of Blaine is engaged in invasive species control strategies for areas surrounding wetlands and storm water retention ponds. For the wetland areas, the City received a grant from the State of Minnesota to fund invasive species remediation. The object of the City's remediation efforts is to return the buffer areas surrounding wetlands to pre-settlement condition. This goal necessitates removing invasive species infestations and improving other issues such as runoff pollution.

Similarly, the City's invasive species control efforts also extend to storm water retention ponds. Invasive species grow in the buffer zones surrounding the ponds, and the overgrowth can create problems for City drainage systems. As resources allow, City staff remediates invasive plants through cutting and herbicide treatments.

Some Blaine citizens have voiced opposition to the City invasive species remediation efforts, arguing the City is removing trees, bushes, and other plants from the areas surrounding ponds, damaging the landscape aesthetic. Some of the species removed from wetland and storm water pond buffers include buckthorn and diseased ash trees.

### Laws Governing Noxious Weeds and Invasive Species

Minnesota law requires municipalities to engage in noxious weed remediation. Minnesota Statutes Sections 18.76 to 18.91 constitute the "Minnesota Noxious Weed Law." Minn. Stat. § 18.76. Pursuant to Section 18.78, Subdivision 1, "a person responsible for the maintenance of public land shall control or eradicate all noxious weeds on the land at a time and in a manner

ordered by an inspector or county-designated employee.” Further, Section 18.78, Subdivision 3 specifically allows cities to enter weed control agreements with landowners to establish noxious weed management plans. Under the Minnesota Noxious Weed Law, municipal weed inspectors have a duty to examine all public land within the municipality to “see that control or eradication of noxious weeds is carried out[.]” Minn. Stat. § 18.81, Subd. 2.

The requirement to control noxious weeds is specifically mandated in wetland areas. Minn. Stat. 103G.2365 states “[n]oxious weeds...must be controlled on wetlands as required in section 18.78.” In addition to requirements regarding wetlands, state statute requires municipal road authorities to “cause all noxious weeds on their respective highways and streets to be cut down or otherwise destroyed or eradicated as often as may be necessary[.]” Minn. Stat. §160.23.

The Department of Agriculture has included Buckthorn (common/European and glossy), for example, on its statewide noxious weed list since 1999. *See* <https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list>. Although buckthorn grows into a large, tree-like bush, buckthorn is a non-native, invasive species classified as a noxious weed, of which state law mandates control, treatment, and eradication efforts.

Minnesota law also requires the remediation of plant pests. Minnesota Statutes Section 18G.01 authorizes the Department of Agriculture to “abate, suppress, eradicate, prevent, or otherwise regulate the introduction of establishment of plan pests[.]” City governments participate in the Department’s plant pest remediation efforts. *See* Minn. Stat. § 18G.12, Subd. 3(4). Measures to contain a control the spread of an invasive species such as Emerald Ash Borer fall under the state’s plant pest eradication law.

Blaine’s city ordinances also require or encourage invasive species control measures. In its storm water management ordinance, Section 34-482 calls for the establishment of a storm

water maintenance plan, which “may include the removal of invasive species[.]” Section 34-488 states that protective buffer strips “of natural vegetation at least 15 feet (25 feet is preferred) in width shall surround all wetlands.” “Natural vegetation” is not defined in the ordinance, but Section 34-462 defines “native vegetation” as “the pre-settlement...group of plant species native to the local region, that were no introduced as a result of European settlement or subsequent human introduction” – *i.e.* not invasive species. Regarding storm water retention ponds, Section 34-489 states that private storm water ponds must be maintained by the owner while the City is responsible for public storm water ponds. The City must authorize any “alterations to shorelines or vegetation around stormwater ponds.” Section 34-521.

#### Summary

The policy of the state of Minnesota is the control and remediation of invasive species. Pursuant to the noxious weed law and other statutes, Minnesota cities have a necessary role in invasive species remediation. Minnesota law also specifically requires invasive species remediation in wetland areas. Consistent with the state requirements, the City of Blaine’s ordinances require wetlands to be surrounded by natural vegetation buffers. The City’s invasive species remediation efforts may result in the removal of large plants and trees, such a buckthorn or ash trees infested by Emerald Ash Borer. Removing such vegetation is consistent with state and local law regarding noxious weeds, invasive species, and wetland and storm pond management.