

**6106.0130 GENERAL DEVELOPMENT STANDARDS FOR PUBLIC FACILITIES.**

Subpart 1. **Purpose and scope.** The purpose of this part is to establish standards for public facilities that are consistent with best management practices and that protect primary conservation areas. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

Subp. 2. **Definition of terms.** For the purpose of this part, "public facilities" means public utilities, public transportation facilities, and public recreational facilities.

Subp. 3. **General design standards.** All public facilities must be designed and constructed to:

- A. minimize visibility of the facility to the extent consistent with the purpose of the facility;
- B. comply with the dimensional standards in part 6106.0120, except as provided in part 6106.0180;
- C. be consistent with the vegetation management standards in part 6106.0150, subpart 5, and the land alteration and stormwater management standards in part 6106.0160, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-001, incorporated by reference under part 6106.0090, where applicable. State or regional agencies, special purpose units of government, local park agencies, and local units of government with parks within their jurisdiction are not required to obtain a vegetation management or land alteration permit under part 6106.0150 or 6106.0160, but must apply the standards and criteria that would be applied by local government, were a permit required;
- D. avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
- E. minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.

Subp. 4. **Right-of-way maintenance standards.** Right-of-way maintenance for public facilities is subject to the following standards:

- A. vegetation currently in a natural state must be maintained to the extent feasible;
- B. where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
- C. chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the rules, regulations, and other requirements of all state and federal agencies with authority over the chemical's use.

Subp. 5. **Crossings of public water or public land.** Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota

Statutes, sections 84.415 and 103G.245. The commissioner must give primary consideration to crossings that are proposed to be located within or adjoining existing rights-of-way for public transportation and public utilities.

Subp. 6. **Public utilities.** Public utilities must, at a minimum, comply with the following standards:

A. high-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapters 216E, 216F, and 216G, respectively; and

B. if overhead placement is necessary, utility crossings must be hidden from view as much as practicable. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

Subp. 7. **Public transportation facilities.** Where public transportation facilities intersect or abut two or more of the districts established under part 6106.0100, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

- A. providing scenic overlooks for motorists, bicyclists, and pedestrians;
- B. providing safe pedestrian crossings and facilities along the river corridor;
- C. providing access to the riverfront in public ownership; and
- D. allowing for use of the land between the river and the transportation facility.

Subp. 8. **Public recreational facilities.**

A. Buildings and parking associated with public recreational facilities, except as provided under part 6106.0180, must meet the dimensional standards in part 6106.0120 and must not be placed within the bluff impact zone or shore impact zone.

B. Roads and driveways associated with public recreational facilities must not be placed in the bluff impact zone or shore impact zone unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

C. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff impact zone or shore impact zone if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines, incorporated by reference under part 6106.0090.

(1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.

(2) Trails, paths, and viewing areas must be designed and constructed to minimize:

- (a) visibility from the river;

(b) visual impacts on public river corridor views; and

(c) disturbance to and fragmentation of primary conservation areas.

D. Public water access facilities are subject to the following requirements:

(1) watercraft access ramps must comply with parts 6115.0210 and 6280.0250; and

(2) facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities, incorporated by reference under part 6106.0090.

E. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff impact zone or shore impact zone, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.

F. Public stairways, lifts, and landings must be designed as provided in part 6106.0140, subpart 5, item C.

**Statutory Authority:** *MS s 116G.15*

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