

**6105.0200 STANDARDS AND CRITERIA FOR CONSTRUCTION OF NEW PUBLIC ROADS OR RECONSTRUCTION OF EXISTING ROADS.**

Subpart 1. **Policy.** It is essential to regulate the construction of new public roads and reconstruction of existing public roads within wild, scenic, and recreational river land use districts in order to provide maximum protection and preservation of the natural environment and to minimize any adverse effects which may result from such development. These standards and criteria provide a basic framework of environmental considerations concerning such proposed road construction. The considerations deal with route design, construction methods, safety considerations, right-of-way maintenance, and waysides.

Subp. 2. **Applicant's requirement.** For each environmental consideration listed below, the applicant shall indicate how the applicant is satisfying the consideration, where applicable, or if not, why not. In dealing with route design considerations, the applicant must, where applicable, also supply data on relevant site conditions. The local authority shall issue a conditional use permit if the applicant shows that the applicant has satisfied, to the extent feasible, these environmental considerations.

In general, avoid wild, scenic, and recreational river land use districts, especially wild river land use districts, whenever practicable. But if there is no feasible alternative, the following standards and criteria shall apply.

Subp. 3. **Route design.** Route design:

A. With regard to topography:

- (1) avoid steep slopes;
- (2) avoid scenic intrusion into stream valleys and open exposures of water; and
- (3) avoid scenic intrusion by avoiding ridge crests and high points.

B. With regard to location, avoid new public road construction within 200 feet of wild, scenic, and recreational rivers and avoid new public road construction within 100 feet of designated tributaries within wild, scenic, or recreational river land use districts, except where a crossing of a wild, scenic, or recreational river has been authorized by the commissioner.

C. With regard to vegetation:

- (1) avoid wetlands; and
- (2) run along fringes of forests rather than through them, but if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest.

D. With regard to soil characteristics:

- (1) avoid soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction;
- (2) avoid areas of plastic soils which would be subject to extensive slippage; and

(3) avoid areas with high water tables, especially if construction requires excavation.

E. With regard to crossing of public waters, a permit from the commissioner is required for a road or railroad crossing, or reconstruction, removal, or abandonment of any existing road or railroad crossing, of a public water.

F. With regard to open space recreation areas, avoid them whenever practicable.

Subp. 4. **Construction methods.** Construction methods:

A. Construct new roads so they rest as lightly on the land as feasible, avoiding cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape.

B. Reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river.

C. Effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and its adjacent lands.

D. Construct across wetlands in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation.

E. Construct at times when local fish and wildlife are not spawning or nesting.

Subp. 5. **Safety considerations.** Applicants must adhere to applicable federal and state safety regulations with regard to new road construction or reconstruction of an existing road.

Subp. 6. **Right-of-way maintenance.** Right-of-way maintenance:

A. If possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way.

B. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees should be planted and maintained on the roadside right-of-way.

C. Chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over their use.

Subp. 7. **Highway waysides.** Highway waysides shall be designed in such a manner so as to harmonize with the surroundings.

**Statutory Authority:** *MS s 104.34*

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