

6280.0450 APM PERMIT REQUIREMENTS.

Subpart 1. **Application process.** Application for an APM permit for a public water may be made by a riparian owner, a lessee, or an easement holder; by owners of a fee, leasehold, or interest to riparian lands to that body of water; or by a lake association or government agency. The commissioner shall deny a lessee's permit application if the owner of the leased shoreline is opposed to the proposed permit. Application for an APM permit must be made on forms provided by the commissioner and must be submitted to the address specified in the instructions. All information requested on the application form must be provided.

Subp. 1a. **Landowner approval.** Before issuing an APM permit, the commissioner shall require dated signatures of approval from all landowners whose shorelines will be treated, except that for lakewide control of algae, the commissioner shall require dated signatures of approval from a majority of landowners on the lake. The signatures may be provided in an electronic format.

Subp. 1b. **Landowner approval waiver.** The requirements for landowner approval in subpart 1a may be waived if the commissioner determines that aquatic plant control is necessary to protect aquatic habitat.

Subp. 2. **Deadline for permit application.** Applications for permits to control submersed or floating-leaf aquatic plants with pesticides will not be accepted after August 1, unless the commissioner determines that sufficient justification exists for late season pesticide control.

Subp. 3. **Duration of permits.** An APM permit is valid for one growing season and expires on December 31 of the year it is issued, unless the commissioner stipulates a different expiration date in the permit or except as provided in this subpart:

A. an APM permit that is valid until September 1 of the third year after it is issued may be authorized for an automated aquatic plant control device if the site to be controlled does not exceed 2,500 square feet in area;

B. a continuous APM permit may be issued to control emergent vegetation to create a channel extending to open water if the following criteria are met:

(1) the channel is no more than 15 feet wide and takes the most direct route to open water;

(2) the channel remains in the same location from year to year; and

(3) only mechanical control is used after the first year; and

C. a permit to transplant aquatic plants may be issued for three years.

Subp. 3a. **APM permits not transferable.** A person may not transfer an APM permit to another person.

Subp. 3b. **Control notice.** The holder of an APM permit or the holder's agent must give notice of the proposed date of control to all persons specified on the permit. The notification must be received before any work begins under the permit. Failure to give notice is grounds for permit revocation under part 6280.0900, subpart 1a.

Subp. 4. **APM permit application fees.** Items A to C apply to APM permit fees.

A. When application is made to control two or more nuisance conditions, only the larger fee applies. A permit application fee, in the form of a check or money order payable to the Minnesota Department of Natural Resources, must accompany each permit application when required by the following fee schedule:

(1) to control rooted aquatic vegetation by pesticide means, to install and operate an automatic untended aquatic plant control device, or to control emergent or floating-leaf rooted aquatic vegetation by mechanical means: \$35 for each contiguous parcel of shoreline owned by an owner, up to a maximum of \$2,500;

(2) except as provided under subitems (6) and (7), to control nonrooted aquatic vegetation by pesticide means: \$20 for each contiguous parcel of shoreline owned by an owner, up to a maximum of \$200;

(3) to control submerged rooted aquatic vegetation in an area larger than 2,500 square feet, by mechanical means: \$35 for the first acre or portion of an acre and \$2 for each additional acre or portion of an acre to be controlled, up to a maximum of \$2,500;

(4) to gather or harvest aquatic macrophytes or plant parts, other than wild rice, for sale purposes: no charge;

(5) to transplant aquatic macrophytes or bog into public waters: no charge;

(6) to control chara, filamentous algae, snails that carry swimmer's itch, or leeches, singly or in combination: \$4 per 100 shoreline feet or portion proposed to be treated, up to a maximum of \$200;

(7) to control algae by lakewide application of copper sulfate or other approved algicide: \$20 plus 40 cents per acre to be treated, up to a maximum of \$200; and

(8) to control purple loosestrife (*Lythrum salicaria*): no charge.

B. If the fee does not accompany the application, the applicant will be notified and no action will be taken on the application until the fee is received.

C. The fee is refundable only when the application is withdrawn, prior to issuance of the permit, or the commissioner determines that the activity does not require a permit.

Subp. 5. **Fees for state and federal agencies.** The fees set forth in this part will not be required of any state agency as defined in Minnesota Statutes, section 15.01, or of any federal agency.

Subp. 6. **Annual report.** The commissioner shall require a person who conducts activities under an APM permit, commercial mechanical control permit, or commercial aquatic pest control license to report, no later than December 31 of each year, on the forms provided, information on permitted operations. Failure to report will be grounds for refusing to issue such permits in the future.

Subp. 7. **Regulations of other programs apply.** APM permits issued as provided by this part may not be construed to supersede the requirements of shoreland conservation ordinances, flood plain management ordinances, lake management plans and programs, wild and scenic river plans and programs, or other pertinent ordinances and regulations.

Statutory Authority: *MS s 14.388; 103G.615; L 2004 c 255 s 50; L 2011 c 107 s 77*

History: *21 SR 1406; 29 SR 947; 33 SR 1721; 36 SR 764; 38 SR 787*

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