Utility Licenses

Krista Howk | Realty Specialist

DNR Division of Lands and Minerals | Regional Operations

DEPARTMENT OF NATURAL RESOURCES

License Program Overview

1. License Program Overview

2. Why are licenses needed?

3. The Future of Utility Licenses

4. Questions

License Program Overview

The DNR's Division of Lands & Minerals is responsible for granting licenses to utility companies crossing over, under, or across any state land or public water with utility infrastructure projects.

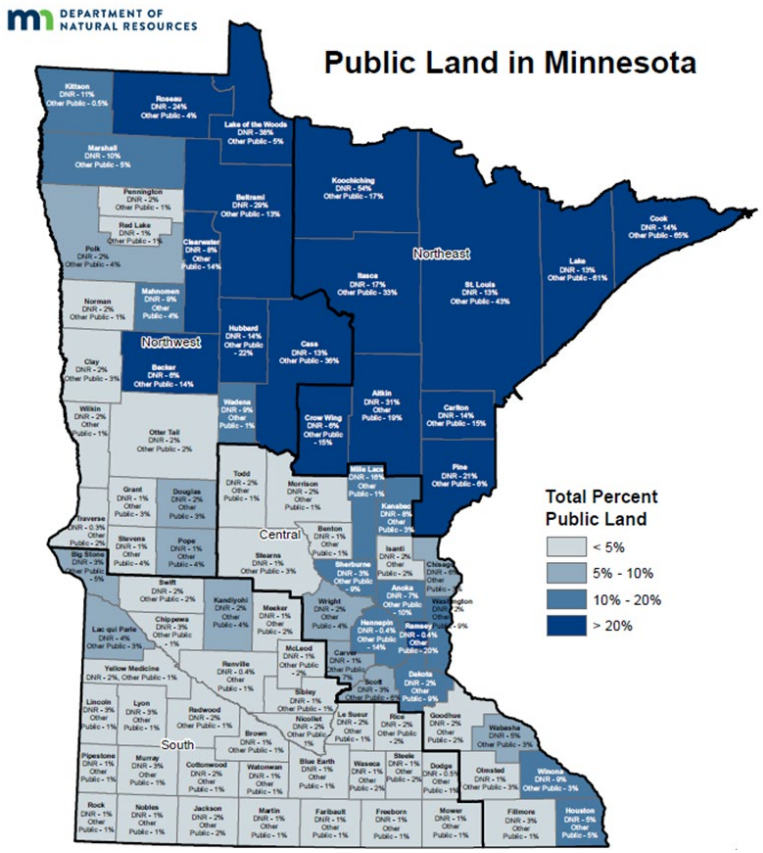
Utility licenses are generally required for the installation of electrical, pipeline, and communication projects.

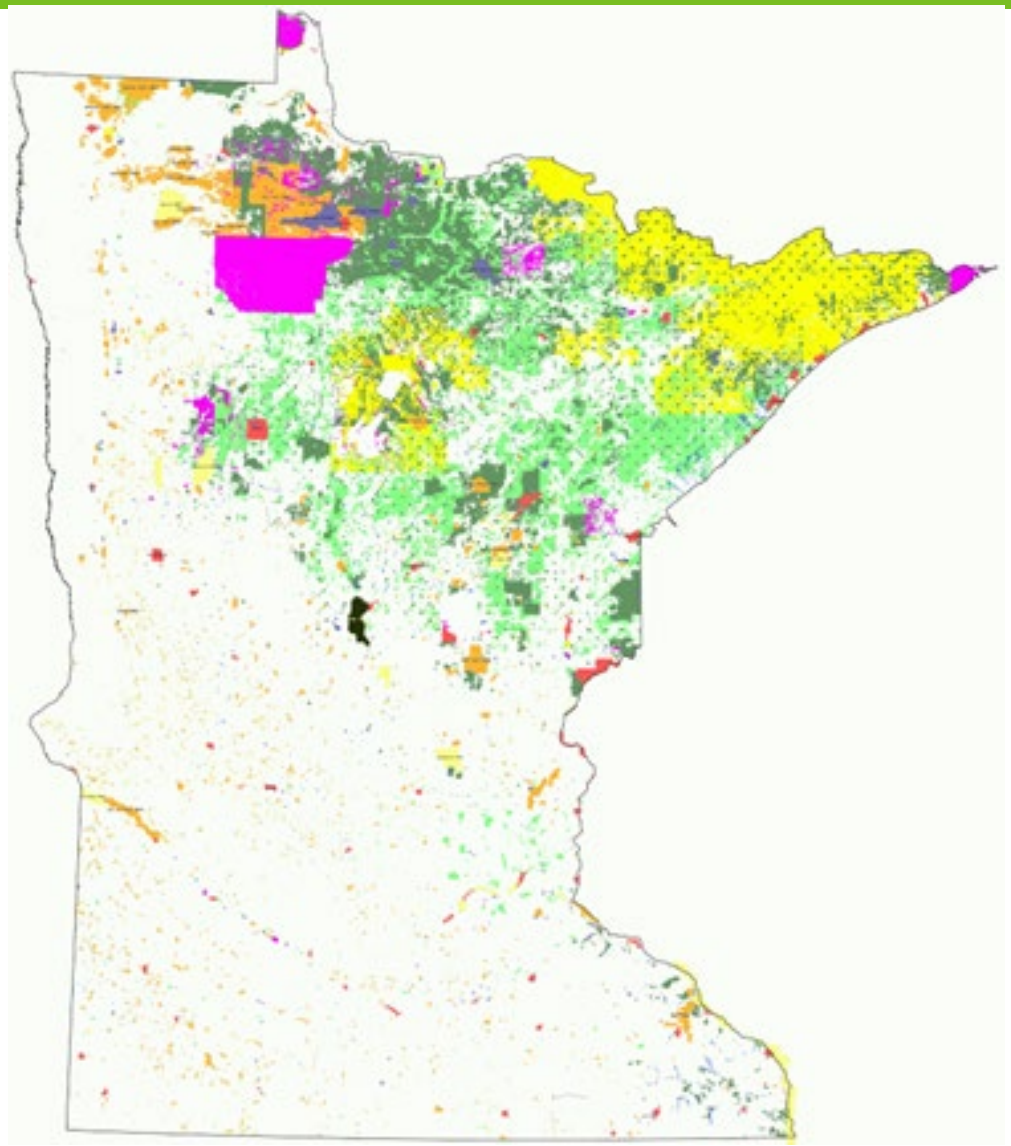
Most utility licenses are issued for a term of 50 years and may be renewed when they expire.

Applicants are required to notify staff of maintenance activities

License Program Overview

The DNR manages 5.6 million acres of state land on behalf of the citizens of Minnesota. 11% of the entire state.





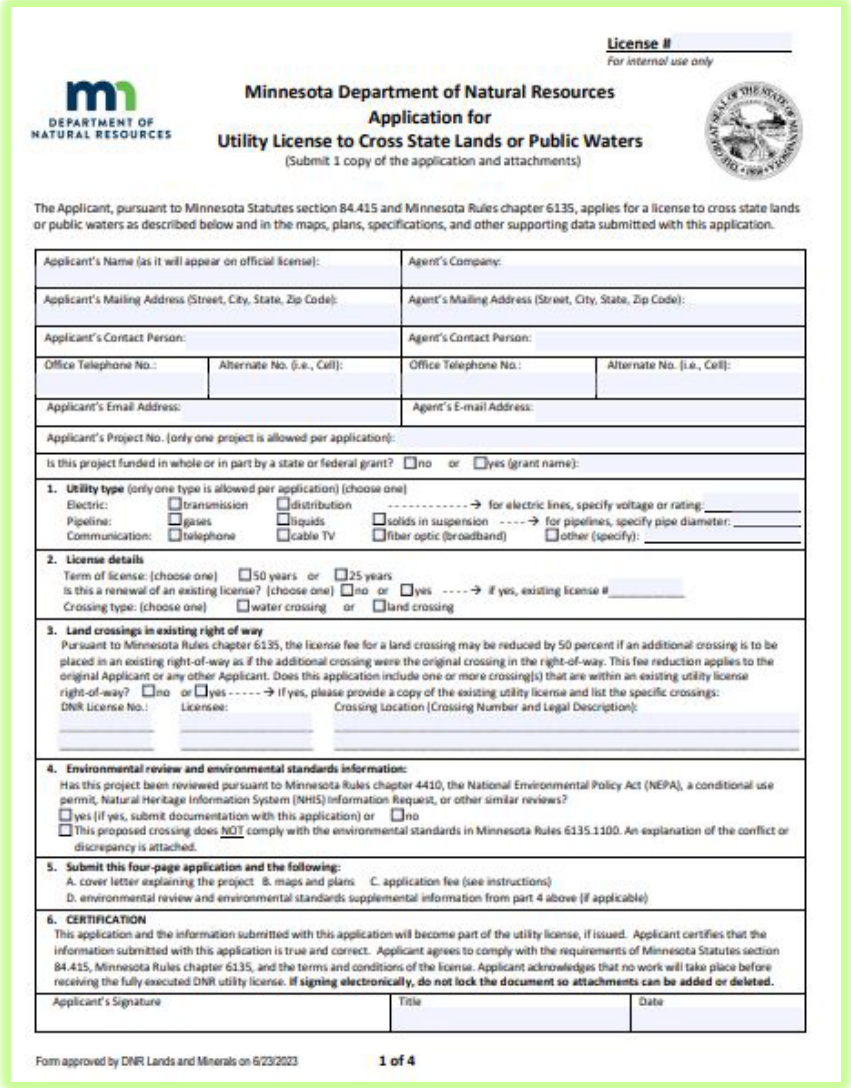
License Program Overview

Customers:

- Fill out an online application with payment. Utility License Application
- Fill out a paper application that is emailed along with supplemental materials. Mail checks for the application fees.

