Instructions for Completing an Application for Utility License to Cross State Lands or Public Waters

Do not submit these instructions with the four-page application.
Submitting a complete application will speed up DNR's review and issuance of the license.

OVERVIEW OF THE LICENSE PROCESS

Please fill out the four-page application completely. The company name on the application must be the company's legal name filed and in active status with the Minnesota Secretary of State. This information can be searched on the Minnesota Secretary of State's website. Please consult with your legal department if you have questions.

A completed application packet (cover letter explaining the project, completed four-page application, maps, and plans) can be emailed or sent by postal mail to the applicable regional office (See ***Maps & Plans*** section below for requirements for maps and diagrams to accompany an application). All applications require an application fee. Please send the check to the appropriate DNR regional office based on the location of the project. Refer to the Regional LAM staff web page to locate the region/regional office.

The DNR will assign a license number after the application fee and the (correct and complete) application are received and processed. For most projects, other than certain low impact projects, the DNR will send an acknowledgment letter or email to the applicant and agent (if an agent is used), along with the license number and the DNR staff person to contact to discuss the application status. Please use the license number when corresponding with staff about the license status.

If the application is approved, DNR staff will prepare a utility license, and send by email to the applicant and agent (if one is used), with a notification of the license fee, timber damages or other property damage fees if applicable, monitoring fee if applicable, and an additional application fee (if there are more than 2 crossings), that must be paid before the license can be issued. Applicant must sign/date the license, and send it back to the assigned DNR staff, along with appropriate payment. The license must be signed by someone with delegated authority to bind the company to a contract, usually an officer of the company. If the person signing is not a company officer, the applicant must also provide a copy of the power of attorney or board resolution which authorizes this person to sign on behalf of the company.

Upon receipt of the signed license and license fee, timber damages or other property damage fees if applicable, monitoring fee if applicable, and an additional application fee (if there are more than 2 crossings), DNR will sign the license. A copy of the completed, fully-executed license, along with the application, maps, and other supporting documents, will then be returned to the applicant (with copies to the agent, if there is one).

Under the terms of the license, the licensee must notify the DNR before starting work.

After the installation of the licensed utility line is complete, the Licensee should submit an "as built" survey to the DNR showing the actual location of the utility lines and utility right-of-way. This "as built" survey may either be referenced to public land survey section lines or must show the location in one of the following recognized systems: latitude and longitude, Universal Transverse Mercator (UTMs) or county coordinates, in the North American Datum (NAD) of 1983.

MAPS & PLANS

Attach the following maps to the application.

1. *AERIAL ROUTE MAP* – An aerial map of the entire route with the crossing locations clearly marked. Please label the crossings on the map to match the Crossing Table (i.e., Crossing 1, Crossing 2, etc.). If crossings run parallel to a road, show the side of the road where the line is to be installed.

2. *PUBLIC WATER INVENTORY (PWI) ROUTE MAP* (for water crossing applications) – The entire license route should be overlaid on the county PWI map with the crossing locations clearly marked. Please label the crossings on the map to match the Crossing Table (i.e., Crossing 1, Crossing 2, etc.). And, if parallel to a road, show the side of the road where the line is to be installed.

3. *AERIAL MAP* (for each crossing) – The aerial map should provide a close-up view of each crossing. The scale should be suitable to show the necessary detail of the proposed utility line location including the crossing width and length. If the crossings are parallel to a road, the map should indicate the number of feet from the center of the road to the utility line, and the number of feet from the center of the road to the edge of the road right of way.

In addition, submit a separate PLAT, PLAN, and CROSS SECTION map for each crossing. All three may be placed on one sheet.

4. *PLAT MAP* (for each crossing) – It should clearly indicate the right-of-way relative to each forty (quarter-quarter section) crossed as well as section, township, and range.
5. *PLAN MAP* (for each crossing) – The scale should be suitable to show the necessary detail of the proposed utility line location including the crossing width and length. If crossings are parallel to a road, the map should indicate the number of feet from the center of the road to the utility crossing and the number of feet from the center of the road to the edge of the road right of way.
6. *CROSS SECTION MAP* (for each crossing) – It should include the crossing length, depth of burial and elevations, and location of structures.

