

1 Department of Natural Resources

2

3 Adopted Rules Relating to Fees for Water Resource and Gas  
4 Storage Permits.

5

6 Rules as Adopted

7 6115.0010 STATUTORY AUTHORITY.

8 The commissioner of natural resources is authorized by  
9 Minnesota Statutes, section 105.44, subdivision 10, to establish  
10 fee schedules for permit applications, field inspections, and  
11 monitoring, with regard to permits required by Minnesota  
12 Statutes, chapter 105.

13 6115.0020 SCOPE.

14 The fees established in parts 6115.0010 to 6115.0100 shall  
15 not be imposed on any state or federal agency.

16 6115.0030 DEFINITIONS.

17 Words used in parts 6115.0010 to 6115.0100 have the  
18 meanings normally ascribed to them except:

19 A. "Appropriation of water," "waters of the state,"  
20 and "public waters" have the meanings given by Minnesota  
21 Statutes, section 105.37.

22 B. "Field inspection" means an on-site determination  
23 of relevant characteristics of the area involved in or affected  
24 by the proposed or permitted project.

25 C. "Monitoring" means checking on the status or  
26 progress of activities authorized by permit, and checking and  
27 inspecting special aspects of proposed permit applications,  
28 during construction, implementation, or after completion of  
29 permitted activities.

30 D. "Division" means the Division of Waters,  
31 Department of Natural Resources.

32 E. "Commissioner" means the commissioner of natural  
33 resources or the commissioner's authorized representative.

34 F. "Project cost" means the total cost of all  
35 materials, services, equipment purchase or rental, and labor

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1 expended for the portion of the project proposed in the permit  
2 application which are directly governed by protected waters  
3 permit rules, parts 6115.0150 to 6115.0280.

4 G. "Protected waters" means those waters of the state  
5 identified as public waters or wetlands under Minnesota  
6 Statutes, sections 105.37, subdivisions 14 and 15, and 105.391,  
7 subdivision 1.

8 H. "Ordinary high water mark" means the boundary of  
9 protected waters as defined in Minnesota Statutes, section  
10 105.37, subdivision 16.

11 I. "Shoreline" means:

12 (1) for water bodies other than watercourses, the  
13 lateral measurement along the contour of the ordinary high water  
14 mark; and

15 (2) for watercourses, the top of the bank of the  
16 channel (coincides with ordinary high water mark as defined in  
17 Minnesota Statutes, section 105.37, subdivision 16).

18 J. "State agency" has the meaning given in Minnesota  
19 Statutes, section 16.011.

20 ~~The effective date of this rule will be March 17, 1985,~~  
21 ~~unless adoption procedures specified in Minnesota Statutes,~~  
22 ~~chapter 14 cause the effective date to be later.~~

23 6115.0060 PERMIT APPLICATION FEES.

24 A permit application fee of \$30 shall accompany permit  
25 applications submitted under Minnesota Statutes, section 105.41,  
26 appropriation and use of water, Minnesota Statutes, section  
27 105.535, relating to dams, Minnesota Statutes, section 105.42,  
28 relating to alterations of protected waters, Minnesota Statutes,  
29 section 105.64, relating to the drainage or diversion of water  
30 to facilitate mining, and Minnesota Statutes, section 105.391,  
31 relating to water bank.

32 A minimum additional permit application fee of \$20 if  
33 required by part 6115.0080 must accompany each permit  
34 application for applications submitted under Minnesota Statutes,  
35 section 105.42, relating to alterations of protected waters and  
36 Minnesota Statutes, section 105.64, relating to the drainage or

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1 diversion of water to facilitate mining. (For permit  
2 applications requiring an additional permit application fee, the  
3 minimum payment to accompany the application is \$50; a \$30  
4 application fee plus a \$20 additional permit application fee.)

5 If the permit application fee and the minimum additional  
6 permit application fee required by part 6115.0080 do not  
7 accompany the application, the applicant will be so notified.  
8 If no fee is received within 30 days from mailing of the written  
9 notice, the commissioner shall consider the application  
10 withdrawn and no further action shall be taken on it unless the  
11 applicant submits a new application accompanied by the minimum  
12 fee.

13 If a project requires several permit applications, the  
14 permit application fee and minimum additional permit application  
15 fee must accompany each application. For example, if a project  
16 entails both appropriating water and changing the course,  
17 current, or cross-section of a lake, there shall be two  
18 applications and two sets of fees.