Realty Specialists:

- Review the licenses and may ask for additional information.
- Enter licenses in the LRS system and send to reviewers in Lands and Minerals and other DNR divisions.
- Land licenses are also sent for state and federal funding review since grants for land acquisition and habitat development can place land use restrictions on DNR land which could change the project plans.
- Compile the review info, draft and send the license for signature.



License #
For internal use only

DEPARTMENT OF NATURAL RESOURCES

Minnesota Department of Natural Resources
Application for
Utility License to Cross State Lands or Public Waters
(Submit 1 copy of the application and attachments)

The Applicant, pursuant to Minnesota Statutes section 84.415 and Minnesota Rules chapter 6135, applies for a license to cross state lands or public waters as described below and in the maps, plans, specifications, and other supporting data submitted with this application.

Applicant's Name (as it will appear on official license):		Agent's Company:	
Applicant's Mailing Address (Street, City, State, Zip Code):		Agent's Mailing Address (Street, City, State, Zip Code):	
Applicant's Contact Person:		Agent's Contact Person:	
Office Telephone No.:	Alternate No. (i.e., Cell):	Office Telephone No.:	Alternate No. (i.e., Cell):
Applicant's Email Address:		Agent's E-mail Address:	
Applicant's Project No. (only one project is allowed per application):			
Is this project funded in whole or in part by a state or federal grant? ☐no or ☐yes (grant name):			

1. **Utility type** (only one type is allowed per application) (choose one)
   Electric: ☐transmission ☐distribution ----------→ for electric lines, specify voltage or rating: _____
   Pipeline: ☐gases ☐liquids ☐solids in suspension ----→ for pipelines, specify pipe diameter: _____
   Communication: ☐telephone ☐cable TV ☐fiber optic (broadband) ☐other (specify): _____
2. **License details**
   Term of license: (choose one) ☐50 years or ☐25 years
   Is this a renewal of an existing license? (choose one) ☐no or ☐yes ----→ if yes, existing license # _____
   Crossing type: (choose one) ☐water crossing or ☐land crossing
3. **Land crossings in existing right of way**
   Pursuant to Minnesota Rules chapter 6135, the license fee for a land crossing may be reduced by 50 percent if an additional crossing is to be placed in an existing right-of-way as if the additional crossing were the original crossing in the right-of-way. This fee reduction applies to the original Applicant or any other Applicant. Does this application include one or more crossing(s) that are within an existing utility license right-of-way? ☐no or ☐yes -----→ If yes, please provide a copy of the existing utility license and list the specific crossings:

DNR License No.:	Licensee:	Crossing Location (Crossing Number and Legal Description):

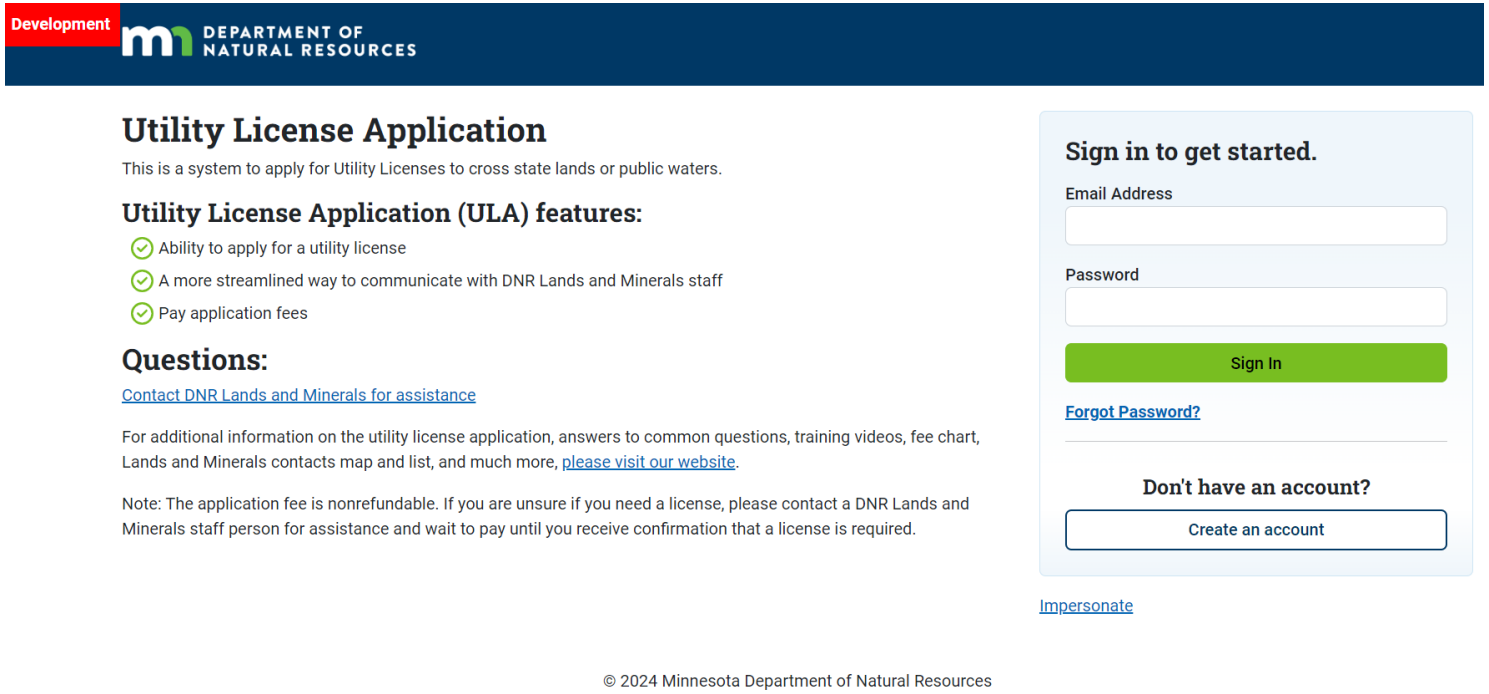
4. **Environmental review and environmental standards information:**
   Has this project been reviewed pursuant to Minnesota Rules chapter 4410, the National Environmental Policy Act (NEPA), a conditional use permit, Natural Heritage Information System (NHIS) Information Request, or other similar reviews?
   ☐yes (if yes, submit documentation with this application) or ☐no
   ☐This proposed crossing does NOT comply with the environmental standards in Minnesota Rules 6135.1100. An explanation of the conflict or discrepancy is attached.
5. **Submit this four-page application and the following:**
   A. cover letter explaining the project B. maps and plans C. application fee (see instructions)
   D. environmental review and environmental standards supplemental information from part 4 above (if applicable)
6. **CERTIFICATION**
   This application and the information submitted with this application will become part of the utility license, if issued. Applicant certifies that the information submitted with this application is true and correct. Applicant agrees to comply with the requirements of Minnesota Statutes section 84.415, Minnesota Rules chapter 6135, and the terms and conditions of the license. Applicant acknowledges that no work will take place before receiving the fully executed DNR utility license. **If signing electronically, do not lock the document so attachments can be added or deleted.**

