

6115.0230 BRIDGES AND CULVERTS, INTAKES AND OUTFALLS.

Subpart 1. **Goals.** It is the goal of the department to allow crossings of public waters, including the construction of water intake and sewer outfall structures in public waters, only when less detrimental alternatives are unavailable or unreasonable, and where such facilities adequately protect public health, safety, and welfare.

Subp. 2. **Scope.** The construction or reconstruction of any bridge, culvert, intake, outfall, or other crossing of public waters is subject to this part. Abandonment or removal of all crossings and structures governed by this part requires a permit according to part 6115.0211, subpart 8.

Subp. 3. **Prohibited crossings.** Crossings are prohibited when the project:

- A. will obstruct navigation or create a water safety hazard;
- B. will cause or contribute to significant increases in flood elevations and flood damages either upstream or downstream;
- C. involves extensive channelization above and beyond minor stream channel realignments to improve hydraulic entrance or exit conditions, except when a separate permit is obtained according to part 6115.0201, subpart 7;
- D. will be detrimental to water quality or significant fish and wildlife habitat;
- E. will take threatened or endangered species listed in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300; or
- F. will provide private access to an island.

Subp. 4. **No permit required.** No permit is required to construct the following types of crossings on public waters, unless prohibited in subpart 3:

- A. to construct or reconstruct a bridge or culvert on a public watercourse with a total drainage area, at its mouth, of five square miles or less, except on officially designated trout streams;
- B. to construct or reconstruct a low-water ford type crossing, if:
 - (1) the stream bed is capable of supporting the crossing without the use of pilings, culverts, dredging, or other special site preparation;
 - (2) the water depth does not exceed two feet under normal summer flow conditions;
 - (3) the crossing conforms to the natural cross-section of the stream channel and does not reduce or restrict normal low-water flows;
 - (4) the original stream bank at the site does not exceed four feet in height;

(5) the crossing is constructed of gravel, natural rock, concrete, steel matting, or other durable inorganic material not exceeding one foot in thickness;

(6) the approach is graded to a finished slope not steeper than 5:1 horizontal:vertical, and all graded banks are seeded or mulched to prevent erosion and sedimentation; and

(7) the crossing is not placed on an officially designated trout stream, on a wild, scenic, or recreational river, or on an officially designated state water trail;

C. to construct or reconstruct a temporary bridge, if:

(1) the stream bank is capable of supporting the bridge without the use of foundations, pilings, culverts, excavation, or other special site preparation;

(2) nothing is placed in the bed of the stream;

(3) the bridge is designed and constructed so that it can be removed for maintenance and flood damage prevention;

(4) the bridge is firmly anchored at one end and so constructed as to swing away to allow flood waters to pass;

(5) the lowest portion of the bridge is at least three feet above the ordinary high water level on navigable streams; and

(6) the bridge is consistent with state and local rules and regulations for floodplain, shoreland, and wild, scenic, or recreational rivers management standards and ordinances;

D. to maintain the hydraulic adequacy of any storm sewer or agricultural drain tile outfall or ditch that has been functioning within the previous five years, if such work does not alter the original course, current, or cross-section of the public waters; or

E. to install an agricultural drain tile outletting into public waters, if the bank is restored to the original cross-section or contour and no permanent structure is placed below the ordinary high water level, except for the drain tile.

Subp. 5. **Permits required.** Permits are required for the construction or reconstruction of any bridge, culvert, intake, outfall, or other crossing of public waters, except as provided in subparts 3 and 4, and a project must meet the following general criteria:

A. the project must not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters;

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 crossing is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved;

D. the proposed crossing 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; and

E. crossings of public waterbasins or public water wetlands are allowed only when there is no feasible and practical alternative that does not require filling, excavating, or the placement of a structure in public waters.

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

History: *8 SR 533; 25 SR 143; 27 SR 529; L 2010 c 361 art 4 s 82*

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