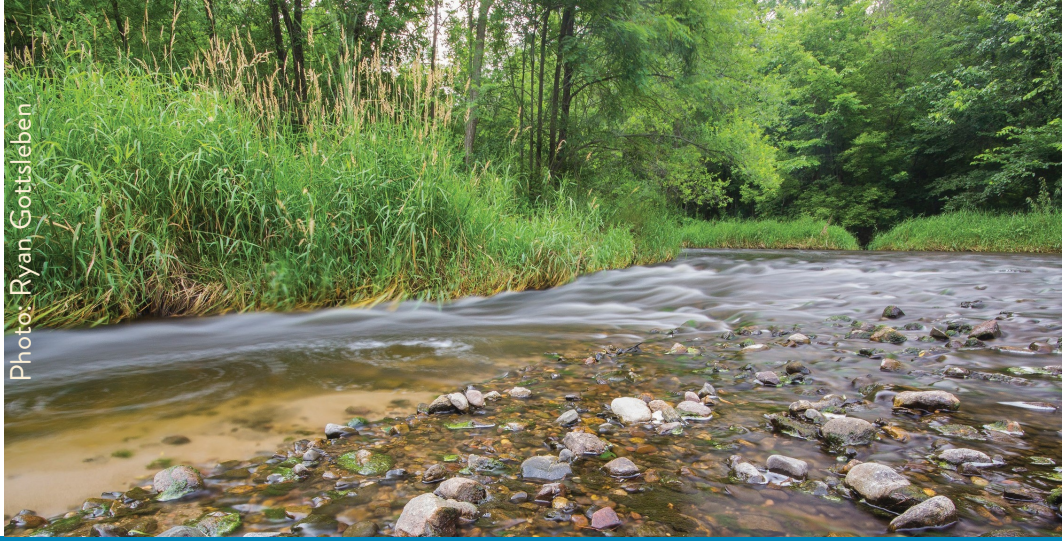




Photo: Ryan Gottsleben



This guide references rule

**6.0**

## Waterbody Crossings and Structures

### Importance:

Waterbodies are valued resources for biodiversity, hydraulic capacity, and other functions. This rule intends to discourage the use of beds and banks of waterbodies for placement of bridges, utilities, and other structures; but protect the waterbodies as much as possible at times when projects must be located as such.

### When is a permit needed?

- A permit triggering Rule 6.0 is needed when a project:
  - Constructs, improves, repairs or removed a crossing in contact with the bed and/or the bank (or under) a waterbody
  - Conducts horizontal drilling or directional boring under the bed or bank of a waterbody
- A permit is not needed when the project with waterbody crossing activities has a project-specific permit from the Minnesota Department of Natural Resources
- Work under Rule 6.0 often involves shoreline or streambank stabilization activities covered under NMCWD Rule 7.0. A separate permit under Rule 7.0 is not required, but stabilization must comply with the criteria of 7.3.3c-e

continued

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## What is required?

- Construction, improvement, repair, or removal of a waterbody crossing in contact with the bed or bank of a waterbody must:
  - Retain adequate hydraulic capacity and assure no net increase in the waterbody's flood stage
  - Retain adequate navigational capacity pursuant to any requirements of the waterbody's classification by the District (recreation, etc.)
  - Provide post-project wildlife passage along each bank and riparian area. It must account for wildlife that are native to the area or may be present and conform to any requirements imposed by the District's classification of the waterbody
  - Represent the minimal impact solution to a specific need with respect to all other reasonable alternatives.
    - Analysis of two reasonable alternatives. One considered alternative must be not undertaking the work.
    - In-kind utility replacements don't need to provide any analysis of alternatives
- Projects involving directional boring or horizontal drilling:
  - Minimum clearance of 3-feet below bed of waterbody
  - Minimum setback of 50-feet from any stream bank for pilot/entrance and exit holes
- All plans
  - Minimum clearance of 3-feet below bed of waterbody
- Though Rule 4.0 may be triggered, no treatment of stormwater is needed for linear projects unless it creates more than 1 acre of new impervious surface.
- If a project creates more than 1 acres of new or additional impervious surface, NMCWD's stormwater criteria only need to be met for the net new or additional impervious surface. This means impervious surface that is only disturbed or disturbed and replaced will not need stormwater treatment.
- For information on meeting stormwater treatment criteria, see NMCWD Rules section 4.3.1 through 4.3.3.
- If you have a linear project that requires stormwater treatment, please submit a permit application with the exhibits listed in

continued

## Exhibits to include with permit application for Rule 6.0:



### CHECK LIST:

- Construction plans and specifications, certified by a registered professional engineer
- An analysis prepared by professional engineer or qualified hydrologist showing the effects of the project on hydraulic capacity and water quality
- Erosion control and site restoration plan

### How should I present exhibits to the District?

Email electronic application and exhibits to [permitting@ninemilecreek.org](mailto:permitting@ninemilecreek.org)

