

Rule G – Waterbody Crossings and Structures

1 Policy

It is the policy of the Board of Managers to discourage the use of beds and banks of waterbodies for the placement of bridges, utilities or other structures, and to protect the hydraulic capacity and floodplain of streams and drainage systems.

2 Regulation

No person may construct, improve, replace or remove a crossing in contact with or under the bed or bank of any waterbody within the District, place or replace a structure other than a dock in the bed or banks of waters of the state, remove a structure from the bed or bank of any waterbody, or conduct horizontal drilling under a waterbody that is not a public water without first securing a permit from the District. No District permit under this rule is required for:

- 2.1 Activities conducted pursuant to a project-specific permit from the state Department of Natural Resources, but the District buffer requirements apply to activity that would otherwise require a District permit;
- 2.2 activities in incidental wetlands or for utility improvements or repairs that are the subject of a no-loss determination from the relevant LGU; or
- 2.3 maintenance or in-kind replacement of existing public infrastructure on non-public waters.

3 Criteria

- 3.1 Use of the bed or banks of a waterbody must meet:
 - a a demonstrated public benefit for projects affecting public waters or
 - b a demonstrated specific need for all other waterbodies.
- 3.2 Construction, replacement or improvement of a waterbody crossing in contact with the bed or bank of a waterbody:
 - a Will retain adequate hydraulic capacity and assure no net increase in the flood stage of the pertinent waterbody;
 - b Will retain adequate navigational capacity pursuant to the waterbody’s recreational classification;
 - c Must not be reasonably likely to affect water quality, change the existing flowline/gradient, or cause increased scour, erosion or sedimentation;
 - d Will provide wildlife passage along each bank and riparian area and fish passage in the waterbody by means that account for wildlife that are native to the area or may be present.
 - e Will represent the ‘minimal impact’ solution to a specific need with respect to other reasonable alternatives, based on analysis of at least two reasonable alternatives, one of which may be not undertaking the proposed work.
- 3.3 Construction or improvement of an outfall structure in contact with the bed or bank of a waterbody must:

- a incorporate a stilling-basin, surge-basin, energy dissipator, or other device or devices when necessary to minimize disturbance and erosion of natural shoreline and bed resulting from peak flows;
 - b when feasible, utilize discharge to stormwater treatment ponds, artificial stilling or sedimentation basins, or other devices for entrapment of floating trash and litter, sand, silt, debris, and organic matter prior to discharge to public waters; and
 - c use natural or artificial ponding areas to provide water retention and storage for the reduction of peak flows into waterbodies to the greatest extent possible.
- 3.4 Projects involving directional boring or horizontal drilling will provide for minimum clearance of 3 feet below the bed of a waterbody and a minimum setback of 50 feet from any stream bank for pilot, entrance and exit holes.
- 3.5 Placement or replacement of a structure must:
- a Represent the minimal impact solution to a specific need with respect to all other reasonable alternatives;
 - b Represent the minimum encroachment, change or damage to the environment, particularly the ecology of the waters, necessary to achieve the intended purpose;
 - c Comply with the District floodplain rule; and
 - d Not be reasonably likely to cause adverse effects to water quality and the physical or biological character of the waterbody.
- 3.6 Removal of structures or other waterway obstructions:
- a Will maintain or restore the original cross-section and bed conditions to the greatest extent practicable;
 - b Will achieve complete removal of the structure, including any footings or pilings that impede navigation; and
 - c Will not involve the removal of a water-level control device.
- 3.7 For all projects:
- a No activity affecting the bed or banks of a protected water may be conducted between March 15 and June 15 on watercourses, or between April 1 and June 30 on all other public water waterbodies, to minimize impacts on fish spawning and migration.
 - b Banks must be stabilized immediately after completion of permitted work and revegetated as soon as growing conditions allow.
 - c The potential transfer of aquatic invasive species (e.g., zebra mussels, Eurasian watermilfoil, etc.) must be minimized to the maximum extent possible.
 - d Compliance with applicable criteria in subsection 3.3 of Rule F – Shoreline and Streambank Stabilization is required.

4 Required information and exhibits.

The following exhibits will accompany the permit application:

- 4.1 One 11 inch-by-17 inch plan set , and electronic files in a format acceptable to the District.
- 4.2 Construction plans and specifications, certified by registered professional engineer.
- 4.3 An analysis prepared by a professional engineer showing the effect of the project on hydraulic capacity and water quality.
- 4.4 An erosion control and site restoration plan.

5 Maintenance

Crossings and structures in contact with the bed or bank of a waterbody will be repaired and maintained to ensure continuing compliance with applicable criteria in section 3 or this rule, including but not limited to ensuring adequate hydraulic and navigational capacity; assuring no net increase in the flood stage; preventing adverse effects to water quality, changes to the existing flowline/gradient and increased scour, erosion or sedimentation; and minimizing the potential for obstruction of the waterbody. A declaration or other recordable document stating terms for maintenance and approved by the District will be recorded before activity under a permit issued under this rule commences. In lieu of recordation, a public permittee or a permittee without a property interest sufficient for recordation may assume the maintenance obligation by means of a written agreement with the District. The agreement will state that if the ownership of the structure is transferred, the public body will require the transferee to comply with this subsection.