

6280.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Aquatic plant.** "Aquatic plant" means a plant naturally growing in water, saturated soils, or seasonally saturated soils, and includes algae, submersed, floating-leaf, floating, and emergent plants, and their root stalks, seeds, and other vegetative propagules.

Subp. 2a. **Aquatic plant management.** "Aquatic plant management" means activities intended to reduce, enhance, or otherwise alter aquatic plant populations by means of herbicides, biological agents, mechanical devices, physical alteration, or transplanting or seeding aquatic plants.

Subp. 2b. **Aquatic plant management permit or APM permit.** "Aquatic plant management permit" or "APM permit" means a permit issued by the commissioner authorizing aquatic plant management or aquatic nuisance control.

Subp. 2c. **Aquatic plant management (APM)-related conviction.** "Aquatic plant management (APM)-related conviction" includes a conviction under:

A. this chapter or Minnesota Statutes, section 103G.615 (permits to harvest or destroy aquatic plants);

B. chapter 6115 (public water resources) or Minnesota Statutes, section 103G.245 (work in public waters), if the conviction is for work that resulted in the destruction of aquatic plants;

C. chapter 8420 (wetland conservation) or Minnesota Statutes, section 103G.222 (replacement of wetlands); or

D. any other applicable rules and statutes, if the conviction is for work that resulted in the destruction of aquatic plants.

Subp. 2d. **Aquatic plant management (APM)-related permit revocation.** "Aquatic plant management (APM)-related permit revocation" includes the revocation of an APM, commercial mechanical control, or commercial harvest permit.

Subp. 3. **Aquatic nuisance.** "Aquatic nuisance" means the presence of leeches, snails that carry swimmer's itch, or algae in such abundance as to interfere with boating, swimming, or other aquatic recreation or beneficial water use.

Subp. 3a. **Automated aquatic plant control device.** "Automated aquatic plant control device" means a self-propelled device that is capable of destroying aquatic plants.

Subp. 4. **Bog.** "Bog" means an aquatic mat, either attached to or resting on the bottom or floating, that is made up of dead organic matter held together by various types of living plants.

Subp. 4a. **Commercial harvest.** "Commercial harvest" means taking aquatic plants for sale, for establishing stock to produce plants for sale, or for transferring to another person for sale or establishment of stock to produce plants for sale. "Sale" has the meaning given in Minnesota Statutes, section 97A.015, subdivision 44.

Subp. 4b. **Commercial harvest permit.** "Commercial harvest permit" means a permit issued by the commissioner authorizing commercial harvest of aquatic plants.

Subp. 4c. **Commercial mechanical control.** "Commercial mechanical control" means conducting mechanical control for financial or other material compensation.

Subp. 5. [Repealed, 33 SR 1721]

Subp. 5a. **Emergent aquatic plants.** "Emergent aquatic plants" means aquatic plants with lower portions that are rooted in hydric soils and typically below the water's surface and leaves, stems, and reproductive parts that are typically above the water's surface, including species in the genera *Scirpus*, *Typha*, and *Zizania*. Submersed and floating-leaf aquatic plants that have emergent fruits, flowers, or leaves are not included in this definition.

Subp. 6. **Excessive algae bloom.** "Excessive algae bloom" means that one or more of the following conditions are present:

- A. algae population is dominated by blue-green algae;
- B. secchi disc reading is typically two feet or less due to the algae bloom;
- C. floating mats or scums of plankton or filamentous algae have accumulated on the downwind shore; or
- D. decomposition of accumulated algae has occurred releasing a blue-green pigment and causing an offensive odor.

Subp. 7. **Field inspection.** "Field inspection" means an on-site review by the commissioner of a proposed APM permit.

Subp. 7a. **Filamentous algae.** "Filamentous algae" means algae cells that form long visible chains, threads, or filaments, which intertwine and form a mat, generally growing near shore and sometimes growing on the bottom or on rooted aquatic plants. Macro-algae in the genera *Chara* or *Nitella* are not included in this definition.

Subp. 7b. **Floating-leaf aquatic plants.** "Floating-leaf aquatic plants" means aquatic plants that are rooted in the bottom and have their lower portions submersed in water and leaves that float on the surface of the water, including species in the genera *Nymphaea*, *Nuphar*, *Brasenia*, and *Nelumbo*. Species in the genera *Potamogeton*, *Callitriche*, and *Ranunculus*, which are submersed aquatic plants that may produce some floating leaves, are not included in this definition.

Subp. 7c. **Group APM permit.** A "group APM permit" is an APM permit that includes more than one riparian property owner or lessee or that authorizes control adjacent to more than one riparian property.

Subp. 8. **Label and labeling.** "Label and labeling" has the meaning given in Minnesota Statutes, section 18B.01, subdivisions 13 and 14.

Subp. 9. **Littoral area.** "Littoral area" means the surface area of a body of water where the depth is 15 feet or less.

Subp. 9a. **Mechanical control.** "Mechanical control" means cutting, pulling, raking, or otherwise removing or altering aquatic plants by physical means, including by hand and motorized or nonmotorized equipment. Incidental damage caused to aquatic plants by watercraft traveling to and from open water, commercial harvesting of aquatic plants, transplanting aquatic plants, moving a bog, and harvesting aquatic plants for personal use are not mechanical control.

Subp. 10. [Repealed, 33 SR 1721]

Subp. 10a. **Offshore control.** "Offshore control" means mechanical or pesticide control that is done away from the shoreline and not for the purpose of providing a riparian property owner or lessee access to open water.

Subp. 11. **Ordinary high water level.** "Ordinary high water level" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 14.

Subp. 11a. **Personal use.** "Personal use" means use of aquatic plants by an individual for purposes that do not include sale or transfer to another person for sale, as defined by Minnesota Statutes, section 97A.015, subdivision 44.

Subp. 12. **Pesticide.** "Pesticide" has the meaning given by Minnesota Statutes, section 18B.01, subdivision 18.

Subp. 12a. **Pesticide control.** "Pesticide control" means applying herbicides or other chemicals to control aquatic plants and nuisances.

Subp. 12b. **Plankton algae.** "Plankton algae" means microscopic, nonvascular, free-floating plants, generally growing near the water surface, which may form multicellular colonies or filaments, but not attached to a substrate.

Subp. 13. **Public waters.** "Public waters" means those waters of the state defined as public waters by Minnesota Statutes, section 103G.005, subdivision 15, and inventoried pursuant to Laws 1979, chapter 199, and Minnesota Statutes, section 103G.201.

Subp. 14. [Repealed, 33 SR 1721]

Subp. 15. [Repealed, 21 SR 1406]

Subp. 16. **Submersed aquatic plants.** "Submersed aquatic plants" means aquatic plants that grow beneath the surface of the water, except for emergent flowers, fruits, and leaves, and may produce floating leaves but have mostly submersed leaves, including species in the genera *Potamogeton*, *Callitriche*, and *Ranunculus* and macro-algae in the genera *Chara* and *Nitella* and excluding plankton and filamentous algae.

Statutory Authority: *MS s 103G.615*

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

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