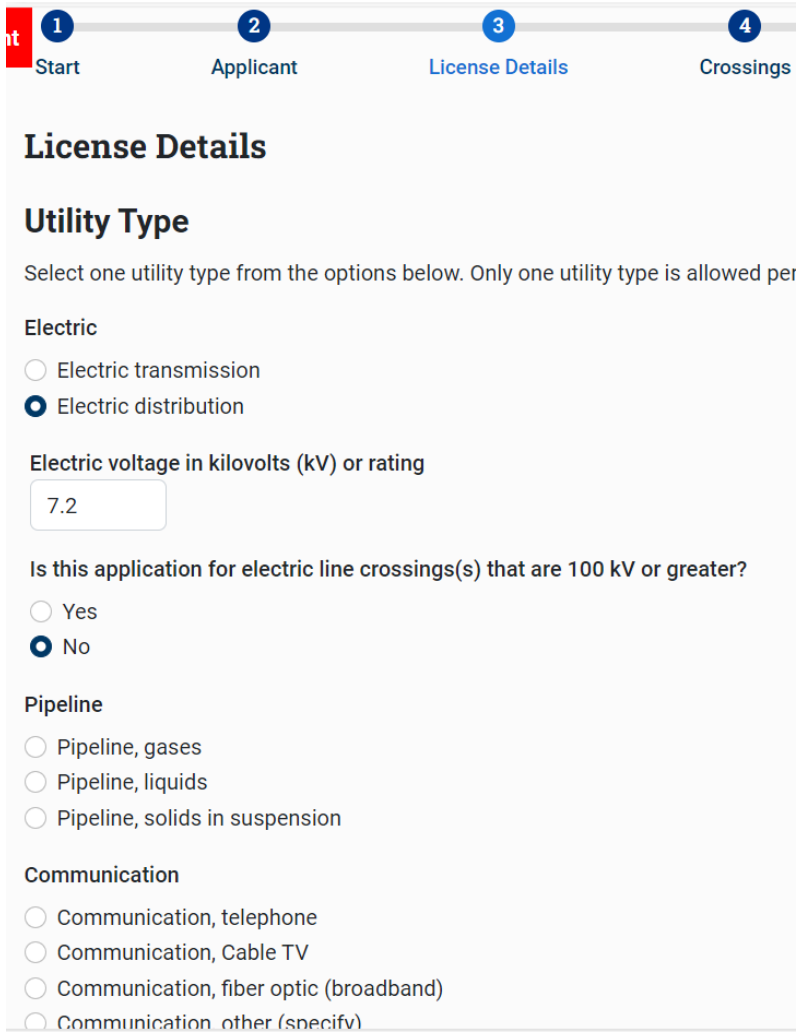
Applicant's Signature	Title	Date

Form approved by DNR Lands and Minerals on 6/23/2023 **1 of 4**

Utility License Application (ULA) System

A new online application and payment system (ULA) launched November 13, 2024. [Utility License Application]





Utility License Application (ULA) System

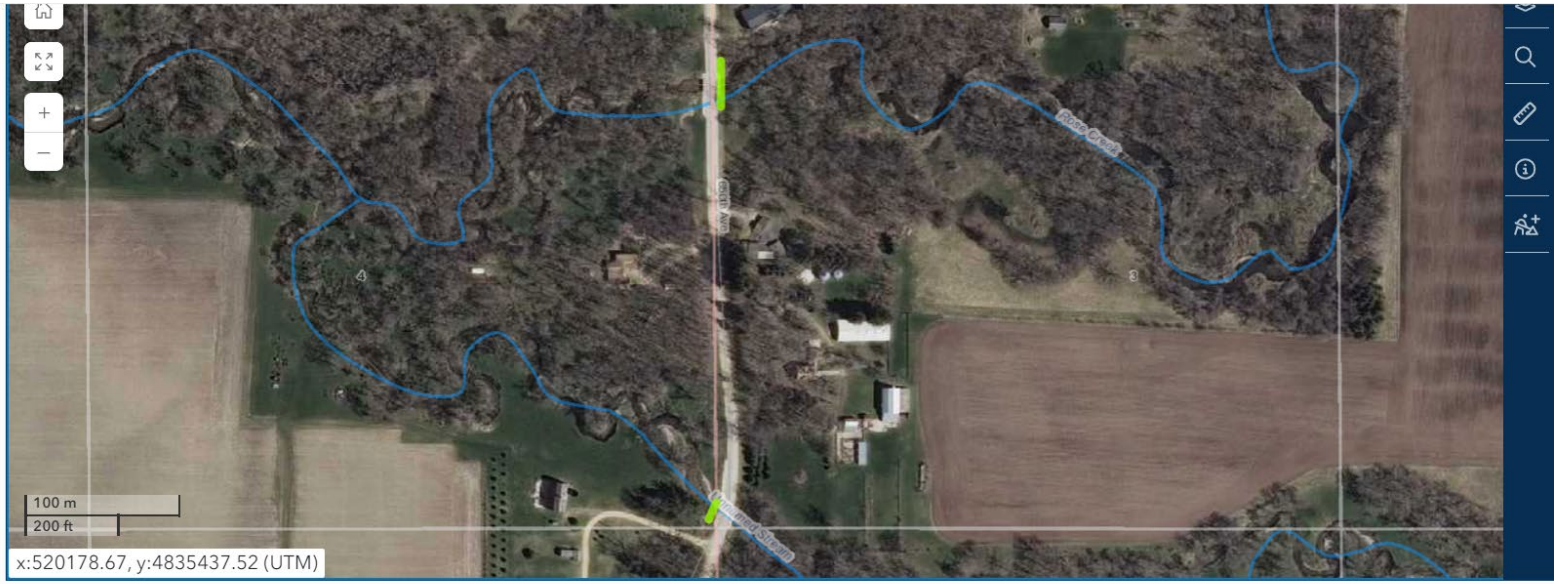
Applicants are able to apply for their licenses, map their project and pay online.

Staff review location and GIS data in the system

In a coming version staff will be able to import the data into LRS.

This has made license processing more efficient for our customers and our staff through reduced payment times and less errors on applications.

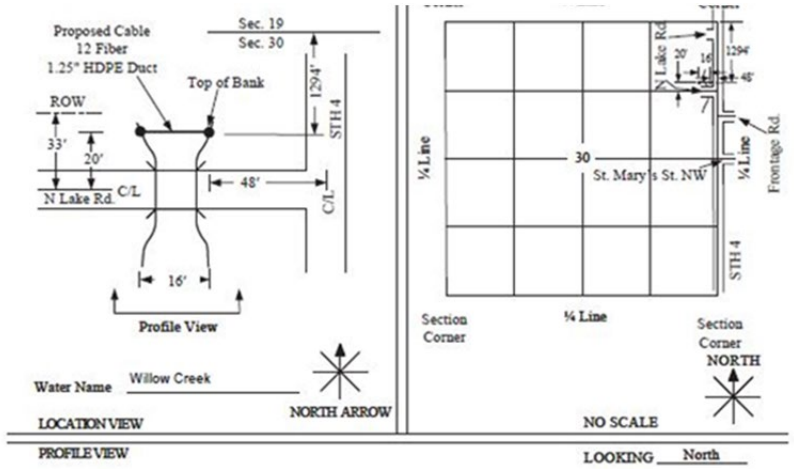
Development

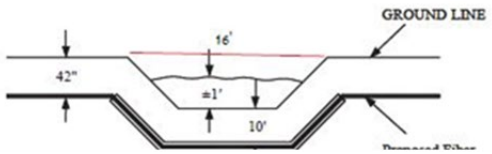


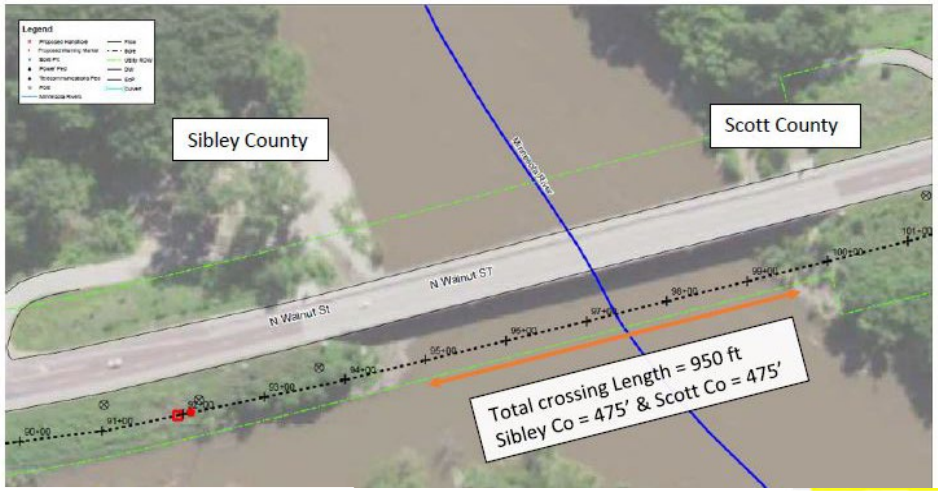
#	Public Water Name	Crossing Start	Crossing End	Construction Details	Action
Crossing 1					
1	I-027-008 Rose Creek	Forty: **NWNW** Section: **3** Township: **102N** Range: **16W** County: **Mower**	Forty: **NWNW** Section: **3** Township: **102N** Range: **16W** County: **Mower**	Crossing Method: **Under** Construction Method: **Boring or Jacking** Right-of-way (ft): Width: **9** Length: **45** Number of lines, cables, conduits, or pipelines: **1** Calculated length for license fee: **45**	Select an action
Crossing 2					

Supplemental License Application Information

Aerial Photos, maps, plans and cross-sections are all part of the required application information.

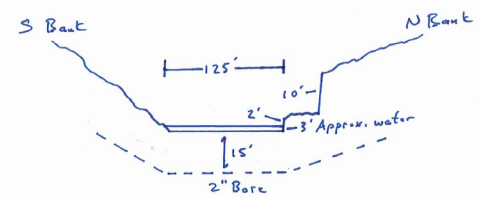






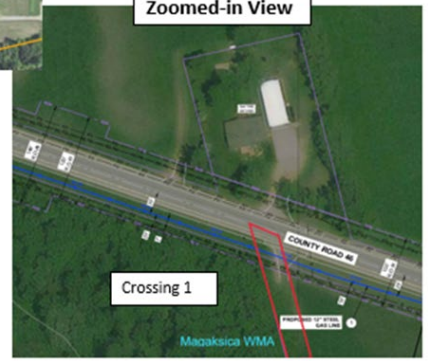
AERIAL CROSSING MAP EXAMPLE

Closer View with State Land Boundaries



Full Route Map

Zoomed-in View



Why are licenses needed?