19 The permit application fee and minimum additional permit  
20 application fee are not returnable, whether the application is  
21 permitted, modified, or denied, unless the commissioner  
22 determines the activity does not require a permit.

23 Payment of all fees covered by parts 6115.0010 to  
24 6115.0030, 6115.0060, 6115.0080 to 6115.0100, and 6115.0130  
25 shall be made by check or money order payable to the Minnesota  
26 state treasurer. Cash cannot be accepted.

27 ~~The effective date of this rule will be March 1, 1985,~~  
28 ~~unless adoption procedures specified in Minnesota Statutes,~~  
29 ~~chapter 14 cause the effective date to be later.~~

30 6115.0065 AMENDMENT AND TRANSFER FEE.

31 Each request to amend or transfer an existing permit shall  
32 be accompanied by a \$30 fee.

33 The effective date of this part will be August 1, 1985,  
34 unless adoption procedures specified in Minnesota Statutes,  
35 chapter 14 cause the effective date to be later.

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1 6115.0080 ADDITIONAL FEES REQUIRED AUTHORIZED BY MINNESOTA  
2 STATUTES, CHAPTER 105.

3 Subpart 1. Additional permit application fees. Additional  
4 permit application fees for works affecting protected waters,  
5 authorized under Minnesota Statutes, sections 105.42 and 105.64  
6 shall be based on estimated project cost, the amount of material  
7 deposited in or removed from the protected waters, and the  
8 amount of shoreline affected by the project. The commissioner  
9 shall make the final determination of project cost used to  
10 calculate the additional permit application fee. The additional  
11 permit application fee shall be based-on-the-project-parameter  
12 resulting-in-the-largest-fee-using-the-following-table: at least  
13 \$20 but otherwise the lesser of (1) \$250, (2) one percent of the  
14 project cost, or (3) the largest of the fees calculated from the  
15 following three parameter schedules.

16 PROJECT COST	17 SHORELINE AFFECTED	18 FILL-EXCAVATION	19 FEE
19 \$1-to 20 \$10,000	1-to-200 21 feet	1-to-200 22 cubic-yards	23 one-percent-of 24 project-cost-or 25 50-cents-per 26 cubic-yard-of 27 material-or-foot 28 of-shoreline; 29 subject-to-a-\$20 30 minimum.
28 \$10,001-to 29 \$50,000	201-to-1,000 30 feet	201-to-1,000 31 cubic-yards	32 \$100-plus-one-half 33 of-one-percent-of 34 project-cost-in 35 excess-of-\$10,000; 36 or-25-cents-per 37 cubic-yard-of 38 material-or-foot 39 of-shoreline-in 40 excess-of-200
38 \$50,001-to 39 \$200,000	1,001-to 40 2,500-feet	1,001-to-2,500 41 cubic-yards	42 \$300-plus-1/10 43 of-one-percent-of 44 project-cost-in 45 excess-of-\$50,000; 46 or-10-cents-per 47 cubic-yard-of 48 material-or-foot 49 of-shoreline-in 50 excess-of-1,000
48 greater 49 than 50 \$200,000	greater-than 51 2,500-feet	greater-than 52 2,500-cubic 53 yards	54 \$450-plus-1/10 55 of-one-percent-of 56 project-cost-in 57 excess-of-\$250,000 58 or-five-cents-per 59 cubic-yard-of 60 material-or-foot 61 of-shoreline-in 62 excess-of-2,500.

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1           1. Project Cost Parameter

2 <u>Cost</u>	<u>Fee</u>
3 <u>\$1 to \$10,000</u>	<u>one percent of</u>
4	<u>project cost.</u>
5 <u>\$10,001 to \$40,000</u>	<u>\$100 plus one-half</u>
6	<u>percent of project</u>
7	<u>cost in excess of</u>
8	<u>\$10,000.</u>
9 <u>Greater than \$40,000</u>	<u>\$250.</u>

10           2. Shoreline Affected Parameter

11 <u>Length</u>	<u>Fee</u>
12 <u>1 to 200 feet</u>	<u>50 cents per foot</u>
13	<u>of shoreline.</u>
14 <u>201 to 800 feet</u>	<u>\$100 plus 25 cents</u>
15	<u>per foot of shoreline</u>
16	<u>in excess of 200 feet.</u>
17 <u>Greater than 800 feet</u>	<u>\$250.</u>

18           3. Fill-Excavation Parameter

19 <u>Yards of Material</u>	<u>Fee</u>
20 <u>1 to 200 cubic yards</u>	<u>50 cents per cubic</u>
21	<u>yard of material.</u>
22 <u>201 to 800 cubic yards</u>	<u>\$100 plus 25 cents</u>
23	<u>per cubic yard of</u>
24	<u>material in excess</u>
25	<u>of 200 cubic yards.</u>
26 <u>Greater than 800</u>	
27 <u>cubic yards</u>	<u>\$250.</u>

## 28           A. For channel excavation projects:

29                   (1) the shoreline affected is the difference in  
30 length in feet between the existing channel and the proposed  
31 channel;

32                   (2) the volume in cubic yards is only that  
33 material filled or excavated in existing protected waters.

