

CHAPTER 6115
DEPARTMENT OF NATURAL RESOURCES
PUBLIC WATER RESOURCES

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6115.0010 STATUTORY AUTHORITY.

The commissioner of natural resources is authorized by Minnesota Statutes, section 105 44, subdivision 10, to establish fee schedules for permit applications, field inspections, and monitoring, with regard to permits required by Minnesota Statutes, chapter 105.

Statutory Authority: *MS s 105.44 subd 10*

History: *10 SR 236*

6115.0020 SCOPE.

The fees established in parts 6115.0010 to 6115 0100 shall not be imposed on any state or federal agency.

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

6115.0030 DEFINITIONS.

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

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

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

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

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

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

F "Project cost" means the total cost of all materials, services, equipment purchase or rental, and labor expended for the portion of the project proposed in the permit application which are directly governed by protected waters permit rules, parts 6115.0150 to 6115.0280.

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

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

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I. "Shoreline" means:

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

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

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

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

6115.0040 [Repealed, 10 SR 236]

6115.0050 [Repealed, 10 SR 236]

6115.0060 PERMIT APPLICATION FEES.

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

A minimum additional permit application fee of \$20 if required by part 6115.0080 must accompany each permit application for applications submitted under Minnesota Statutes, section 105.42, relating to alterations of protected waters and Minnesota Statutes, section 105.64, relating to the drainage or diversion of water to facilitate mining. (For permit applications requiring an additional permit application fee, the minimum payment to accompany the application is \$50; a \$30 application fee plus a \$20 additional permit application fee.)

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

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

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

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

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

6115.0065 AMENDMENT AND TRANSFER FEE.

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

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

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Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

6115.0070 [Repealed, 10 SR 236]

6115.0080 ADDITIONAL FEES AUTHORIZED BY MINNESOTA STATUTES, CHAPTER 105.

Subpart 1 **Additional permit application fees.** Additional permit application fees for works affecting protected waters, authorized under Minnesota Statutes, sections 105.42 and 105.64 shall be based on estimated project cost, the amount of material deposited in or removed from the protected waters, and the amount of shoreline affected by the project. The commissioner shall make the final determination of project cost used to calculate the additional permit application fee. The additional permit application fee shall be at least \$20 but otherwise the lesser of (1) \$250, (2) one percent of the project cost, or (3) the largest of the fees calculated from the following three parameter schedules.

1. Project Cost Parameter

Cost	Fee
\$1 to \$10,000	one percent of project cost.
\$10,001 to \$40,000	\$100 plus one-half percent of project cost in excess of \$10,000.
Greater than \$40,000	\$250

2. Shoreline Affected Parameter Length

Length	Fee
1 to 200 feet	50 cents per foot of shoreline.
201 to 800 feet	\$100 plus 25 cents per foot of shoreline in excess of 200 feet.
Greater than 800 feet	\$250.

3. Fill-Excavation Parameter Yards of Material

Yards of Material	Fee
1 to 200 cubic yards	50 cents per cubic yard of material.
201 to 800 cubic yards	\$100 plus 25 cents per cubic yard of material in excess of 200 cubic yards.
Greater than 800 cubic yards	\$250.

A. For channel excavation projects:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. laboratory expenses and analysis of data.

Field inspection fees shall not be charged for any dam subject to parts 6115.0300 to 6115.0520. Such dams are subject to the inspection fee require-

ments of part 6115.0520. Field inspection fees for all other water level control structures shall be charged pursuant to parts 6115.0010 to 6115.0130.

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

Subp. 3. [Repealed by amendment, 10 SR 236]

Statutory Authority: *MS s 105.44 subd 10*

History: *10 SR 236*

6115.0090 FEES FOR MONITORING ACTIVITIES.

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

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

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

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

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

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

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

6115.0100 [Repealed, 10 SR 236]

6115.0110 ANNUAL WATER APPROPRIATION PROCESSING FEE.

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*

FEE SCHEDULE FOR UNDERGROUND STORAGE OF GAS OR LIQUID IN NATURAL FORMATIONS

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

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

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

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

Subp. 3. **Additional fees.** The applicant or permittee shall pay the actual costs of field inspection and monitoring as follows.

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

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

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

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

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

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

Statutory Authority: *MS s 105 44 subd 10*

History: *10 SR 236*