

**MINNEHAHA CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**REVISIONS  
PURSUANT TO MINNESOTA STATUTES § 103d.341**

**Adopted April 24, 2014  
Effective June 6, 2014**

**WATERBODY CROSSINGS & STRUCTURES**

1. **POLICY.** It is the policy of the Board of Managers to:

- (a) Discourage the use of beds and banks of waterbodies for the placement of roads, highways, and utilities
- (b) Preserve the ecological integrity of the riparian and aquatic environment, including wildlife and fisheries habitat, and recreational water resources; and
- (c) Encourage improvement of wildlife passage and habitat, especially for larger projects involving culverts and public right of way in or near natural corridors.

**2. REGULATION.** No person shall conduct horizontal drilling under or place a road, highway, utility, bridge, boardwalk or associated structure in contact with the bed or bank of any waterbody, including alteration of a waterbody to enclose it within a pipe or culvert, within the District without first securing a permit from the District.

**3. CRITERIA.** Use of the bed or bank:

- (a) Shall meet a demonstrated public benefit for projects involving crossings or structures in public waters, and meet a demonstrated specific need for all other projects;
- (b) Shall retain adequate hydraulic capacity:
  - (1) For watercourses, changes in hydraulic capacity may not result in upstream or downstream increases in flood stage.
- (c) Shall retain adequate navigational capacity pursuant to any requirements of the waterbody's classification by the District;
- (d) Shall preserve aquatic and upland wildlife passage along each bank and within the waterbody as follows:

(1) Where there is sufficient depth and width, waterbody crossings shall provide upland bank passage to the greatest extent feasible, graded to connect to the streambank on both the upstream and downstream ends;

(2) Where the depth or the width of is not sufficient to provide adequate upland bank passage, waterbody crossings shall provide multiple offset culverts;

(3) Where the multiple offset culverts are not feasible, waterbody crossings shall provide a wildlife shelf insert above bankful height, unless such a structure will impact hydraulic capacity;

(4) Rural section low traffic roads that meet vertical and horizontal site distances for a vehicle speed of 40 mph or less in [Table 1](#), are exempt from the requirements of 3(d)(3).

(e) Shall not adversely affect water quality;

(f) Shall represent the “minimal impact” solution to a specific need with respect to all other reasonable alternatives, including, but not limited to vegetation or bioengineering for bank stabilization, structural bank stabilization (riprap, retaining walls), acquisition of additional easements, or installation of upstream controls to manage stream flow. The term “minimal impact” shall refer to all resources protected under the purposes of the District set forth at sections 103B.201 and 103D.201 of the Minnesota Statutes; and

(g) Shall provide for minimum clearance of 3 feet below the bed of a waterbody, and a minimum setback of 100 feet from any stream bank for pilot, entrance, and exit holes, for projects involving horizontal directional drilling.

(h) Shall provide a design for avoiding sanitary discharge to a surface water in the event of a sanitary sewer breakage through use of valves, diversions, redundant pipes or other means.

**4. EXCEPTION.** The requirements of this rule may be waived upon a determination by the Board of Managers that a waterbody has been significantly altered from a natural state and degraded and that the proposed application would provide ecological restoration and a greater degree of resource protection than would strict compliance with the rule.

**5. REQUIRED EXHIBITS.** The following exhibits shall accompany the permit application. One set - full size; one set - reduced to maximum size of 11”x17”.

(a) Construction plans and specifications.

(b) Analysis prepared by a professional engineer or qualified hydrologist showing

the effect of the project on hydraulic capacity and water quality.

(c) A temporary and permanent erosion control plan.

(d) Information necessary to evaluate impacts under paragraph 3(f), including at least two alternative designs that minimize or avoid the proposed impact(s), and such other information as determined by District staff in consultation with the applicant.

**6. MAINTENANCE.** A declaration or other recordable instrument stating terms for maintenance of hydraulic and navigational capacity and approved by the District shall be recorded in the office of the county recorder or registrar before activity under the MCWD permit 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.