

R655. Natural Resources, Water Rights.

R655-13. Stream Alteration.

R655-13-1. Authority.

(1) The following rule is established under the authority of Section 73-2-1(4)(d). Additional procedures may be required to comply with other governing state statute, federal law, federal regulation, or local ordinance.

R655-13-2. Purpose.

(1) The purpose of this rule is to clarify the procedures necessary to obtain approval of an application by the state engineer for any project that proposes to alter a natural stream within the state of Utah. Approval does not grant access, authorize trespass, supercede property rights, or address safety considerations of the proposal.

R655-13-3. Applicability.

(1) These rules apply to all stream alteration projects within the state of Utah.

R655-13-4. Definitions.

(1) Alteration: To obstruct, diminish, enhance, destroy, alter, modify, relocate, realign, change, or potentially affect the existing condition or shape of a channel, or to change the path or characteristics of water flow within a natural channel. It includes processes and results of removal or placement of material or structures within the jurisdiction delineated in this rule.

(2) Bankfull discharge: The flow corresponding to the elevation of the water surface, in a natural stream, where overflowing onto the floodplain normally begins. Bankfull discharge is considered analogous to ordinary high water or average seasonal high flow. In urbanized streams this is often lower than the top of bank.

(3) Bank(s): The confining sides of a natural stream channel, including the adjacent complex that provides stability, erosion resistance, aquatic habitat, or flood capacity.

(4) Bed: The bottom of a natural stream channel.

(5) Channel: The bed and banks of a natural stream.

(6) Clearance: The vertical distance between a given water surface and the lowest point on any structure crossing a natural channel.

(7) Ecosystem: The assemblage of organisms and their environment functioning as an ecological unit in nature.

(8) Floodplain: The maximum area that will accommodate water when flow exceeds bankfull discharge.

(9) Flowline: The lowest part of a bed when viewed in

cross-section.

(10) Fluvial: 1: Of, relating to, or living in a stream or river. 2: Produced by stream action.

(11) Natural stream: Any waterway, along with its fluvial system, that receives sufficient water to sustain an ecosystem that distinguishes it from the surrounding upland environment.

(12) State Engineer: Director of the Division of Water Rights.

(13) Waterway: A topographic low that collects and conveys water.

R655-13-5. Jurisdiction.

(1) The jurisdictional limit along a natural stream is two times the bankfull width from the bankfull edge of water in a direction perpendicular and horizontal to the flow and away from the channel up to a maximum of 30 feet on both sides of the channel.

R655-13-6. Application Requirements.

(1) Blank application forms are available through the Division of Water Rights or on the Division of Water Rights website. In addition to the information requested on the application, any other information the state engineer determines is necessary to evaluate the proposal shall be submitted.

R655-13-7. Specific Stream Alteration Activities.

(1) The following subsections address specific types of stream alteration activities and the nature of special information that shall be provided to the state engineer. These subsections are not intended to be comprehensive and other requirements may be imposed at the discretion of the state engineer. All requirements may be waived at the discretion of the state engineer.

(a) Applications that propose to install a utility (sewer, water, fiber-optic cable, etc.) beneath a natural stream will be subject to the following conditions and requirements:

(i) The top of the utility shall be a minimum of three (3) feet below the existing natural elevation of the bed. In some instances, a greater depth may be required if there is significant evidence of on-going erosion.

(ii) Where utility crossings occur on river bends or areas of significant on-going bank erosion, the utility shall be kept at an elevation below that of the bed of the stream, laterally away from the stream, to a distance where erosion will not expose the utility at a later date.

(b) Applications that propose to span natural streams by way of bridges or other structures will be subject to the following conditions and requirements:

(i) Clearance of the lowest part of the span shall be a minimum of three (3) feet above bankfull stage unless specifically exempted by the state engineer.

(c) Applications that propose installation of a culvert or other similar structure will be subject to the following conditions and requirements:

(i) The bottom of the culvert should contain natural bed material. This may require installing the culvert flowline below the bed of the channel or installation of an open bottom culvert.

(ii) Bedding and backfill placed around the culvert shall not be more free-draining than the adjacent bed and bank materials and shall be compacted to in-place densities at least as great as those of similar adjacent materials.

(iii) The culvert design should include energy dissipation structures or devices when necessary.

(d) Woody debris within the jurisdictional limits established in R655-13-5 may be removed without written authorization by the state engineer provided that removal can be accomplished by way of manual methods or through use of equipment located outside the channel.

(e) Applications that propose to relocate a natural stream channel will be considered if:

(i) the existing channel is degraded or impaired and relocating the channel will enhance the natural stream environment; or

(ii) the existing channel location represents a significant hazard to existing permanent structures, residential areas, transportation routes, or established utilities; and other bank stabilization methods can be shown to be inappropriate or infeasible for reducing or eliminating the hazard.

(iii) Detailed drawings of the new channel (plan, cross-section(s), and profile views) and vegetation plans for the channel and surrounding area accompany the application.

(iv) Monitoring and reporting plan for planted vegetation is submitted.

(f) Applications that propose to remove beaver dams will be considered if:

(i) the dam(s) interferes with the operation or maintenance or threaten the integrity of a bridge, culvert, an authorized man-made dam, or authorized water diversion works; or

(ii) the presence of the dam(s) causes or may reasonably be expected to cause flooding of pre-existing developed areas, buildings, transportation routes, or established utilities; or

(iii) the dam(s) exists in areas of highly erosive soil or recently authorized stream restoration activities; or

(iv) the presence of the dam(s) represents a detriment to fish management.

(v) Removal of established beaver dams for the sole purpose of obtaining impounded water to supplement other water sources may not be approved on that basis alone.

KEY: stream alterations

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