For underwater crossings, the utility line must be at a minimum depth of 10 feet under the bed of a public water, whether the construction method is directional bore or another underwater method. For some public water crossings (e.g., rivers), DNR may require that the utility company install the line deeper than 10 feet under the bed of the public water. In some instances, the contractor may have difficulty installing the line at a 10-foot depth below the bed of the water body (e.g., due to very rocky soils, large pipe diameter, etc.). In these situations, the applicant must provide an explanation of why the minimum 10-foot depth is not achievable. This explanation will be reviewed and the applicant notified if it is acceptable.

For all crossings other than those using a "low impact construction method," a reclamation plan is required for each crossing that describes the potential impacts to the resource, measures to be taken during construction to minimize resource impacts, and steps to be taken immediately after construction to stabilize and restore the disturbed area. Common practices include use of sediment traps, silt fences, mulch, fiber blankets, and other methods.

7. *AS-BUILT SURVEY MAP (For license renewals only)* -- For each crossing, provide a map of the location of the existing utility line.

UTILITY CROSSINGS ON LAND WITH FUNDING RESTRICTIONS CAN TAKE LONGER TO PROCESS

Applicants proposing to cross state lands encumbered with federal funds should plan for a longer review process. Before the DNR can grant a utility license over lands encumbered with federal funding, it must apply for and receive written approval from the funding provider. The process can take up to a year or more.

If the application includes any crossings of lands encumbered with federal funds, the applicant must submit the following items with the utility license application.

1. Map showing the scope of the entire project - preferably with aerial photo overlay and clear labels.
2. Detailed map of the project segment on DNR land.
3. Project and construction description sufficient to evaluate the project's potential impacts to natural resources and to recreational users, including the time of year of the planned construction, type of equipment, and environmental precautions to be used.
4. A cultural review of the project completed by the State Historic Preservation Office (SHPO). Depending on the initial cultural review results, a more detailed survey of historical and cultural assets may be required. A copy of the SHPO response letter must be included.
5. Description of alternate routes that were considered, with explanations of why each alternative route was not chosen.

APPLICATION FEE DUE WITH APPLICATION

Each utility license application requires an application fee. The application fee due with a water crossing application is either $1,000 or $2,250. The application fee due with a land crossing application is either $1,000 or $3,500. The correct application fee must be included with each application.

For electric power lines, cables, or conduits of 100 kilovolts or greater, and pipelines for gas, liquids, or solids in suspension that are main pipelines, the water crossing application fee is $2,250 and the land crossing application fee is $3,500.

For all other utilities, the application fee is $1,000. See Page 2, Fee Calculation Chart, and Page 3, Application Fee Determination Worksheet for further information.

If DNR determines that an application contains more than two crossings, the applicant will be billed for an additional application fee of $500 for each crossing over two crossings, per Minnesota Statutes section 84.415, subd. 6(a)(1)(iii).

FEE(S) DUE WHEN SIGNED LICENSE IS SENT BACK TO DNR

After the license is prepared, DNR will send the license to the utility company for signing and notify the company of the license fee, timber damage or other property damage fees if applicable, monitoring fee if applicable, and additional application fee if applicable. These fees must be paid when the signed license is returned to DNR for approval and execution.

License fee - For each crossing, there is a one-time license fee. The water crossing fee is based on a fee table and the land crossing fee is based on both a fee table and the assessed value of the land. The applicant can use the fee tables found in Minnesota Rules chapter 6135 to estimate the license fee.

Timber damages or other damages to the property of the state may apply, and a monitoring fee may also be assessed.

Additional application fee - Effective 7/1/23, an additional application fee of $500 will be due for the third and each additional crossing (i.e., for an application with three crossings, the additional application fee would be $500; for four crossings, $1,000, and so on). The additional application fee will be charged on both water crossing and land crossing applications.

The applicant should not send the license fees or the application fee, as described above, with the license application. The only payment submitted with an application should be the portion of the application fee due with the application as described above.