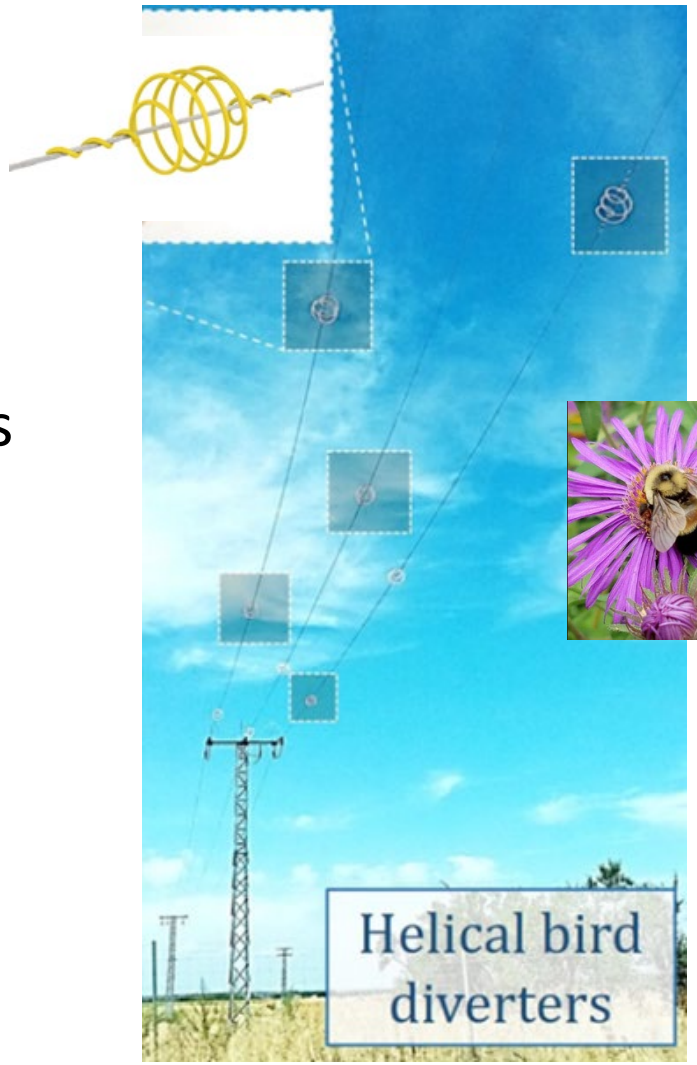
1. License Program Overview
2. **Why are licenses needed?**
3. The Future of Utility Licenses
4. Questions

Why are licenses needed?

Minnesota state law requires a utility license application. (Minnesota Administrative Rules Chapter 6135, Utility Crossings)

Minnesota state and federal laws require avoiding the destruction of threatened and endangered species.

Scientific and Natural Areas (SNA's) and areas of State Parks are also highly protected.



Why are licenses needed?

Safety Issues need to be considered.

Powerlines can arc during prescribed burns.

Pipelines and cables can become exposed during erosion and flooding.

Lines can be severed during digging and fence or signpost installation.


Prescribed Burn


Exposed Pipeline

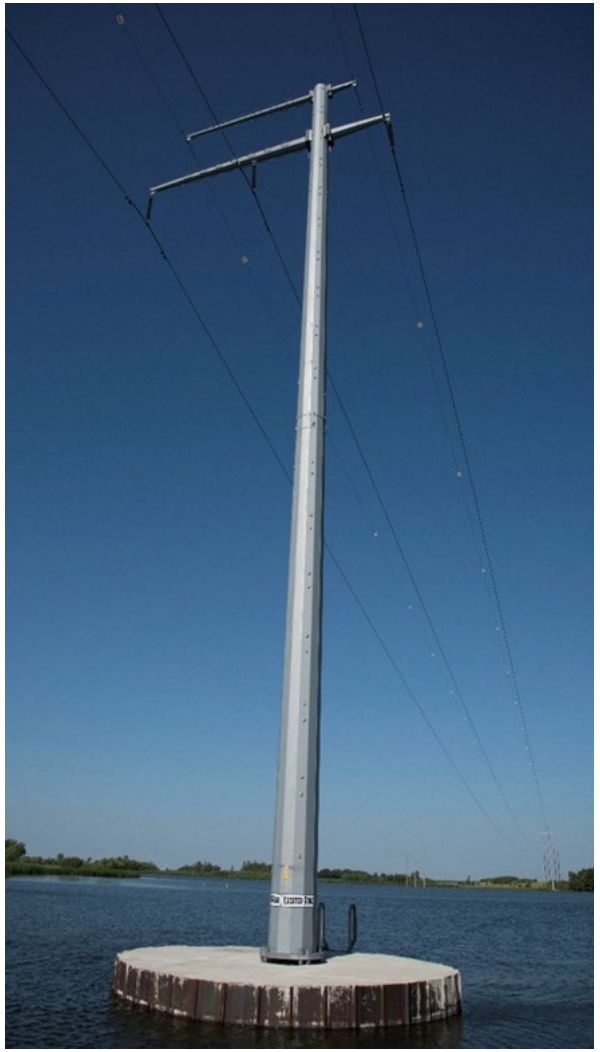
Why are licenses needed?

May not unduly interfere with existing land use

- Additional coordination may be needed (for example, state metallic mineral leases, existing easements, leases, licenses, etc.)

DNR not required to grant license. Restrictions on DNR's ability to grant utility licenses:

- Funding restrictions
- Deed restrictions
- Existing land uses not compatible
- Resource review

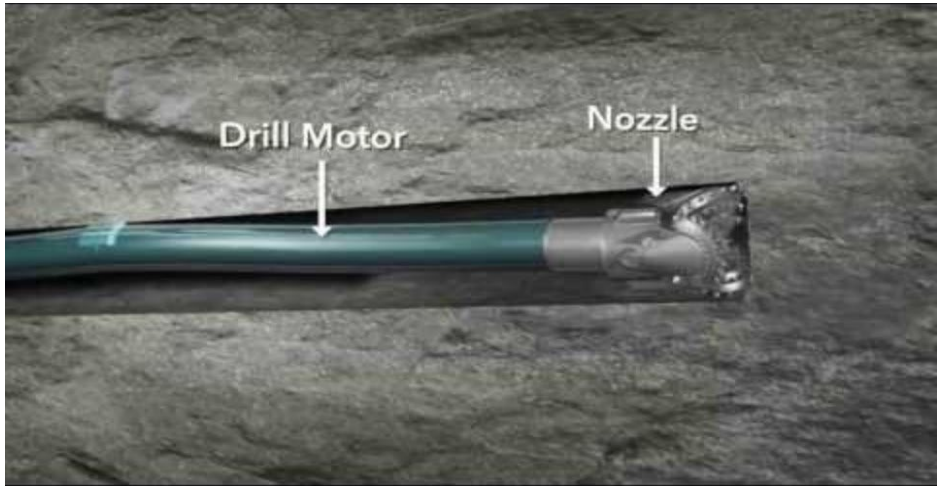


Why are licenses needed?

Some types of installations are overhead, trenching, boring or jacking, plowing into the roadbed, or attachment to a bridge.