34           ~~B. For water-level-control structures, the \$20~~  
35 ~~minimum additional permit application fee withstanding, the~~  
36 ~~maximum additional permit application fee to be charged will not~~

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~~1 be-greater-than-that-which-would-be-charged-for-dams-subject-to  
2 the-initial-fee-contained-in-part-6115.0520-of-the-dam-safety  
3 rules-(2.5-percent-of-the-first-\$100,000-of-project-cost,-1.5  
4 percent-of-the-next-\$400,000-of-project-cost,-10-percent-of-the  
5 next-\$500,000-of-project-cost,-and-0.5-percent-of-project-costs  
6 in-excess-of-\$1,000,000)-.~~

7           E. Additional permit application fee for protection  
8 of shoreline from erosion by placement of riprap and to recover  
9 shoreland lost by erosion or other natural forces, shall be  
10 limited to \$20.

11           D. ~~For-projects-sponsored-by-a-public-agency-which-is  
12 not-a-state-or-federal-agency,-the-maximum-additional-permit  
13 application-fee-is-\$500.~~

14           E. ~~The-commissioner-may-require-on-any-project-a-cost  
15 estimate-prepared-by-a-registered-professional-engineer,  
16 licensed-contractor,-planning-consultant,-or-other-qualified  
17 professional-entity.--A-cost-estimate-prepared-by-a-qualified  
18 professional-entity-will-be-required-for-any-project-costing-in  
19 excess-of-\$25,000.--For-projects-costing-less-than-\$25,000,-in  
20 lieu-of-a-cost-estimate-prepared-by-a-qualified-professional  
21 entity,-the-commissioner-may-determine-a-project-cost-estimate  
22 upon-which-the-additional-permit-application-fee-is-based.~~

23           C. If a dispute arises between the commissioner and a  
24 permit applicant over project cost, the commissioner may require  
25 the permit applicant to submit a project cost estimate prepared  
26 by a registered professional engineer, contractor, planning  
27 consultant, or other qualified professional entity.

28           F. D. No additional permit application fee shall be  
29 charged for any dam subject to parts 6115.0300 to 6115.0520.

30           G. E. If the department decides to issue a permit, a  
31 bill will be submitted to the applicant for the additional  
32 amount due along with a statement describing the scope of the  
33 permit to be issued. Fees are payable within 30 days of  
34 receipt; failure to pay is grounds for denying the application.

35           H. F. If the application is denied, there is no  
36 additional fee due beyond the amount required with the



1 application.

2           F. G. The additional permit application fee for  
3 permit applications filed after the work applied for has been  
4 partially or wholly completed (except for emergency work  
5 provided for in existing permit rules and policies) shall be  
6 double the amount that would have been charged if a timely  
7 application had been filed. In the case of a belated permit  
8 application, the permit application fee and the additional  
9 permit application fee shall both accompany the application or  
10 the commissioner shall proceed to issue a restoration order  
11 pursuant to Minnesota Statutes, section 105.461. If the belated  
12 permit application is denied, all but \$70 (the application fee  
13 and double the minimum permit application fee) will be returned.

14           J. H. If a hearing is demanded and if the outcome of  
15 the hearing is a decision to issue a permit, payment of all  
16 required fees must precede issuance. The fee charged will be  
17 based on the schedules contained in this part regardless of  
18 whether a permit application has been filed.

19           The effective date of this subpart will be July 1, 1985,  
20 unless adoption procedures specified in Minnesota Statutes,  
21 chapter 14 causes the effective date to be later.

22           Subp. 2. Field inspection fees. If a field inspection is  
23 conducted, field inspection fees shall be charged only for: (1)  
24 projects requiring an environmental assessment worksheet (EAW)  
25 or environmental impact statement (EIS) pursuant to Minnesota  
26 Statutes, chapter 116D and the environmental review program  
27 rules, parts 4410.0200 to 4410.7800; (2) projects undertaken  
28 without a permit or application as required by Minnesota  
29 Statutes, sections 105.37 to 105.64; or (3) projects undertaken  
30 in excess of limitations established in an issued permit.

