

6.0 Waterbody Crossings and Structures

6.1 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.

6.2 Regulation

No person shall construct, improve, repair or remove a crossing in contact with or under the bed or bank of any waterbody within the District, or remove a structure from the bed or bank of any waterbody, without first securing a permit from the District.

6.3 Criteria

6.3.1 Construction, improvement, repair or removal of a waterbody crossing in contact with the bed or bank of a waterbody:

- a Shall retain adequate hydraulic capacity and assure no net increase in the flood stage of the pertinent waterbody;
- b Shall retain adequate navigational capacity pursuant to any requirements of the waterbody's classification by the District;
- c Shall not adversely affect water quality, change the existing flowline/gradient, or cause increased scour, erosion or sedimentation;
- d Shall preserve existing wildlife passage along each bank and riparian area by means that:
 - 1 account for wildlife that are native to the area or may be present;
 - 2 are approved by a qualified wildlife biologist; and
 - 3 conform to any requirements imposed by the District's classification of the waterbody by the District; and
- e Shall represent the 'minimal impact' solution to a specific need with respect to all other reasonable alternatives.

6.3.2 Projects involving horizontal drilling shall 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.

6.3.3 Removal of structures or other waterway obstructions:

- a Shall maintain the original cross-section and bed conditions to the greatest extent practicable;

- b Shall achieve complete removal of the structure, including any footings or pilings that impede navigation; and
- c Shall not involve the removal of a water-level control device.

6.3.4 No activity affecting the bed 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.

6.4 Required information and exhibits

The following exhibits shall accompany the permit application; one full-size set (22 inches by 34 inches), one set reduced to a maximum of 11 inches by 17 inches, and one set as electronic files in a format acceptable to the District:

- 6.4.1 Construction plans and specifications, certified by registered professional engineer.
- 6.4.2 An analysis prepared by a professional engineer or qualified hydrologist showing the effect of the project on hydraulic capacity and water quality.
- 6.4.3 An erosion control and site restoration plan.

6.5 Maintenance

Crossings in contact with the bed or bank of a waterbody shall be maintained in good repair at all times to ensure continuing adequate hydraulic and navigational capacity; to assure no net increase in the flood stage; to prevent adverse effects to water quality, changes to the existing flowline/gradient, and increased scour, erosion or sedimentation; and to minimize the potential for obstruction of the waterbody. A declaration or other recordable document stating terms for maintenance of a crossing and approved by the District shall 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 shall state that if the ownership of the structure is transferred, the public body shall require the transferee to comply with this subsection.