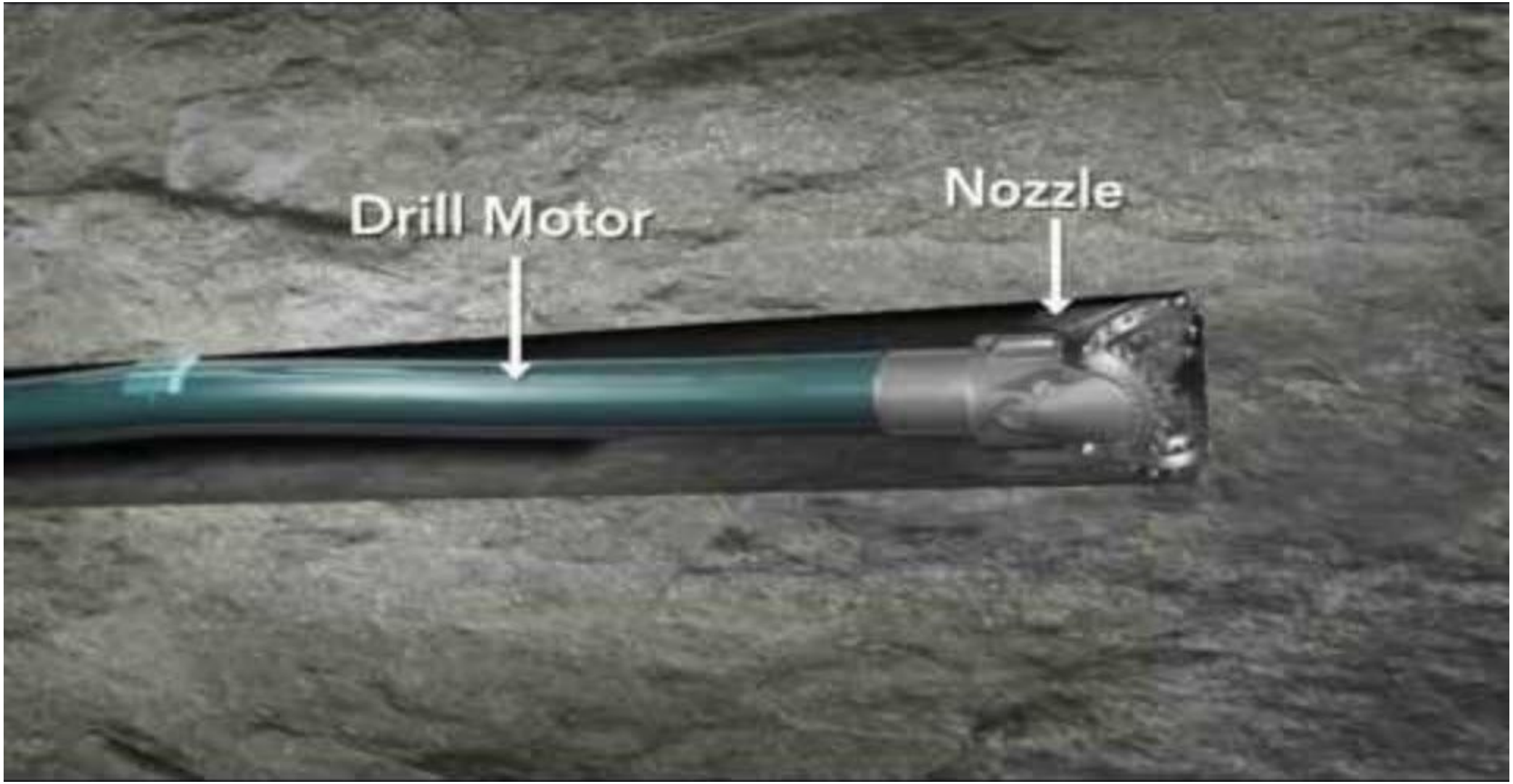
Companies are required to have the minimum adverse impact on the environment.

One type of installation is Horizontal Directional Drilling. This next video explains how this works.



Why are licenses needed?

Horizontal Directional Drilling (HDD)



3. The Future of Utility Licenses

1. License Program Overview

2. Why are licenses needed?

3. **The Future of Utility Licenses**

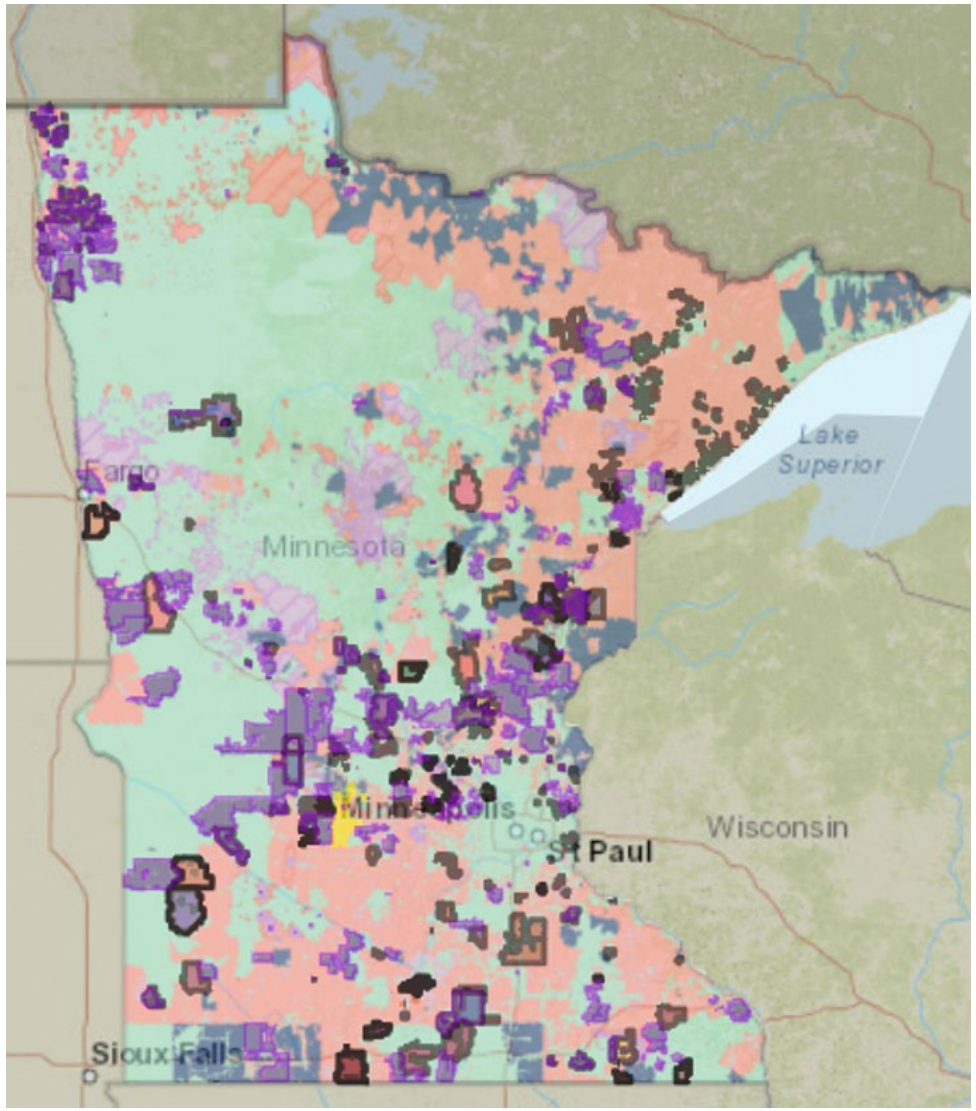
4. Questions

Future of licenses

We’re expecting an increase in all types of licenses through new and upgrade projects.

Broadband Communications TO BE Built State Grant Areas in purple as of (3/15/24) w 2024 awards. Round 10.

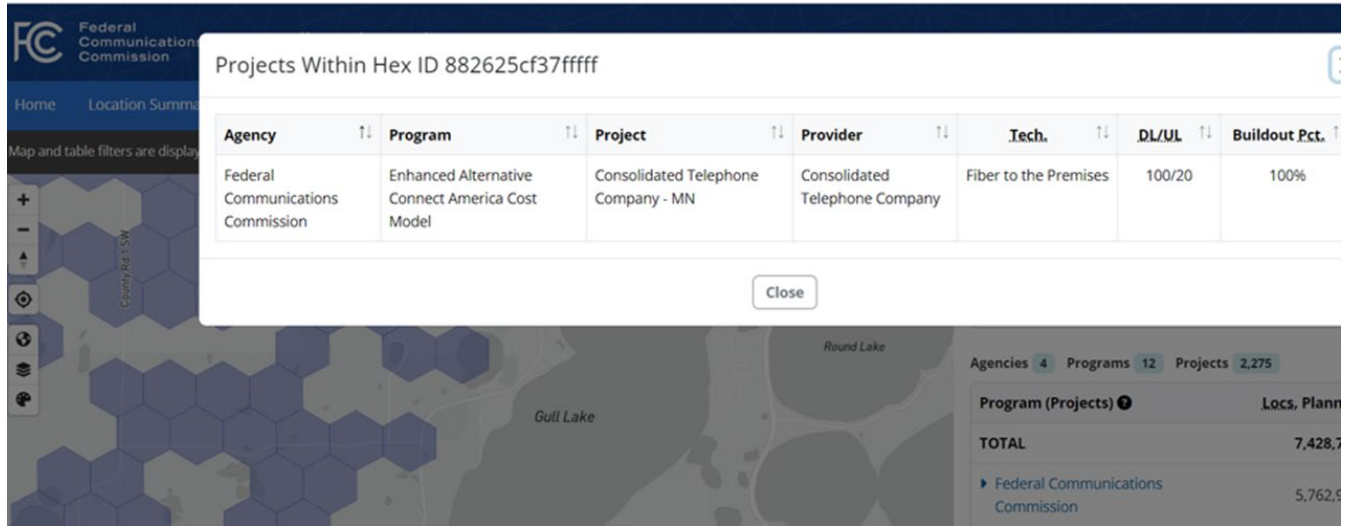
We’re currently processing rounds 7 and 8 in our license program.

