

**CHAPTER 6115**  
**DEPARTMENT OF NATURAL RESOURCES**  
**PUBLIC WATER RESOURCES**

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**6115.0060 PERMIT FEES APPLICATIONS.**

**Subpart 1. Fee.** A permit application fee of \$75 shall accompany permit applications submitted under Minnesota Statutes, section 105.41, appropriation and use of water, Minnesota Statutes, section 105.535, relating to dams, and Minnesota Statutes, section 105.391, relating to water bank.

**Subp. 2. Protected waters; fee.** The permit application fee 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 costs used to calculate the permit application fee. The permit application fee shall be the greater of the fees calculated from the following parameter schedules, but not less than \$75 nor more than \$500:

**A. Project cost parameter.** If the project cost is greater than \$7,500, the fee shall be one percent of the project cost. 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.

**B. Shoreline affected parameter.** If the project affects more than 100 feet of shoreline, the fee shall be 75 cents per foot of shoreline affected. For channel excavation projects, the shoreline affected is the difference in length in feet between the existing channel and the proposed channel.

**C. Fill-excavation parameter.** If the project requires more than 100 cubic yards of fill or excavation, the fee shall be 75 cents per cubic yard of material filled or excavated. For channel excavation projects, the volume in cubic yards is only that material filled or excavated in existing protected waters.

**D.** The 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 \$75.

**Subp. 3. Failure to remit.** If the permit application fee does 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.

**Subp. 4. Multiple applications.** If a project requires several permit applications, the permit application fee must accompany each application. Projects that involve a combination of work that results in both the alteration of protected waters and the use of waters of the state, shall be required to submit only one permit application and one set of fees. The type of permit application to be used and the fees to be charged shall be determined by the ultimate purpose of the project.

**Subp. 5. Nonrefundable.** The permit application fee is not returnable, whether the application is permitted, modified, or denied, unless the commissioner determines the activity does not require a permit.

**Subp. 6. Applications after commencement.** The 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 shall accompany the application or the commissioner shall proceed to issue a restoration order under Minnesota Statutes, section 105.461.

**Subp. 7. Fees following a hearing.** 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.

**Subp. 8. Form of payment.** 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 Department of Natural Resources. Cash cannot be accepted.

**Statutory Authority:** *MS s 105.44 subd 10*

**History:** *13 SR 2825*

### **6115.0065 AMENDMENT AND TRANSFER FEE.**

Each request by a permittee to amend or transfer an existing permit shall be accompanied by a \$75 fee, unless exempted under part 6115.0120. Any amendment initiated by the department is exempt from fees. Projects that involve a combination of transfer and amendment requests shall only be required to pay the \$75 fee.

**Statutory Authority:** *MS s 105.44 subd 10*

**History:** *13 SR 2825*

### **6115.0080 FIELD INSPECTION FEES.**

Subpart 1. [Repealed, 13 SR 2825]

**Subp. 2. Computation.** 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 4410.6500. Projects that do not require a mandatory environmental assessment worksheet (EAW) or environmental impact statement (EIS) under parts 4410.4300 and 4410.4400, at the time the permit application is made, shall not be charged field inspection fees; (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 \$100. 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.

**Subp. 2a. Dams and water level controls.** 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 requirements 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.

**Statutory Authority:** *MS s 105.44 subd 10*

**History:** *13 SR 2825*

**6115.0120 WATER APPROPRIATION PROCESSING FEE EXEMPTIONS.**

The following water appropriation permit actions are exempt from amendment or transfer fees:

- A. a change in mailing address;
- B. a change of authorized agent when land ownership has not changed;
- C. an assignment of a permit within the immediate family;
- D. a change in pump location on surface water sources for the same operation;
- E. an addition of a new well that replaces an old well for the same permitted operation and is completed at a similar depth in the same aquifer;
- F. a decrease in the permitted pumping rate, amount of water authorized, or irrigated acreage;
- G. an increase in the permitted pumping rate within ten percent;
- H. an increase in the permitted appropriation within ten percent of the annual authorization for nonirrigation permits; or
- I. an increase of less than 30 acres in the number of permitted irrigated acres.

Any amendments or transfers that exceed the exemptions in items A to I require a processing fee under part 6115.0065.

**Statutory Authority:** *MS s 105.44 subd 10*

**History:** *13 SR 2825*