

6115.0220 WATER LEVEL CONTROLS.

Subpart 1. **Goals.** It is the goal of the department to manage public waters to:

A. maintain or restore natural flow and natural water level conditions to the maximum feasible extent;

B. encourage the construction of small off-channel retarding structures for the conservation of water in altered, natural waterbasins, consistent with any overall plans for the affected watershed area; and

C. limit the artificial manipulation of water levels, except when the balance of affected public interests clearly warrants the establishment of appropriate controls and it is not proposed solely to satisfy private interests.

Subp. 2. **Scope.** The construction, repair, reconstruction, or abandonment of any structure intended to impound, divert, or control the level or flow of public waters is subject to the provisions of this part.

Subp. 3. **Prohibited water level control facilities.** Construction or reconstruction of water level control facilities is prohibited when it is intended to manipulate water levels solely to satisfy private interests.

Subp. 4. **No permit required.** No permit is required to construct, reconstruct, or abandon a water level control structure on public watercourses with a contributing watershed of 300 acres or less, except on officially designated trout streams, provided the structure does not qualify as a dam under the rules for dam safety.

Subp. 5. **Permits required.** Permits are required for the construction, repair, reconstruction, or abandonment of any water level control structure, except as provided in subparts 3 and 4, and a project must meet the following general criteria:

A. the project will involve a minimum of encroachment, change, or damage to the environment, including but not limited to fish and wildlife habitat, navigation, water supply, storm water retention, and agricultural uses;

B. adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects;

C. the proposed project is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved;

D. the proposed project is consistent with water and related land management plans and programs of local and regional governments, provided such plans and programs are consistent with state plans and programs;

E. the construction or reconstruction complies with parts 6115.0300 to 6115.0520 with respect to dam safety for the protection of human life and property;

F. the construction or reconstruction of water level control structures or changing the level of an existing structure shall be approved only to:

- (1) control and store flood waters;
- (2) maintain low flows for instream flow or water level protection;
- (3) manage water quality, including the prevention or control of erosion and sedimentation;
- (4) improve water-based recreation;
- (5) create, improve, and maintain water supplies;
- (6) create, improve, or maintain aquatic habitat for fish and wildlife species;
- (7) establish, improve, or maintain the generation of hydroelectric power; or
- (8) restore the existing control elevation to a historic natural water elevation if detailed engineering surveys establish that the proposed control elevation does not exceed the estimated natural control elevation; and

G. the construction or reconstruction of water level control structures or changing the level of an existing structure on watercourses shall be approved only to:

- (1) control and store flood waters;
- (2) improve water-based recreation;
- (3) create, improve, and maintain water supplies;
- (4) establish, improve, or maintain the generation of hydroelectric power; or
- (5) create, improve, or maintain aquatic habitat for fish and wildlife species.

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

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

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