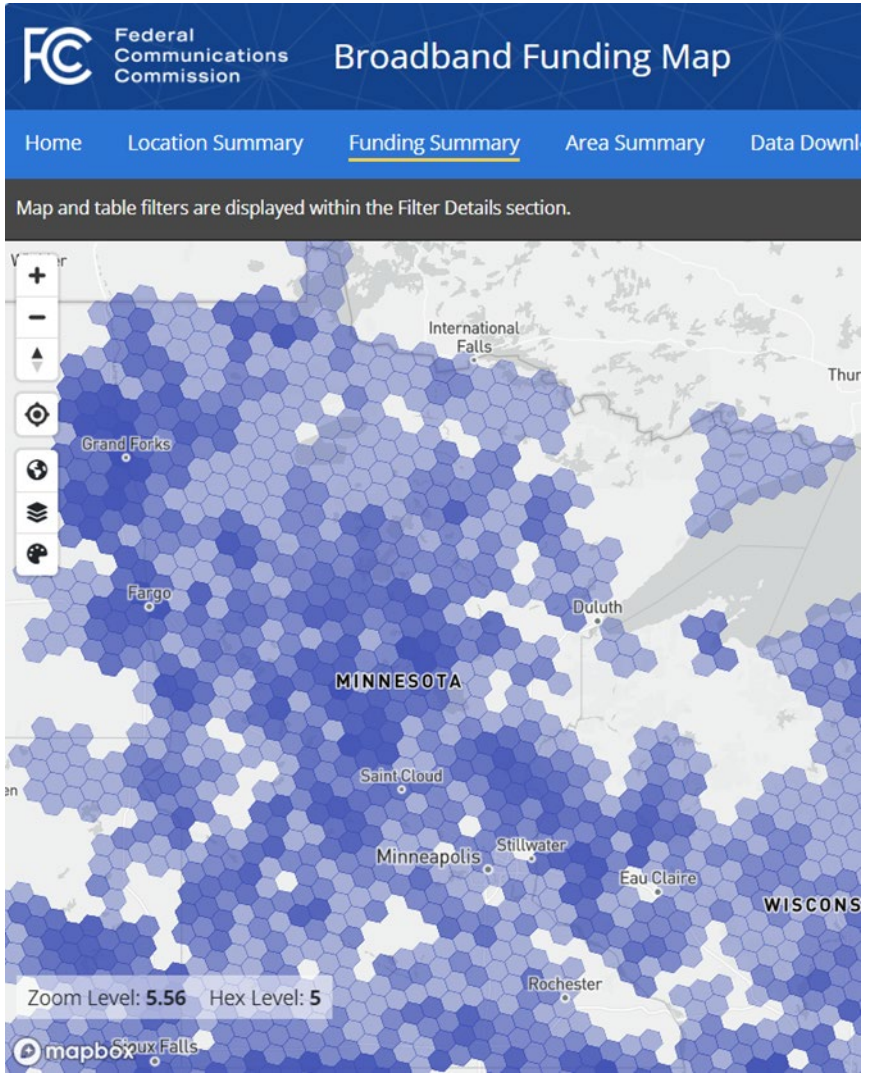


Future of licenses

Federal Broadband Grant Money was distributed at the end of 2024.

Example of Federal Broadband Communications Grant in this area being awarded. (Below)





Future of licenses

The 2021 Federal Infrastructure Investment and Jobs Act (IIJA) also has funding to upgrade natural gas distribution infrastructure (pipelines), bridges and culverts which often have utility infrastructure attached, and electricity such as wind and solar (transmission lines).

Section 4 – Questions?

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DEPARTMENT OF NATURAL RESOURCES

Thank You!

Krista Howk | Realty Specialist

Lands and Minerals | Regional Operations

DNR Utility License Page

Utility Crossings: Public Waters Regulations and Permitting

Jen Sorensen, Public Waters Hydrologist

May 14, 2025

DEPARTMENT OF NATURAL RESOURCES

DNR Regulation of Crossings

OHWL = Ordinary High Water Level

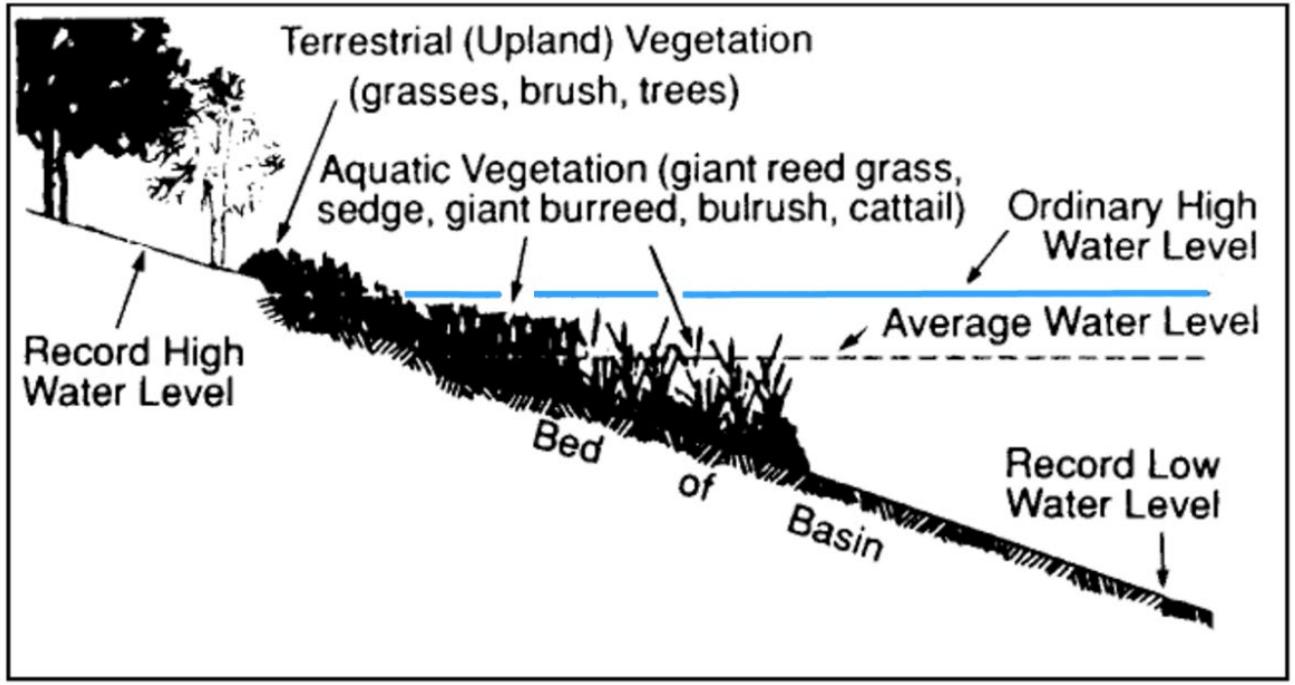
- DNR's regulatory and jurisdictional boundary for public waters

DNR regulates crossings of public waters:

- Crossings that go over a public water
  - Examples: bridge; electric power lines
- Crossings that are on the bed of a public water
  - Low-ford crossing of stream; pipeline placed on the bed of a public water
- Crossings that go under the bed of a public water
  - Examples: pipeline; cables

Public waters permit is required to change or diminish the course, current or cross-section of a public water

- Minn. Stat. 103G.245



Permitting of Crossings

Who authorizes permit:

- Utility crossing license
  - DNR Division of Lands and Minerals (LAM)
- Public waters permit
  - DNR Division of Ecological and Water Resources (EWR)

Purpose of permit:

- Purpose of utility crossing license: To license the crossing itself
- Purpose of public waters permit: To authorize work in public waters

Length of permit:

- Utility crossing licenses issued for 25 or 50 years
- Public waters permit issued for a maximum of 5 years

When a Utility Crossing May also Need a Public Waters Permit

1) **Repair or reconstruction of an existing structure located in a public water that is part of a utility crossing**
   - Example: Existing power line structure located in a public water
   - Example: Repair of a pipeline that has become exposed within a public water
2) **New utility crossing with infrastructure also constructed within the public water**

When a Utility Crossing Requires a Public Waters Permit and not a Utility Crossing License

1) **Utility crossing of a public waters wetland where there is not state-owned land managed by the DNR**
   - Instead, a DNR public waters permit required for the crossing
   - Reason: Utility crossing licenses issued where bed is owned by the state. If state does not own bed, no utility license required, but public waters permit is required instead.
   - Contact your DNR Area Hydrologist

DEPARTMENT OF NATURAL RESOURCES

Public & Private Utilities in the Floodplain

May 14, 2025

Public & Private Utilities in the Floodplain

- **Public utility facilities** (pipelines and transmission lines for gas, electrical, sewer, and water supply systems)
- **Private utility facilities** (building service connections)
- **Private on-site sewage treatment systems**
- **Water supply wells**
- **Water and wastewater treatment facilities**
- **Solid waste management facilities**

Meets Floodplain Ordinance Standards?

