

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

4. FLOODPLAIN ALTERATION RULE

Adopted XXXX

Effective XXXX

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

- a. Preserve flood storage capacity between the ordinary and 100-year high water elevations of waterbodies to limit flood frequency and severity;
- b. Limit flood risk for structures built in or adjacent to floodplain;
- c. Protect streambanks for stability, water quality and ecological values.

2. APPLICABILITY.

- a. A permit is required to fill, excavate or grade within the floodplain of a waterbody.
- b. For all work requiring a permit under paragraph 2(a), a structure intended for residential, commercial, industrial or institutional occupancy must be constructed so that door and window openings are at least two feet above the 100-year high water elevation of the waterbody.

3. EXCEPTIONS.

- a. A permit is not required for soil cultivation, soil amendment, or topsoil or sod addition for ordinary landscaping purposes.
- b. If the floodplain of a waterbasin lies entirely within a municipality, the waterbasin does not outlet during the 100-year event, and the municipality regulates floodplain encroachment, a District permit under this rule is not required.

4. CRITERIA. Fill, excavation or grading must conform to the following standards:

- a. Any floodplain fill must be offset so there is no loss in flood storage between the ordinary high water and 100-year high water elevations. There may not be net positive fill at any time during the work, unless applicant has demonstrated it is impractical and has obtained District approval of a sequencing plan for which applicant's registered professional engineer has demonstrated that the No-Rise Standard is met.

- b. Offset for fill in a waterbody other than a watercourse is not required if the applicant demonstrates that fill on all riparian properties to the extent proposed by the applicant would meet the No-Rise Standard and not restrict flood flows.
- c. Fill in a watercourse must meet the following criteria:
 - 1. No impervious surface may be placed within the 10-year floodplain or within 25 feet of the watercourse centerline, whichever greater, unless the surface is: (1) no more than 10% of the site 10-year floodplain area; or (2) a linear component of a public roadway or trail.
 - 2. Applicant must meet the No-Rise Standard.
- d. Ice ridge grading within a waterbasin must conform to the pre-existing basin cross-section. Soil material may be neither imported into nor removed from the floodplain.

5. SUBMITTALS. The following submittals must accompany the permit application:

- a. Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, and ordinary high water (OHW) and 100-year high water elevations. All elevations must be reduced to NGVD (1929 datum).
- b. Grading plan with proposed elevation changes.
- c. Preliminary plat, if applicable.
- d. Professional engineer registered in the State of Minnesota's determination of the 100-year high water elevation before and after the project and, if paragraph 4(c) applies, of the edge of the 10-year watercourse floodplain. A DNR No-Rise Certificate may be submitted to document conformance with the No-Rise Standard, where applicable.
- e. Computation by a professional engineer, architect, land surveyor or landscape architect of volumes of floodplain fill and excavation and, if paragraph 4.c applies, of impervious surface area adjacent to a watercourse.
- f. If not otherwise subject to the District erosion control rule, an erosion control plan conforming to sections 5, Erosion Control Plan, and 9, Maintenance, of that rule.
- g. If more than 50 cubic yards of fill have been placed, on project completion applicant must submit an as-built survey prepared by a professional engineer, architect, land surveyor or landscape architect documenting locations of floodplain disturbance and the volumes of fill and created flood storage.