6105.0180 STANDARDS AND CRITERIA FOR UTILITY TRANSMISSION CROSSINGS OF LANDS WITHIN THE JURISDICTION OF THE LOCAL AUTHORITY.

Subpart 1. **Policy.** It is essential to regulate utility transmission crossings of lands within the jurisdiction of the local authority within wild, scenic, or 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 utility crossings. These standards and criteria provide a basic framework of environmental considerations concerning such a proposed crossing. The considerations deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance.

Subp. 2. **Applicant requirements.** For each environmental consideration listed in these standards and criteria, 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 intrusions into stream valleys and open exposures of water;

(3) avoid scenic intrusions by avoiding ridge crests and high points;

(4) avoid creating tunnel vistas by, for example, building deflections into the route or using acceptable screening techniques.

B. With regard to location, avoid entering areas within 200 feet of wild, scenic, and recreational rivers and avoid entering areas within 100 feet of designated tributaries with wild, scenic, or recreational river land use districts except where the utility has been authorized by the commissioner to cross wild, scenic, or recreational rivers or tributaries within their land use districts.

C. With regard to vegetation:

(1) avoid wetlands;

(2) run along fringe 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 resources.

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;

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

E. With regard to crossing of public waters, utility crossings of public waters requires a permit from the commissioner pursuant to Minnesota Statutes, section 84.415 or 103G.245.

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

Subp. 4. **Structure design.** Structure design:

A. With regard to locating the utility overhead or underground, primary considerations must be given to underground placement in order to minimize visual impact. If the proposal is for overhead placement, the applicant shall explain the economic, technological, or land characteristic factors, which make underground placement infeasible. Economic considerations alone shall not be the major determinant.

If overhead placement is necessary, the crossing should be hidden from view as much as practicable.

B. With regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to height and width, materials used, and color.

C. With regard to the width of the right-of-way, the cleared portion of the right-of-way should be kept to a minimum.

Subp. 5. **Construction methods.** Construction methods:

A. Construct across wetlands in the winter in order to minimize damage to vegetation, and in order to prevent erosion and sedimentation.

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

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 adjacent lands.

Subp. 6. **Safety considerations.** Applicants must adhere to applicable federal and state safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill cleanup).

Subp. 7. **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 hazard to or restrict reasonable use of the utility, shall be allowed to grow in the 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 rights-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 and other requirements of all state and federal agencies with authority over the use.

D. The management plan may identify areas suitable for utility corridors.

Statutory Authority: *MS s 104.34; 103F.321*

History: *17 SR 1279*

Published Electronically: *June 11, 2008*