31           The fee charged will be the actual cost of the field  
32 inspection ~~or~~, but shall not be less than \$25 whichever is nor  
33 greater than \$750. Examples of field inspection costs are:

34           A. state salaries, including fringe benefits and  
35 overhead, (travel and inspection time of state employees  
36 multiplied by actual hourly rates);

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1 B. transportation to and from inspection site,  
 2 laboratories and other documented travel sites, based on current  
 3 Department of Administration rates or rates specified in  
 4 applicable bargaining unit agreements;

5 C. expense of purchase, rental, or repair of special  
 6 equipment and supplies;

7 D. living expenses away from home, based on current  
 8 Department of Administration rates or rates specified in  
 9 applicable bargaining unit agreements;

10 E. inspection and consultant services contracted for  
 11 by the state; and

12 F. laboratory expenses and analysis of data.

13 Field inspection fees shall not be charged for any dam  
 14 subject to parts 6115.0300 to 6115.0520. Such dams are subject  
 15 to the inspection fee requirements of part 6115.0520. Field  
 16 inspection fees for all other water level control structures  
 17 shall be charged pursuant to ~~these rules~~ parts 6115.0010 to  
 18 6115.0130.

19 The effective date of this part subpart will be March  
 20 August 1, 1985, unless adoption procedures specified in  
 21 Minnesota Statutes, chapter 14 requires a later effective date.

22 6115.0090 FEES FOR MONITORING ACTIVITIES.

23 If the project requires an environmental assessment  
 24 worksheet (EAW) or environmental impact statement (EIS) pursuant  
 25 to Minnesota Statutes, chapter 116D, and parts 4410.0200 to  
 26 4410.7800, the commissioner shall charge an additional fee for  
 27 monitoring subject to the following:

28 A. Where the commissioner determines that a permitted  
 29 activity requires monitoring of water or related land resources,  
 30 the permit shall specify the procedures and scope of such  
 31 monitoring. Actual costs of the monitoring shall be paid by the  
 32 permittee in accordance with procedures set forth in the permit.

33 B. When the commissioner determines after the permit  
 34 is issued, that there is a need for monitoring, the commissioner  
 35 shall notify the permittee in writing of the nature of and  
 36 reasons for the monitoring, and after opportunity for hearing,

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1 shall modify the permit accordingly. The actual costs of the  
2 monitoring shall be paid by the permittee.

3 Actual costs incurred and charged by the state are  
4 determined in the same manner as prescribed for field  
5 inspections.

6 The commissioner may allow the permittee to provide the  
7 monitoring service or employ a consultant for that purpose,  
8 subject to the right of the commissioner to charge for state  
9 costs related to private monitoring, including the costs of  
10 periodically monitoring the monitor.

11 Fees for monitoring activities shall not be charged for any  
12 dam subject to parts 6115.0300 to 6115.0520.

13 ~~The effective date of this rule will be March 1, 1985,~~  
14 ~~unless adoption procedures specified in Minnesota Statutes,~~  
15 ~~chapter 14 cause the effective date to be later.~~

16 6115.0110 ANNUAL WATER APPROPRIATION PROCESSING FEE.

17 Subpart 1. In general. An annual water appropriation  
18 processing fee shall be submitted for each water appropriation  
19 permit in force at any time during the year. The fees are  
20 required whether or not the permittee appropriated or used any  
21 water as authorized by permit during the year.

22 Subp. 2. Fee schedule. The fee shall be based on the  
23 following schedule:

24 A. for irrigation permits, ~~\$10~~ \$15 for each the first  
25 permitted 40 160 acres or portion thereof, and \$25 for each  
26 additional permitted 160 acres or portion thereof;

27 B. for all other permits, \$5 for each permitted  
28 10,000,000 gallons or portion thereof;

29 C. the annual water appropriation processing fee  
30 shall not exceed a total fee of ~~\$250~~ \$500 per permit.

31 Subp. 3. Billing and payment. A notice of the fees owed  
32 will be mailed to the permittee, with the reporting forms, by  
33 the commissioner.

34 The fee, with accompanying report, for the calendar year's  
35 appropriation or use of water, shall be sent to the commissioner  
36 no later than February 15 of the following year.

