

6116.0040 PERMIT CONDITIONS.

Subpart 1. **Objective.** The commissioner may include conditions the commissioner considers reasonable and necessary for the design, installation, and operation of the system, and provisions for monitoring the system and its effects by the permittee or the commissioner.

Subp. 2. **Workshops.** Permittees shall attend workshops to be held at designated locations throughout the state as determined by the commissioner. New permittees shall attend a workshop before initial start-up of systems.

Subp. 3. **Inspections.** The permittee shall allow the inspection of the aeration system by the commissioner or a designee at all reasonable times. Each aeration system shall be inspected by the permittee often enough to ensure that the requirements of this part and conditions of the permit are met at all times. All deficiencies shall be promptly corrected. The permittee must inspect the aeration system not less than once every seven days.

Subp. 4. **Aeration periods.** The start-up and stopping dates for aerating during periods of ice cover shall be determined by the regional fisheries manager and shall be specified in the permit. No aeration system will be operated during the period of ice formation until sufficient ice has formed so that marking requirements can be safely met, unless the permittee has posted the approximate area of the open water before ice formation by using signs placed on buoys or posts driven into the lake bottom or by other methods approved by the commissioner.

Subp. 5. **Hold harmless.** Permittee agrees to assume the entire responsibility and liability for all damages or injury to all persons and to all property arising out of, resulting from, or in any manner connected with the design, construction, installation, operation, maintenance, supervision, or inspection of the permitted aeration system. Permittee agrees to indemnify, defend, and hold harmless the state of Minnesota, its agents and employees, from all claims, damages, or injury except those arising from the state's own negligence to the extent authorized by Minnesota Statutes, section 3.736, the Minnesota Tort Claims Act. This indemnity agreement includes, but is not limited to, claims that the permittee was negligent or otherwise liable for allowing, designing, constructing, installing, operating, inspecting, maintaining, supervising, or approving the permitted aeration system, or failing to do so.

Subp. 6. **Revocations.** The commissioner may revoke a permit without prior notice whenever, in the commissioner's opinion, revocation is necessary to protect human life or natural resources.

Statutory Authority: *MS s 378.22*

History: *13 SR 1235*

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