CHAPTER 8. REGIONAL CONVEYANCE SYSTEMS

8.1 **Policy.** It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, and artificial channels and piped systems. Chapter 8 applies to surface water conveyance systems other than public drainage systems. The purpose of this chapter is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Chapter 8 does not apply to public drainage systems, as defined in the Rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minn. Stat. Chapter 103E) and the application of Chapter 9. It is not the intent of this chapter to decide drainage rights or resolve drainage disputes between private landowners.

8.2 **Regulation.** A person may not construct, improve, repair, or alter the hydraulic characteristics of a regional conveyance system that extends across two (2) or more parcels of record not under common ownership, including by placing or altering a utility, bridge, or culvert structure within or under such a system, without first obtaining a permit from the District. Permits are not required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.

8.3 **Criteria.** The conveyance system owner is responsible for maintenance. In addition, modification of the conveyance system must:

A. Preserve existing hydraulic capacity.

B. Retain existing navigational use.

C. Not adversely affect water quality or downstream flooding characteristics.

D. Be designed to allow for future erosion, scour, and sedimentation considerations.

E. Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of this Section 8.3. 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.

8.4 **Subsurface Utility Crossings.** A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District will also consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this section diminishes the crossing owner's responsibility under Section 8.3, above. The applicant must submit a record drawing of the installed utility.

8.5 **Required Exhibits.** The following exhibits must accompany the permit application:

A. Construction details showing:

(1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. Elevations must be provided in NAVD 88 datum.

(2) Existing and proposed elevations of utility, bridge, culvert, or other structure.

(3) End details with flared end sections or other appropriate energy dissipaters.

(4) Emergency overflow elevation and route.

B. Narrative describing construction methods and schedule.

C. Erosion and sediment control plan in accordance with Chapter 6.

D. Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.

8.6 **Exception.** Criterion 8.3(A) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area, and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the conveyance outfall.