

6116.0030 APPLICATION FOR PERMIT.

Subpart 1. **Term.** No permit shall be issued for a period of more than one year.

Subp. 2. **Criteria for granting a permit.** The commissioner shall grant a permit for an aeration system when the commissioner concludes that:

- A. operation of a system will result in substantial benefit to the lake resource; and
- B. the objectives of the system are compatible with natural resources management and public safety goals for the body of water.

Subp. 3. **Form contents.** Applications for permits shall be submitted on forms provided by the commissioner and shall include:

- A. the reason the system is needed;
- B. a description of the system, including but not limited to location, size, and number of devices to be used;
- C. a sketch of the proposed system, indicating the compass direction "north," location on the lake, roads in the vicinity, pertinent fire numbers, noteworthy landmarks, and enough detail so the system can be located for inspection, and emergency access, shall accompany all new applications;
- D. the proposed operating schedule; and
- E. further information the commissioner needs in order to assess the need for and effectiveness of the proposed aeration system.

Subp. 4. **Private hatchery or fish farm license holders.** Beginning March 1, 1989, a private fish farm or hatchery license may contain authorization for the operation of aeration systems on protected waters without public access if the licensee owns all riparian land or all of the possessory rights to the riparian lands. A private hatchery or fish farm license application requesting authorization for aeration system operation shall be subject to the same review as the aeration permit application. The license application shall include:

- A. the legal description and Division of Waters inventory number of each water body;
- B. location of the aeration system in each water body;
- C. enough detail so the systems can be located for inspection and emergency access; and
- D. a signed statement attesting that the requirements of this subpart are met.

Subp. 5. **Public input.** Upon receipt of a new application for installation and operation of an aeration system on protected waters with public access the commissioner shall issue public notice and may conduct a public meeting to assist in deciding whether to issue, deny,

or modify a permit. Reissuance of permits for existing permitted aeration systems does not require a public meeting, however, upon request of 25 or more residents of the state a public meeting will be held.

Subp. 6. **Applicants.** The applicant shall be a governmental entity such as a county, city, town, watershed district, or lake improvement district; or a private person, group, or entity.

Subp. 7. **Financial responsibility.** All permittees, except those permittees operating an aeration system in protected waters without public access, where the permittee owns all land riparian to the protected water, or all of the possessory rights to the land riparian to the protected water, or has leased all access rights to the protected water, and state agencies subject to the State Tort Claims Act or municipalities subject to the Municipal Tort Claims Act, must provide proof that the permittee is financially able to meet any liability that should arise from the presence or operation of the system. This shall be done by:

A. posting a bond for \$500,000; or

B. providing a certificate of insurance for the current period of operation. An insurance policy of \$500,000 (minimum) combined single limit general liability coverage must be in effect while the system is in operation during all times any portion of the lake is ice-covered. An insurance binder is adequate until a certificate is issued, at which time the certificate must be delivered to the appropriate regional fisheries manager.

Statutory Authority: *MS s 378.22*

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