REQUIREMENTS FOR DEVELOPMENT IN ALL FLOODPLAIN DISTRICTS:

- Must be **anchored**
- **Flood resistant materials** below the RFPE
- Provides **adequate drainage** and not restrict flood carrying capacity
- **Not detrimental to adjoining areas**
- **Utilities** elevated above (or floodproofed up to) the RFPE
- Prohibits the **storage of materials** that are flammable, explosive, potentially injurious, or likely to cause pollution

Public Utility Facilities - Pipelines

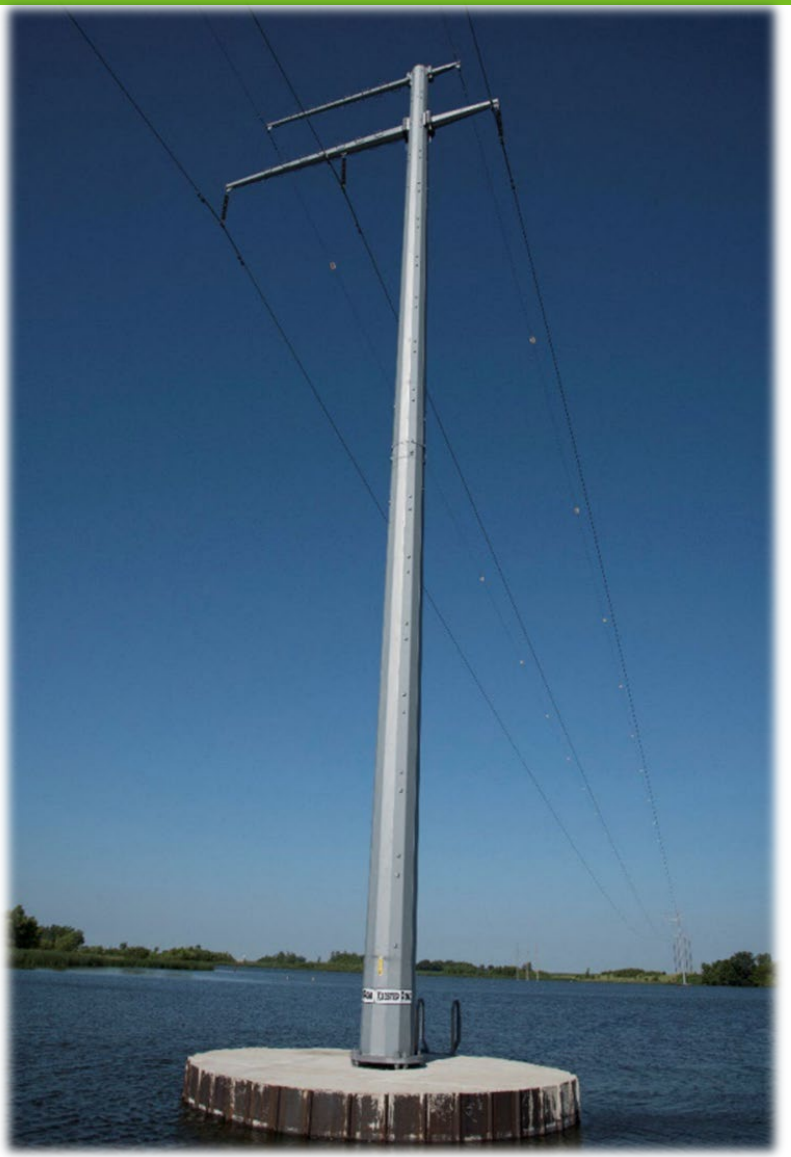
Pipelines:

- Natural gas, oil, ethanol, water, & sewer
- Permitted use in floodway and flood fringe*
- Local permit required, even if DNR utility crossing license issued
- Must document no-rise in (under or over) floodway and allowable rise in flood fringe or general floodplain
- Maintaining cross sectional area (such as trenching or boring) acceptable no-rise
- Temporary impacts (spoil, or storage and stockpiling of equipment or materials) must be reviewed
- Designed to not be infiltrated by floodwaters or release into floodwaters (floodproofed or elevated)

Public Utility Facilities – Transmission Lines

Transmission lines, wind turbines, and substations:

- Electrical, fiber optics & communications
- Same requirements as pipelines:
  - Permitted use in floodway and flood fringe*
  - Local permit required, even if DNR utility crossing license issued
  - Must document no-rise in (under or over) floodway and allowable rise in flood fringe
  - Designed to not be infiltrated by floodwaters or release into floodwaters (floodproofed or elevated)



Public Utility Facilities - Solar

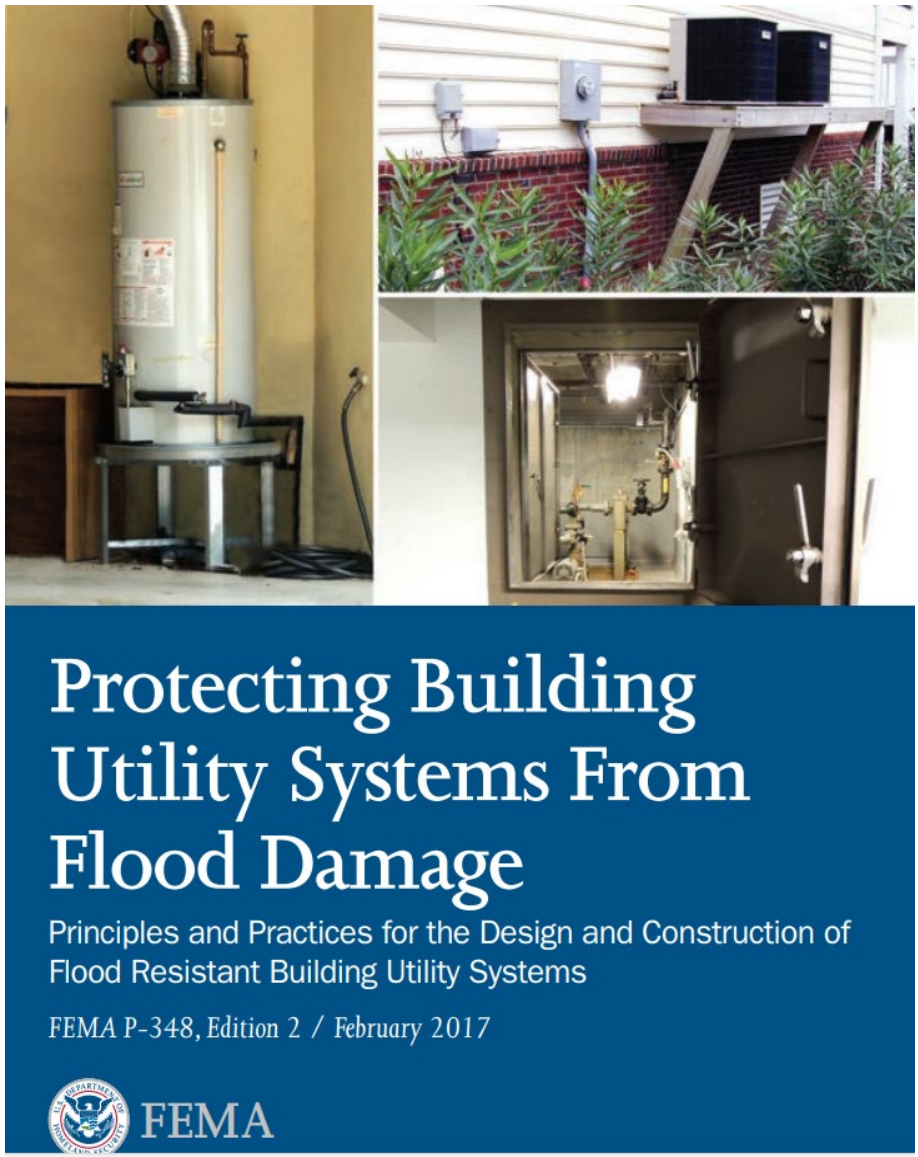
Solar Panels:

- Not allowed in the floodway
- In flood fringe, designed to have panels (when fully tilted) above the RFPE
- Roof-mounted solar panels allowed if roof and electric connections/controls above RFPE
- Note: Solar panels must also meet shoreland management setbacks
- See Page 64 of Minnesota Floodplain Management Quick Guide

Private Utility Facilities

Service Connections to Buildings and mechanicals:

