

MAJOR SECTION CROSS WALK
 PENDING RULE -- 37.03.07 STREAM CHANNEL ALTERATION RULES
 HANDOUT NO. 370307-01

Pending Rule Section Title	Review Book Page Number	Pending Rule Reference	Existing Rule Reference	Summary Comment and Substantive Changes
Legal Authority	190	Rule 000	Rule 000	Updates to be more concise
Title and Scope	190	Rule 001	Rule 001	Updates to be more concise
Definitions	190	Rule 10	Rule 10	Updates to clarify and remove items duplicative with statute. Substantive changes include new definitions.
Exemptions	192	Rule 25	Rule 25	Updates to clarify and remove items duplicative with statute
Applications	192	Rule 30	Rule 30	Updates to remove items outdated and duplicative with statute.
Application Review	193	Rule 35	Rule 35	Updates to remove items duplicative with statute
Approval	193	Rule 40	Rule 40	Updates to remove items duplicative with statute.
Enforcement of Act	194	Rule 45	Rule 45	Updates to be more concise
Emergency Waiver	194	Rule 50	Rule 50	Updates to be more concise
Minimum Standards	194	Rule 55	Rule 55	Updates to improve formatting
Construction Procedures	195	Rule 56	Rule 56	Updates to be more concise and align with other existing rules.
Permanent Structures	196	Rule 57	N/A	Substantive update to reorganize existing rules.
Placed Rock Riprap	196	Rule 58	Rule 57	Updates to clarify and reorganize. Substantive change to include new rule.
Bioengineering	198	Rule 59	N/A	Substantive update to add new rule.
Drop Structures, Sills and Barbs	199	Rule 60	Rule 58	Updates to be more concise and remove outdated items
Culverts and Bridges	200	Rule 61	Rule 59	Substantive changes to remove ambiguous language, arbitrary and burdensome requirements, and to align with Idaho Transportation Department (ITD) guidance.
Removal of Sand and Gravel Deposits	202	Rule 62	Rule 60	Updates to be more concise

MAJOR SECTION CROSS WALK
PENDING RULE -- 37.03.07 STREAM CHANNEL ALTERATION RULES
HANDOUT NO. 370307-01

Pending Rule Section Title	Review Book Page Number	Pending Rule Reference	Existing Rule Reference	Summary Comment and Substantive Changes
Small Scale Mining with Suction Dredges, Powered Sluices, or Non-Powered Equipment	203	Rule 63	Rule 61	No Change
Piling	203	N/A	Rule 62	Updates to remove outdated rule
Pipe Crossings	203	N/A	Rule 63	Updates to remove outdated rule
Concrete Plank Boat Launch Ramps	204	N/A	Rule 64	Updates to remove outdated rule
Hearings on Denied, Limited, or Conditioned Permit or Other Decision of the Director	204	N/A	Rule 70	Updates to remove rule duplicative with statute
Appendix	205	Appendix	Appendix	Updates to match rule text and add new diagrams.

SUBSTANTIVE CHANGES

PENDING RULE - 37.03.07 – STREAM CHANNEL ALTERATION RULES

HANDOUT NO. 370307-02

PAGE 190

010. DEFINITIONS ~~(RULE 10)~~.

04. **Bridge.** Any structure with a hydraulic opening width of ten (10) feet or greater measured normal to the channel. ()

06. **Culvert.** Any structure with a hydraulic opening width less than ten (10) feet measured normal to the channel. ()

11. **Permanent Structures.** Any alteration that is intended to be long lasting or cannot easily be removed or washed away (for example: placed rock riprap, bioengineering, drop structures, culverts, and bridges). ()

PAGE 196

057. PERMANENT STRUCTURES.

01. All permanent structures shall be constructed to accommodate fish passage, considering water depth, water velocity, and not be a physical or velocity barrier. ()

02. All permanent structures with vertical drops shall be constructed with heights which are passable by all species and age classes known to be present in the waterbody and shall not exceed one (1) foot. ()

03. Areas where water is present year-round, minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. ()

PAGE 196

0578. DUMPED-PLACED ROCK RIPRAP ~~(RULE 57)~~.

08. **Native Vegetation Planting.** Dormant willow cuttings, willow bundles, willow clumps, or other native woody vegetation shall be planted within riprap and placed down to permanent soil moisture, similar to as depicted in APPENDIX B. Single cuttings shall be spaced no greater than at 2-foot intervals, and bundles or clumps shall be spaced no greater than at 5-foot intervals. ()

PAGE 198

059. BIOENGINEERING.

01. **Construction Materials.** Materials used in bioengineering shall be natural and vegetation used shall be native and locally sourced. Materials should include, but not be limited to, earth, vegetation, rock, and wood, similar to as depicted in APPENDIX E. Exceptions for manufactured products include fiberschines, fiber logs, soil lifts, biodegradable erosion control fabrics, and geotextiles. ()

02. **Vegetation.** Vegetation used in bioengineering may include native grasses, forbs, shrubs, and woody plants. ()

03. **Toe Protection.** Some suitable form of toe protection shall be provided for projects located on erodible streambed material. ()

04. Endpoint Protection. Finished projects shall include endpoint protection on the upstream and downstream sides of the project. Endpoint protection shall be robust enough to prevent streamflow from scouring and flowing behind the structure. ()

PAGE 200

05961. CULVERTS AND BRIDGES (RULE 59).

b. Culverts and bridges shall be designed to pass the stream's natural sediment and debris load through the structure and shall be protected from scour at the entrance and exit. ()

a. For all bridges with less than a 20-foot opening, one (1) foot of freeboard shall be provided for the 50-year flow, and the 100-year flow shall not contact the bridge's low chord. For all bridges with an opening 20-feet or greater, two (2) feet of freeboard shall be provided for the 50-year flow, and the 100-year flow shall not contact the bridge's low chord. The requirement that the 100-year flow shall not contact the bridge's low chord may need to be increased in areas where ice passage or design may be a problem. ()

b. All culverts must be designed such that the 100-year flow can be passed without overtopping the culvert. Alternatively, pressure flow on the culvert is allowed provided engineering is submitted for the culvert design including details on fill material, compaction methods, embankment protection, and inlet/outlet protection. In this case, the following criteria must be met: ()

i. Pressure flow culverts shall be designed so that the ratio of the headwater (HW) to diameter (D) during the 25-year flow is less than or equal to 1.25 ($HW/D < 1.25$) and: ()

ii. The 100-year flow can be passed through the culvert without overtopping the roadway. ()

05. Fish Passage. In streams where fish passage is of concern as determined by the director, an applicant shall comply with the following provisions and/or other approved criteria to ensure that passage will not be prevented by a proposed crossing. (3-18-22)

ga. Minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. Water depth from a representative upstream riffle may be used in cases where the previous depth requirements cannot be met due to lack of sufficient water. (3-18-22)

d. Where fish passage must be provided, upstream drops at the entrance to a culvert will not be permitted and a maximum drop of one (1) foot will be permitted at the downstream end if an adequate jumping pool is maintained below the drop. ()

e. Downstream control structures such as are shown in Figure 18 in APPENDIX J can be used to reduce downstream erosion and improve fish passage. ()