

Aeration Permit - ice cover

Expiration Date: September 30, 2019

On the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

Project Name: Rice-Schneider		County: Hennepin		Resource: Rice 27011600	
Authorized Action: Aerate water body to prevent winterkill, located at: UTM zone 15N, 462505 east, 4996288 north, Section various, T119N, R22W.					
Permittee: Rice Lake Area Association George Schneider 14000 92nd Pl. N. Maple Grove, MN 55369 763 420-8027 763-420-8027 ricelakeassoc@comcast.net; dukewolves@comcast.net			Operator (if different than permittee): Rice Lake Area Assoc. George Schneider 14000 92nd Pl. N. Maple Grove, MN 55369 763-420-8027 763-420-8027 ricelakeassoc@comcast.net		
To Aerate by: System Type(s): Surface Aspirator, One 2 hp Aeromix Aqua Tornado This operation will create 1 open water area(s) approximately 500 ft. in length by 100 ft. in width. Periods during which this system may be operated: ice cover only.					
Issued Date: 10/10/2018				Expiration Date: 9/30/2019	
Authorized Issuer: Amanda Yourd		Title: Aeration Coordinator		Email Address: amanda.yourd@state.mn.us	
				Phone Number: (651) 259-5087	

This permit is granted **subject to** the following **CONDITIONS**:

For wintertime use, a permit is valid only when the following applicable TERM and CONDITIONS are met:

(1). Each public access point and other areas commonly used by the public for access to the lake shall be posted with conspicuous signs stating that an aeration system is in use and the marked areas of the lake should be avoided.

The perimeter of the area of thin ice and open water shall be marked with signs placed at a height of four to six feet in a rectangular pattern at each corner of the open water, and additional signs between the corner signs so that a sign is posted at least every 100 feet. The signs shall be diamond shaped and at least 18 inches in height and 14 inches wide with a two inch wide orange border with black lettering on a white background with the warning "Thin Ice".

(2). The permittee shall give advance public notice of the commencement of operation of the aeration system during periods of ice cover by publishing the location and date of commencement of operation of the system in a newspaper of general circulation in the area where the system is to be operated, at least two times between five and 60 days prior to commencement of operation.

Conditions continued

(3). If the public waters do not have public access and the permittee owns all of the riparian land or all of the possessory rights to the riparian lands then the permittee is not required to:

- a. Post warning signs at access points; or
- b. Give advance public notice of the commencement of operation.

The permittee is, however, required to post the area of open or thin ice as specified in the second paragraph of (1) above.

(4). Financial responsibility. All permittees, except those operating an aeration system in public waters without public access, where the permittee owns all land riparian to the public water, or all of the possessory rights to the land riparian to the public water, or has leased all access rights to the public water, and state agencies subject to the State Tort Claims Act or municipalities subject to the Minnesota State Tort Claims Act, must provide proof that the permittee is financially able to meet any liability that should arise from the presence or operation of the system. This shall be done by:

- a. Posting a bond for \$500,000; or
- b. Providing a certificate of insurance for the current period of operation. An insurance policy of \$500,000 combined single limit (minimum) coverage must be in effect until a certificate is issued, at which time the certificate must be delivered to the Aeration permit coordinator. Should the policy be cancelled before a scheduled expiration date, the Commissioner shall be notified at least ten days before such cancellation.

(5). The system and operating system are substantially as described herein.

Hold harmless. Permittee agrees to assume the entire responsibility and liability for all damages or injury to all persons and to all property arising out of, resulting from, or in any manner connected with the design, construction, installation, operation, maintenance, supervision, or inspection of the permitted aeration system. Permittee agrees to indemnify, defend, and hold harmless the State of Minnesota, its agents and employees from all claims, damages, or injury except those arising from the state's own negligence to the extent authorized by Minnesota Statutes Section 3.736 of the Minnesota Tort Claims Act. This indemnity agreement includes, but is not limited to, claims that the permittee was negligent or otherwise liable for allowing, designing, constructing, installing, operating, inspecting, maintaining, supervising, or approving the permitted aeration system, or failing to do so.

The Commissioner may revoke a permit without prior notice when, in the Commissioner's opinion, revocation is necessary to protect human life or natural resources.

Special Conditions:

ec: EWR District Manager
Conservation Officers
DNR Wildlife, Area office
DNR Fisheries, Region office
DNR Fisheries, Area office
County