CROSSING TABLE INSTRUCTIONS

Note: Columns are listed from left to right

Column 1 - Crossing Number (No.)

For each crossing, enter the crossing number. Number the crossings consecutively, starting with number one. An application may have as many crossings as necessary provided they are all part of the same project and the same utility type**.**

Columns 2-6 - Forty or Lot, Section (Sec.), Township (Twp.), Range, and County

For each crossing, enter the quarter-quarter section (forty), or Government Lot number crossed, along with the section, township, range, and county.

For water crossings, when multiple forties (or Government Lots) are part of one crossing, enter the same crossing number for each entry, and the number of feet crossed in each forty (or Government Lot).

For land crossings on state land managed by DNR, enter each forty (or Government Lot) as a separate crossing and number them consecutively.

Column 7 - Water Name or DNR Land Unit Name

For each crossing either enter the public waters name or DNR land unit name

1. Public Waters - The term "public waters" is defined by Minnesota law. Minn. Stat. sec. 103G.005, subdivision 15. Public waters are generally depicted on the Public Waters Inventory list, the Public Waters Inventory maps, or both. It is important to confirm if a utility project crosses a public water body. Please locate all project crossings on Public Waters Inventory maps.

If a wetland is classified as Public Waters, a company must have a state License for Utility to Cross Public Waters. If a wetland is classified as a Public Waters Wetland and located on state-owned land managed by the DNR, a company must have a state License for Utility to Cross State Land. *Note: Not all public waters are on the PWI maps. Contact your Regional LAM staff with questions.*

There are PWI maps for each county available for downloading. For some counties, GIS-based PWI maps in electronic format are also available online at Public Water Inventory maps. ArcGIS shapefiles of basins and watercourses used to construct the GIS-based PWI maps are available from the Minnesota Geospatial Commons.

Public Waters are water bodies (lakes, streams, rivers, and public ditches) and are identified as such on the PWI map. The map legend lists the various public waters and symbols. Streams and rivers are shown as bold, solid lines and public ditches as bold dashed lines. Some wetlands are classified as Public Waters and are identified on the PWI map with a suffix of "P." If the wetland is classified as Public Waters ("P"), then a MN DNR utility license to cross public waters is required for the utility crossing.

2. Public Waters Wetlands - There are also Public Waters Wetlands identified on the PWI map with the suffix of "W." If the wetland is classified as a Public Waters Wetland ("W"), a MN DNR utility license to cross state lands is only needed if the wetland is located on state-owned land managed by the DNR. If a wetland is classified as a Public Waters Wetland ("W") but is not on state-owned land managed by the DNR, a DNR utility crossing license is not required, but you will need to contact the landowner directly for permission to cross these lands. Examples of landowners include other governmental units such as a state agency or county (for tax forfeited lands), or a private property owner.

   In addition, Public Waters Wetlands located on non-DNR managed land may require a DNR Public Waters Work Permit if the installation requires construction work below the Ordinary High-Water Level, and if it requires altering the course, current, or cross section of the wetland. Please contact a DNR Area Hydrologist for further information about public waters work permitting. For the most up-to-date list of Area Hydrologists, see the Ecological and Water Resources Requirements for Projects Involving Public Waters Work Permits and click on "local DNR Area Hydrologist."

3. DNR Land Unit Names - To confirm that your project crosses DNR-managed state land, consult the DNR website for interactive maps at the websites MN DNR Recreation Compass or MN DNR Landview. ArcGIS shapefiles depicting state land administered by DNR are available for downloading at the website Minnesota Geospatial Commons. The DNR Division of Lands and Minerals Regional Staff are also available to confirm state land managed by DNR.

Column 8 - Crossing Method

For each crossing, choose the appropriate crossing method, "over" or "under" from the drop-down box. The applicant must provide the details of construction and placement and a cross-section map must be included for each crossing.

