

6115.0270 DRAINAGE OF PUBLIC WATERS.

Subpart 1. **Goals.** It is the goal of the department to protect and preserve public waterbasins and public water wetlands from damage or destruction by drainage.

Subp. 2. **Scope.** Parts 6115.0270 to 6115.0272 relate to the partial drainage or temporary drawdown of public waterbasins and public water wetlands for all purposes except mining of metallic or nonmetallic minerals which are subject to provisions of part 6115.0280.

Subp. 3. **Prohibited activity.** The permanent or total drainage of public waterbasins and public water wetlands is prohibited.

Subp. 4. **Permits required.** A permit is required for the partial drainage or temporary drawdown of public waterbasins and public water wetlands and shall be granted if all of the following conditions are met:

- A. the proposed project is intended to achieve one or more of the following purposes:
 - (1) improve navigational or recreational uses;
 - (2) improve or restore fish or wildlife habitat;
 - (3) expose sediment in order to remove or eliminate nutrients or contaminants;
 - (4) alleviate flooding of agricultural lands caused by artificial obstruction of downstream drainage or increased upstream discharge; or
 - (5) allow the mining of iron ore, taconite, copper, copper-nickel, or nickel under Minnesota Statutes, section 103G.297;
- B. 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, water quality, and stormwater retention;
- C. adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects;
- D. the proposed project is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved; and
- E. 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.

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

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

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