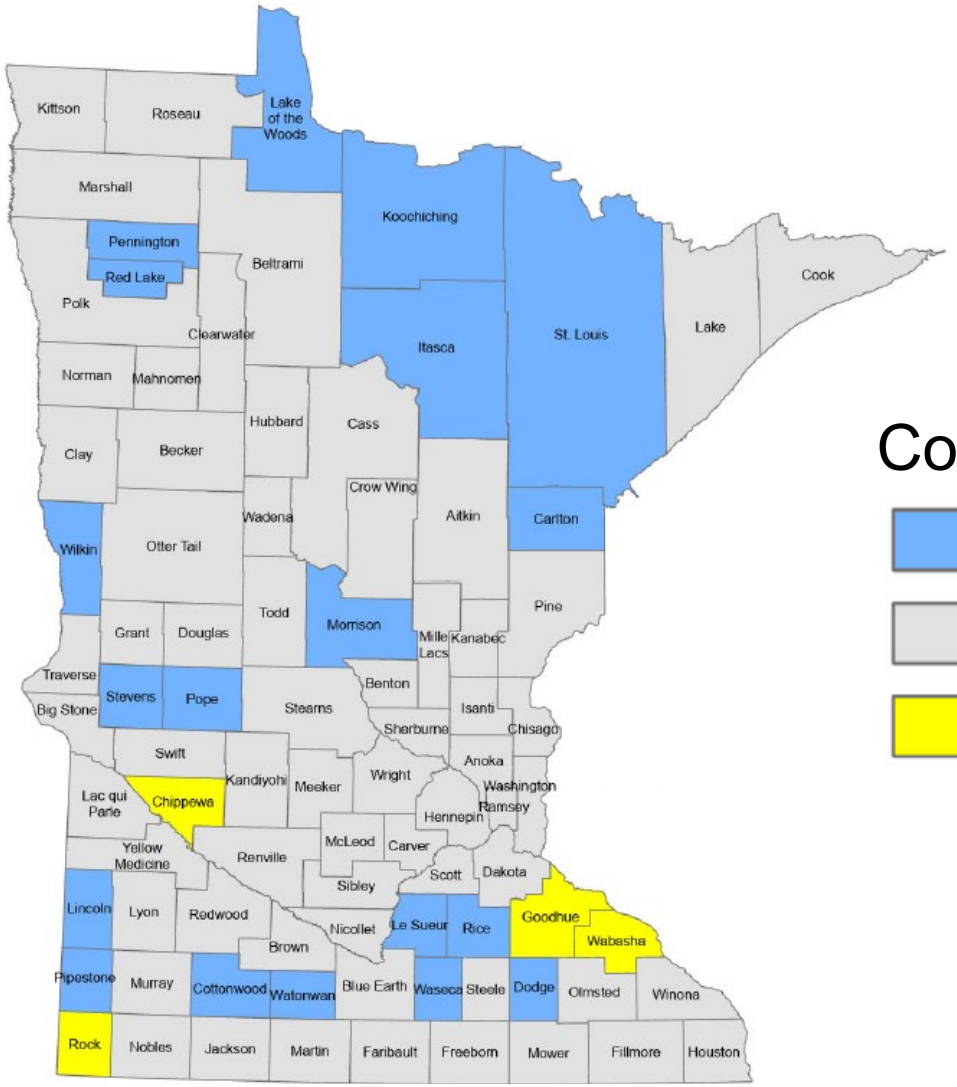
- All utilities (gas, electrical, sewer, water, etc.) elevated and/or floodproofed to RFPE
- All mechanicals elevated to RFPE* (air conditioner, heat pump, control panels, etc.)
- HVAC ductwork must also be elevated to RFPE
- FEMA P-348, Protecting Building Utility Systems From Flood Damage



Private On-site Sewage Treatment Systems (MPCA, MN Rules 7080)

- Not allowed in the floodway
- Must avoid the floodplain unless no alternative exists
- Must be located on highest feasible area of lot
- Must be designed to eliminate infiltration by floodwaters into the system and discharge of sewage into floodwaters
- All utilities elevated and/or floodproofed to RFPE
- Drain field distribution media must be located above the 10-yr flood elevation, if known

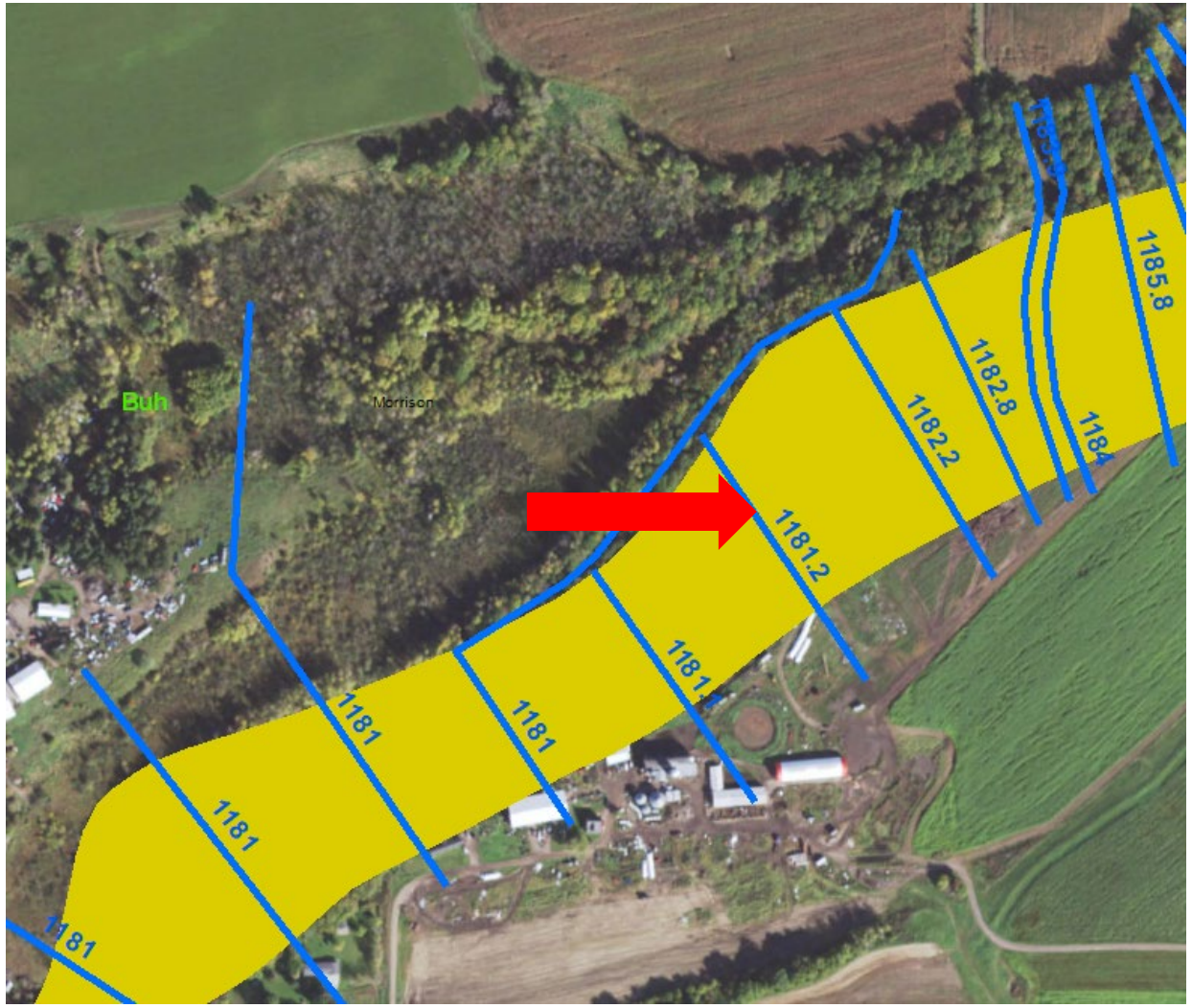
Where Do We Have 10-yr Flood Frequency Elevations in A Zones?



Combined Cross-sections Available (as of Dec. 2024)

- Supporting Data for Effective FEMA Map
- Not Available Yet
- Supporting Data for Preliminary FEMA Map

Morrison County Example



Field	Value
FID	454
Shape	Polyline
DFIRM_ID	27097C
VERSION_ID	2.6.3.6
XS_LN_ID	big_mink_creek88_39281
WTR_NM	Big Mink Creek
STREAM_STN	39281.5
START_ID	big_mink_creek88
XS_LTR	
XS_LN_TYP	NOT LETTERED, NOT MAPPED
WSEL_REG	1181.2
STRMBED_EL	1178.7
LEN_UNIT	Feet
V_DATUM	NAVD88
PROFXS_TXT	
MODEL_ID	39281.46
SOURCE_CIT	STUDY1
SEQ	-999
Pct10	1179.9
Pct4	1180.2
Pct2	1180.5
Pct1	1181.2
Pct0_2	1181.9
Pct1plus	1182

10% = 1179.9’
NAVD88

Water Supply Wells

- 35-foot horizontal setback from OHW of public waters
- Designed to avoid inundation by floodwaters into the system (Minnesota Well Code):
  - Extend casing at least 5 feet above the 100-yr flood elevation, or
  - Install watertight seal and extend casing 10 feet above established ground surface, or
  - Install outer protective casing, extending casing 2 feet above ground surface, and installing waterproof cap or seal, or
  - Extending casing 2 feet above ground surface, installing sealed spool or flowing pitless unit, and installing waterproof seal

Water Supply Wells – Other Standards

- Vent Construction (Minnesota Well Code):
  - Watertight joints and terminate 5 feet above 100-yr flood elevation
- Additional standards for municipal (PWS) wells
  - Ground surface at well site at least 2 feet above highest known water level (HKWL) elevation
  - 50-foot horizontal setback from HKWL
- Monitoring/observation wells
  - Constructed to prevent entry of flood waters (same as water supply wells)

Water and Wastewater Treatment Facilities

- No new buildings, tanks, or additions allowed in the floodway
- In flood fringe, lowest floor of buildings/additions elevated to RFPE
- In general floodplain, floodway/flood fringe delineation required for buildings.
- In general floodplain, other non-structural development must meet allowable rise
- Connecting utilities floodproofed or elevated to RFPE

Solid Waste Management Facilities

- Garbage, refuse, sludge, and discarded waste materials from industrial, commercial, mining, and agricultural operations
- New solid waste management facilities are prohibited in the 1% annual chance floodplain*

*Remember, local ordinances prohibit materials that are buoyant, flammable, explosive, or pollutants

DEPARTMENT OF NATURAL RESOURCES

Thank You!

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