

6115.1520 DRAINAGE PROJECTS.

Subpart 1. **Notification and documentation.** For the commissioner to consider participating in a drainage project that would have assessments within a consolidated conservation area, the drainage authority must follow the procedures described in this subpart. The drainage authority must notify the commissioner, in writing and as soon as practicable, with specifics about the proposed project. The specifics must describe the purpose of the project and what kind of project it is. The drainage authority must show the extent of the project on a map. The drainage authority must provide the commissioner with copies of all written documents, including any petition and engineer's report that have been filed or used in connection with the drainage project proceedings, as they are available.

Subp. 2. **Investigation.** After receiving notification and all documentation required under subpart 1, the commissioner must complete an investigation to determine whether the proposed drainage project benefits state-owned lands for the purposes for which they were established. In the investigation, the commissioner must:

A. determine, which, if any, state-owned lands are positively impacted by the proposed drainage project according to subpart 3; and

B. determine which, if any, state-owned lands are negatively impacted by the proposed drainage project according to subpart 4.

Subp. 3. **Positive impacts.** Positive impacts to state-owned lands occur when a proposed drainage project allows the department or department's lessee to continue to use or enhances its ability to use drainage to achieve management purposes as provided in Minnesota Statutes, section 84A.55. The following criteria are evidence that the department uses drainage to achieve a management purpose:

A. the department utilizes a drainage system to outlet water into a public ditch from agricultural cropland it manages;

B. the department leases the land for commercial purposes such as agriculture, agro-forestry, aquaculture, wild rice paddies, peat mining, or mineral extraction, and the lessee utilizes a drainage system to outlet water into a public ditch from the leased lands;

C. the department petitions for a drainage project;

D. the department outlets water from state-owned lands into a public ditch from an impoundment that is designed and used exclusively for wildlife management purposes;

E. timber production is improved by the project; or

F. wildlife habitat is improved by the project.

Subp. 4. **Negative impacts.** Negative impacts to state-owned lands occur when a drainage project adversely affects the management of the land for its intended purposes.

The following criteria are evidence that a drainage project negatively impacts state-owned lands. The drainage project:

- A. degrades public waters, public waters wetlands, or wetlands on state-owned lands;
- B. causes direct physical disturbance to rare species or significant natural communities through project activities such as, but not limited to, ditching and depositing soils;
- C. causes an alteration of the hydrology that disturbs rare species, natural communities, or peatland features;
- D. causes an alteration of the hydrology that degrades designated peatland scientific and natural areas;
- E. restricts management options for state-owned lands; or
- F. results in the reduction or elimination of access to state-owned lands.

Statutory Authority: *MS s 84A.55*

History: *32 SR 1697*

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