

## **RULE I: PUBLIC DRAINAGE SYSTEMS**

1. **POLICY.** Rule I applies to work within public drainage systems, as that term is defined in these rules. The District regulates work in surface water conveyance systems other than public drainage system through the application of Rule G. It is the policy of the Board of Managers to regulate any work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of Rule I is to protect the integrity and capacity of public drainage systems consistent with Minnesota Statutes Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future. .
2. **REGULATION.**
  - (a) No work may be completed on the public drainage system, including connecting to a public drainage system, without first obtaining a permit from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minnesota Statutes Chapter 103E or other drainage law.
  - (b) A utility may not be placed under a public drainage system without a permit under this rule. The design must provide at least five feet of separation between the utility and the as-constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing at any time be found to be an obstruction or subject to future modification or replacement under the drainage law.
  - (c) A pumped dewatering operation may not outlet within 200 feet of a public drainage system without a permit under this rule. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices. Rate of discharge into the system may not exceed the system's available capacity.
3. **CRITERIA..** A project proposing to work subject to Paragraph 2 (a) must:
  - (a) Comply with applicable orders or findings of the Drainage Authority.
  - (b) Comply with all Federal, State and District wetland protection rules and regulations.
  - (c) Demonstrate that such activity will not adversely impact the capacity or function of the public drainage system, or ability to inspect and maintain the system.
  - (d) Not create or establish wetlands within the public drainage system right of way without an order to impound the public drainage system under Minnesota Statute 103E.227.
  - (e) Provide conveyance at the grade of the ACSIC where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minnesota Statutes chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
  - (f) Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.
  - (g) Where the open channel is being realigned, provide an access corridor that the District

deems adequate at the top of bank of the drainage system, with the following characteristics:

- A minimum 20-feet in width
- Cross-slope (perpendicular to direction of flow) no more than 5% grade.
- Longitudinal slope (parallel to the direction of flow) no more than 1:5 (Vertical to Horizontal).

**(h)** Adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.

**(i)** Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:

- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
- For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.

**(j)** Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of Section 3(i).

**4. REQUIRED EXHIBITS.** The following exhibits must accompany the permit application. All elevations must be provided in NAVD 88 datum.

- (a)** Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area
- (b)** Existing and proposed cross sections and profile of affected area.
- (c)** Description of bridges or culverts proposed.
- (d)** Location and sizes of proposed connections to the public drainage system
- (e)** Narrative and calculations describing effects on water levels above and below the project site.
- (f)** Erosion and sediment control plan.
- (g)** Hydrologic and hydraulic analysis of the proposed project.
- (h)** Local benchmark in NAVD 88 datum.