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1 Failure to pay the fee shall be sufficient cause for  
2 terminating a permit 30 days following written notice by the  
3 commissioner.

4 The effective date of this part will be August 1, 1985,  
5 unless adoption procedures specified in Minnesota Statutes,  
6 chapter 14 cause the effective date to be later.

7 FEES FOR UNDERGROUND

8 STORAGE OF GAS OR LIQUID IN NATURAL FORMATIONS

9 6115.0130 FEE SCHEDULE FOR UNDERGROUND STORAGE OF GAS OR LIQUID  
10 IN NATURAL FORMATIONS.

11 Subpart 1. In general. This schedule is established  
12 pursuant to Minnesota Statutes, section 84.58, subdivision 8.  
13 It provides for payment of permit application fees and  
14 additional fees for processing and analyzing the application,  
15 and issuing the permit. It also includes fees for the  
16 inspection and monitoring of activities authorized by the permit.

17 Subp. 2. Permit application fee. A permit application fee  
18 of \$30, check or money order, payable to the state treasurer,  
19 shall accompany each permit application for underground storage  
20 of gas or liquid.

21 If the fee does not accompany the application, the  
22 applicant will be so notified, and there will be no further  
23 action taken on the application until the fee is submitted.

24 Subp. 3. Additional fees. ~~The permit applicant shall pay~~  
25 ~~the actual costs of processing, reviewing, analyzing, and~~  
26 ~~inspection necessary prior to issuing the permit and for~~  
27 ~~monitoring after the permit is issued, which will include but~~  
28 ~~not necessarily be limited to the cost of:~~

29 A.--salaries, including fringe benefits and overhead,  
30 of state personnel based on records of actual hours, and hourly  
31 rates;

32 B.--transportation (including travel time) of state  
33 personnel to and from the project site, laboratories, and other  
34 documented travel sites, based on current Department of  
35 Administration rates, or rates specified in applicable  
36 bargaining unit agreements;

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1 C.--living-expenses-away-from-home;

2 D.--consultants-hired-by-the-state;

3 E.--public-hearings;

4 F.--office-operations,-computer-services,-and-supplies;

5 G.--laboratory-expenses-and-analysis-of-data;-and

6 H.--equipment-purchase,-rental,-or-repair The

7 applicant or permittee shall pay the actual costs of field  
8 inspection and monitoring as follows.

9 A. When a field inspection is conducted, the costs  
10 charged will be the sum of: salaries (inspection time of state  
11 employees multiplied by actual hourly rates); transportation to  
12 and from inspection site, based on current state Department of  
13 Administration rates; fair rental for any special equipment and  
14 supplies; and inspection and consultant services contracted for  
15 by the state.

16 B. When the commissioner determines that a permitted  
17 activity requires monitoring of water or related land resources,  
18 the permit shall specify the procedures and scope of such  
19 monitoring. Actual costs of the monitoring, whether conducted  
20 by state personnel or by consultants hired by the state, shall  
21 be paid by the permittee in accordance with procedures in the  
22 permit.

23 When the commissioner determines after the permit is issued  
24 that there is a need for monitoring, the commissioner shall  
25 notify the permittee in writing of the nature of and reasons for  
26 the monitoring, and after opportunity for hearing, shall modify  
27 the permit accordingly. The actual costs of monitoring shall be  
28 paid by the permittee.

29 The commissioner may allow the permittee to provide  
30 monitoring services, or employ a consultant for that purpose,  
31 subject to the right of the commissioner to charge for state  
32 costs related to private monitoring, including the costs of  
33 periodically monitoring the monitor.

34 Subp. 4. Refund of fees. The permit application fee for a  
35 permit application shall not be refunded for any reason, even if  
36 the application is denied or withdrawn.

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1 Subp. 5. Billing and payment of fees. The commissioner  
2 shall submit an itemized bill to the applicant or permittee for  
3 all additional fees. Fees are payable within 30 days of receipt;  
4 failure to pay is grounds for suspending the permit or for  
5 taking other legal actions as required. In the case of an  
6 applicant, a permit shall not be issued until all fees owed have  
7 been paid.

8 ~~The effective date of this part will be March 17, 1985,~~  
9 ~~unless adoption procedures specified in Minnesota Statutes,~~  
10 ~~chapter 14 cause the effective date to be later.~~

11

12 REPEALER. Minnesota Rules, parts 6115.0040; 6115.0050;  
13 6115.0070; and 6115.0100, are repealed.

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COMMISSION