

FILED
Court Administrator

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By  Deputy

Request to have DNR permit for mechanical lake weed harvesting suspension lifted.

My name is Richard Thompson and I am the owner of Midwest Weed Harvesting, Inc. We have been in business for 11 years and we currently employ 10 full and part time employees. We are licensed by the DNR as a Commercial Mechanical Weed Harvester and as a Commercial Pesticide Applicator. We are closely regulated by the DNR and are in good standing with them.

On June 30th we received an email from Steve Enger of the DNR stating that as of July 1st all Aquatic Plant Management (APM) permits would be suspended until the state shutdown was over. I immediately called Mr. Enger and asked for clarification. My questions to him were;

- 1) Could we continue to harvest weeds under the permits that had already been issued. He said they were still trying to determine exactly what work we could continue to do during the shutdown. He would call me back when he had some definitive answers.
- 2) Could we finish the work we had already started before the shutdown. He said he believed we could finish the work we had started but we could not move our harvesters from one lake to another because the DNR would have no one working to inspect our equipment. He would call me back when he verified that.
- 3) I asked him who specifically had made the decision to suspend these permits. He would not answer that question.
- 4) I said there are no provisions to suspend these APM permits in the event of a government shutdown, only if we failed to follow the directions listed on the permit. I asked if we had failed to follow the rules or laws or had in any way violated the terms of these permits. He said we had not broken any rules or laws.
- 5) I asked who I could talk to regarding the APM permit suspension – to appeal the decision. He did not know.
- 6) Mr. Enger told me that DNR personnel would be on the lakes during the shutdown to enforce the APM permit suspension. I asked him if they had people to enforce the suspension, why couldn't those same people perform the inspections? He did not answer that question.

I never received a call back with answers to my questions.

We then received another email from Steve Enger at the DNR. This email stated that we would be allowed to do non-permitted work, which is harvesting in small areas of less

than 2500 square feet and a 15 foot wide channel, but we could only do so on lakes where harvesters were already working and we had to notify Conservation Officer Chris Howe at 507-385-1686.

I have never heard of Conservation Officer Chris Howe and by the 507 phone number he is clearly not in the metro area. The law requires that we call or email the DNR notification line each time we move our equipment from one body of water to another. That number is 651-296-9242. We have always followed the law and called the notification line each and every time we moved our equipment. Nowhere is it written that we call a conservation officer in out-state Minnesota prior to moving.

The reasons that I believe the suspension of APM permits should be lifted are;

- 1) These APM permits were issued to us long before the government shutdown. I am aware of no provision that the permits will be suspended in the event of a shutdown, only if I fail to follow all rules and laws concerning the harvesting.
- 2) We were first told by Mr. Enger that we could finish the harvesting projects we had already started, and then the email from his office contradicted that.
- 3) We have an excellent reputation throughout our industry and have not heard of any concerns that the DNR has with the manner in which we conduct these harvesting projects.
- 4) The DNR claims that they have no one to conduct inspections of our equipment when moving from one body of water to another, yet they have plenty of personnel still working who are tasked with ensuring that we are not working. There is no reason those same DNR employees couldn't verify that our equipment is clean and allow us to continue working.
- 5) The DNR claims that this inspection process is crucial to protect the lakes from the spread of invasive species. This may be true on some pristine bodies of water, but we do not put any of our equipment on pristine lakes. In fact, we have never put our harvesters on any lake that has not already been classified by the DNR as "Infested" with an invasive plant species. If a lake is not on the "Infested" list we will not do any work on that lake.
- 6) On the actual APM permit it states that we must give notification to the DNR before we begin any work – which we do. Then it says that an inspection MAY take place. In the last 5 years I have personally called the DNR notification line over 300 times. They have chosen to inspect my equipment ZERO times in the last five years. In the eleven years we have been in business I have had my equipment inspect only 4

times. We passed each of those inspections. Any claim that the DNR makes about the importance of their own inspection process is questionable at best. On any given day during the summer months the DNR Aquatic Plant Management department knows exactly where both of my harvesters are, how long it has been there and they know I will always notify them when a project is finished and I want to move to another lake. I speak to different people at the DNR on a weekly basis. They know exactly where we are and what we are doing. They can inspect our equipment any time, any day. But in 5 years they have not inspected my harvesters even once.

- 7) Finally, I employ 10 full and part time employees. I have devoted the last 11 years of my life to growing this business. We provide a valuable service to the community and have an outstanding reputation in our industry. We follow all of the rules and regulations that the federal, state, and local governments require. Each year I turn away tens of thousands of dollars of business from potential customers that want me to work "under the radar" or without an APM permit. I am not asking for any funding from the state. I'm not asking for any new permits to be issued to me. I'm simply asking that I be allowed to continue to operating my business under the APM permits that were already issued to me by the DNR.

Thank you,

Richard Thompson

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