

6280.0900 AUTHORITY TO AMEND AND REVOKE PERMITS.

Subpart 1. **Amendments and revocation.** The commissioner may amend or revoke an APM permit or suspend aquatic plant management or commercial harvest activities without prior notice whenever it has been determined that it is necessary to protect the interests of the public, to protect human life, or to protect fish, wildlife, and native plants.

Subp. 1a. **Permit revocation for violation of rules.**

A. A person who receives an APM-related conviction may be subject to an APM-related permit revocation. The commissioner shall consider the following criteria in determining whether to invoke an APM-related permit revocation:

- (1) the extent and number of violations leading to the conviction;
- (2) the extent and number of prior aquatic plant management-related convictions; and
- (3) the extent to which the person had received prior warnings regarding unlawful aquatic plant management activities.

B. A person who receives two separate APM-related convictions in a three-year period is subject to an APM-related permit revocation for one year from the date of the second conviction. A person who receives an APM-related conviction after being subject to an APM-related permit revocation is subject to an APM-related permit revocation for five years from the date of the conviction. The commissioner shall require a person who has had an APM-related permit revocation to participate in an aquatic plant management workshop before the person can receive an APM, commercial mechanical control, or commercial harvest permit. If the commissioner requires a person to participate in a workshop before receiving a permit, the commissioner shall make the workshop available so as not to delay the issuance of the permit. A person who is subject to an APM-related permit revocation may request review pursuant to part 6280.1100, subpart 1, during which time the revocation will be suspended until all administrative appeals are exhausted. The commissioner may overturn an APM-related permit revocation after review pursuant to part 6280.1100, subpart 1.

C. An APM-related conviction is considered to be separate from a prior APM-related conviction if it arises from a course of conduct that is separate from the conduct that resulted in the prior conviction.

Subp. 2. **Amendments by request.** The commissioner may amend a commercial mechanical control, APM, or commercial harvest permit upon request from the permittee if the amendment maintains adequate protection for interests of the public, human life, and fish, wildlife, and native plants.

Statutory Authority: *MS s 103G.615*

History: *18 SR 83; 21 SR 1406; 33 SR 1721*

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