Column 9 - Low Impact Construction Methods

Choose one, if applicable. For each crossing, determine if it is considered a low impact crossing based on the list below and if so, choose it from the drop-down box. Low impact construction methods are defined as installation by means of: 1) boring or jacking; 2) attachment to a bridge; 3) use of existing conduit; 4) use of an existing pole; 5) use of an existing structure; or 6) plowing into the roadbed. The DNR encourages low impact crossings, because they require less review, and typically result in faster issuance of the license, while reducing the impact on resources.

Columns 10-11 - Right-of-way

For each crossing, enter the right-of-way width and length. The right-of-way width and length, along with the type of utility, will be used by the DNR to determine the license fee; therefore, accuracy and completeness in this section are very important. Please enter the amounts in feet, rounding up, if needed.

For water crossings, the right-of-way "width" is the disturbance measured in feet along the water's edge. For narrow water crossings, we recommend entering a 9-foot right-of-way width (less than 10 feet per Rate Table I, found in Minnesota Rules chapter 6135). For both land and water crossings, the utility line right-of-way "width" of the utility corridor should identify the width needed for construction and maintenance.

The utility line right-of-way "length" of the crossing is either the distance in feet across DNR land or the distance across the public water body measuring from bank to bank or shore to shore. **Enter the length separately for each forty or Government Lot.**

ENVIRONMENTAL REVIEW

If the project has been previously reviewed pursuant to Minnesota Rules chapter 4410, the National Environmental Policy Act (NEPA), a conditional use permit, or Natural Heritage Information System (NHIS) Information Request or other similar review, please provide information on the type of review, previous project name(s) and Environmental Review Database number for NHIS correspondence. If environmental and archaeological reviews are required, they must be completed before the license can be issued.

ENVIRONMENTAL STANDARDS

Minnesota Rules chapter 6135 addresses required environmental standards for utility crossings. The applicant is responsible for knowing and adhering to these rules. Where conflicts or discrepancies occur and the guidelines cannot be followed, the applicant must submit, as part of the application process, a detailed written explanation of the conflict and why the guidelines cannot be met. The explanation will be reviewed by DNR. No license will be issued until all discrepancies have been adequately documented, reviewed, and approved by DNR.

The licensee must abide by the license terms and applicable rules, statutes, and permit requirements (e.g., the legal requirement to avoid the taking of endangered, threatened, or special concern species, and the requirement to avoid introducing aquatic or terrestrial invasive species during the construction process).

LICENSE RENEWALS

To renew an expiring license, the licensee is required to complete a new application and provide current maps, and an application fee. Before filling out the new application, review the original application and verify that the line is still in place and in use at the same crossing locations. On page 1 of the application, answer "yes" to the renewal question and enter the license number. Fill out the Crossing Table listing the forties or Government Lots; section, township, range, county; method of crossing; and right-of-way widths and lengths. Include a separate plat, plan, cross section, and aerial map for each crossing. Provide an "as built" survey showing the actual location of the utility line. The applicant is required to pay all fees as if the renewal is an application for a new license.

AMENDMENT AND ASSIGNMENT PROCESS

If an amendment or assignment is required, please contact DNR Lands and Minerals Regional Staff in the appropriate region for further instructions.

SUBMIT APPLICATION MATERIALS

Please submit 1 copy of the four-page completed application, with the following attachments, to the appropriate DNR Regional Lands and Minerals Office (see map below): the cover letter; maps and plans; and the applicable environmental review and standards information. We accept the application packet through email or postal mail. The application fee needs to be paid with a check. Please send the check to the appropriate regional office with a copy of page 1 of the application.

Region 1 – Northwest MN
Regional Operations Supervisor
DNR Lands and Minerals
2115 Birchmont Beach Road NE
Bemidji, MN 56601 - (218) 308-2627

Region 2 – Northeast MN
Regional Operations Supervisor
DNR Lands and Minerals
1201 E. Highway 2
Grand Rapids, MN 55744 - (218) 328-8923

Region 3 – Central MN
Regional Operations Coordinator
DNR Lands and Minerals
1200 Warner Road
St. Paul, MN 55106 - (651) 259-5792

Region 4 – Southern MN
Regional Operations Coordinator
DNR Lands and Minerals
21371 State Hwy 15
New Ulm, MN 56073-5228 - (507) 233-1211