

6115.0240 APPLICATION FOR PUBLIC WATERS WORK PERMITS.

Subpart 1. **Forms and submission.** All applications pursuant to parts 6115.0150 to 6115.0280 shall be made on forms prepared by the department and submitted to the regional office for the area where the majority of the proposed project is located.

Subp. 2. **Who may apply.** Applications shall be submitted by the riparian owner of the land on which a project is proposed, except:

A. a governmental agency, public utility, or corporation authorized by law to conduct the project may apply if the property rights acquired or to be acquired are fully described in the application;

B. a holder of appropriate property rights such as a lease or easement may apply if the application is countersigned by the owner and accompanied by a copy of the lease or other agreement. A permit shall be issued for the term of the lease only, subject to cancellation prior to the termination date of the agreement if the agreement is canceled; and

C. a prospective lessee of state-owned lands may apply for a permit in the applicant's own name after requesting a lease from the departmental official responsible for the affected lands. Both the lease request and the permit application shall be processed concurrently with appropriate coordination.

Subp. 3. **Information required.** Pursuant to Minnesota Statutes, section 103G.305, an application is complete when:

A. it includes all of the information specified in parts 6115.0150 to 6115.0280;

B. it is accompanied by appropriate photographs, maps, sketches, drawings, or other plans that adequately describe the proposed project;

C. it includes a brief statement regarding the following points:

(1) anticipated changes in water and related land resources;

(2) unavoidable anticipated detrimental effects on the natural environment;

(3) alternatives to the proposed action;

(4) that the proposed project is reasonable and practical and will adequately protect public safety and promote the public welfare; and

(5) a demonstration by the applicant that the proposed activity authorized by part 6115.0190, subpart 5; 6115.0200, subpart 5; 6115.0210, subpart 5; 6115.0215, subpart 5; 6115.0220, subpart 5; 6115.0230, subpart 5; 6115.0270, subpart 4; or 6115.0280, subpart 4, complies with all the following principles in descending order of priority:

(a) avoids direct or indirect impacts to public waters that may destroy or diminish the public waters;

(b) minimizes the impact to the public water by limiting the degree or magnitude of the public water activity and its implementation;

(c) rectifies the impact by repairing, rehabilitating, or restoring the affected public water;

(d) reduces or eliminates the impact to the public water over time by preservation and maintenance operations; and

(e) for a major change in the public waters, replaces unavoidable impacts to the public water by restoring degraded or impacted public waters having equal or greater public value or, if public waters restoration opportunities are not reasonably available, creating and protecting additional replacement water areas having greater public value;

D. application fees are paid. Final permits shall not be issued until any field inspection fees are paid; and

E. proof of service of a copy of the application and accompanying documents on the mayor of the city or the secretary of the board of the district is included with the application if the project is within or affects a city, watershed district, or soil and water conservation district.

Subp. 4. **Fees.** All applications shall be accompanied by an application fee as required by part 6115.0060. An additional fee may be charged for field inspections conducted by department personnel in the course of review subject to the provisions of part 6115.0080.

Statutory Authority: *MS s 103G.315; 105.415*

History: *8 SR 533; 17 SR 1279; 25 SR 143; 27 SR 529*

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