

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

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

Adopted January 13, 2005

RULE G: WATERBODY CROSSINGS & 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 roads, highways, and utilities.
2. **REGULATION.** No person shall place a road, highway, utility or associated structure in contact with the bed or bank of any waterbody 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;
 - (b) Shall retain adequate hydraulic capacity;
 - (c) Shall retain adequate navigational capacity;
 - (d) Shall preserve wildlife passage along each bank by means that: (i) account for wildlife that are native to the site or may be present and (ii) are approved by a qualified wildlife biologist; (see <http://www.wildlifecrossings.info> for more information, which will open in a new browser window);
 - (e) Shall not adversely affect water quality; and
 - (f) Shall represent the "minimal impact" solution to a specific need with respect to all other reasonable alternatives. 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.
4. **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) An erosion control and restoration plan.

(d) The written approval required by paragraph 3(d).

(e) Information necessary to evaluate impacts under paragraph 3(f), as determined by District staff in consultation with the applicant.

5. 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.