

## 1 Definitions

Regarding these Rules, unless the context otherwise requires, the following terms are defined below. References in these Rules to specific sections of the Minnesota Statutes or Minnesota Rules include amendments, revisions, or recodifications of such sections. The words “shall” and “must” indicate a mandatory rule, and the word “may” indicates a permissive rule. The following definitions and acronyms apply to the District rules and accompanying guidance materials.

**Abstraction:** Removal of stormwater from runoff by such methods as infiltration; evaporation; transpiration by vegetation; and capture and reuse, such as capturing runoff for use as irrigation water.

**Agricultural Activity:** The use of land for the growing and/or production of agronomic, horticultural, or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, cover crops, grains, forestry activities, and grazing.

**Alteration or Alter:** When used in connection with public waters or wetlands, is any activity that will change or diminish the supply, course, current, or cross section of an existing drainage way, public waters or wetlands, or a District overlay district.

**Appropriations:** For the purposes of these Rules, “appropriations” means the withdrawal, removal, or transfer of water from its source, regardless of how the water will be used.

**Atlas 14:** Precipitation frequency estimates released by the National Oceanic and Atmospheric Administration’s National Weather Service Hydrometeorological Design Studies Center. The information supersedes precipitation frequency estimates in Technical Paper No. 40 (1961), National Weather Service HYDRO-35 (1977), and Technical Paper No. 49 (1964).

**Base Flood Elevation:** The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations are shown on flood insurance rate maps (FIRMs) and on the flood profiles.

**Best Management Practices (BMPs):** Structural or nonstructural methods used to treat runoff, including, but not limited to, such diverse measures as ponding, street sweeping, filtration through a rain garden, and infiltration to a gravel trench.

**Bioengineering:** Various shoreline and stream bank stabilization techniques using aquatic vegetation and native upland plants along with techniques such as willow wattling, brush layering, and willow posts.

**Buffer Zone:** An area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to a waterbody that protects water resources from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors.

**Channel:** A perceptible natural or artificial depression, with a defined bed and banks that confines and conducts water flowing either continuously or periodically.

**Compensatory Storage:** Excavated volume of material below the 100-year floodplain elevation required to offset floodplain fill.

**Conditional Approval:** Approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to the District issuance of the permit. See Rule A.

**Construction Activity:** Disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and nonvegetative), or existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and the movement of sediment into surface waters or drainage systems.

**Conveyance System:** The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow and treatment of surface and stormwater from multiple properties the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The humanmade elements of the conveyance system include gutters, ditches, pipes, channels, and retention/detention facilities.

**Criteria:** Specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

**Crossing:** Any crossing over a water conveyance either supported by a structural span or culvert.

**Development:** The construction of any public or private improvement project, infrastructure, structure, street, or road or the subdivision of land. Normal farming practices part of an ongoing farming operation shall not be considered development.

**Dewatering:** The removal of water for construction activity.

**District:** The Lower Minnesota River Watershed District (LMRWD) established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

**Drain or Drainage:** Any method for removing or diverting water from waterbodies, including excavation of an open ditch and installation of subsurface drainage tile, filling, diking, or pumping.

**Dredging:** The removal of sediment or other materials from the beds, banks, or shores of a waterbody by means of hydraulic suction, mechanical excavation or any other means.

**Easement:** The perpetual right to use another owner's land for a specified use, which may be granted for the purpose of constructing and maintaining walkways, roadways, subsurface sewage treatment systems, utilities, drainage, driveways, and other uses.

**Erosion:** The wearing away of the ground surface as a result of wind, flowing water, ice movement, or land-disturbing activities.

**Erosion and Sediment Control Plan:** A plan of BMPs or equivalent measures designed to control runoff and erosion and to retain or control sediment on land during the period of land-disturbing activities in accordance with the applicable Rule.

**Excavation:** The intentional removal or displacement of soil, sediment, vegetation, or other earth material.

**Existing Conditions:** Site conditions at the time of application consideration by the LGU or District before any of the work has commenced, except that, when impervious surfaces have been fully or

partially removed from a previously developed parcel but no intervening use has been legally or practically established, “existing conditions” denotes the parcel’s previously established developed use and condition.

**FEMA:** Federal Emergency Management Agency.

**Fen or Calcareous Fen:** Rare and distinctive wetlands characterized by a substrate of nonacidic peat and dependent on a constant supply of cold, oxygen-poor groundwater rich in calcium and magnesium bicarbonates.

**Fill:** Any rock, soil, gravel, sand, debris, plant cuttings, or other material placed onto land or into water.

**Filtration:** A series of processes that physically removes constituents from stormwater.

**Floodplain:** The area adjacent to a waterbody that is inundated by the 100-year flood elevation.

**Floodway:** The channel of a watercourse, the bed of waterbasins and the adjacent land that must remain free from obstruction so that the 100-year flood can be conveyed downstream.

**Fully Reconstructed:** The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

**Groundwater-Dependent Natural Resource (GDNR):** A feature with surface emergence of groundwater at a spring or seepage area to support a plant community or aquatic ecosystem.

**Groundwater Recharge:** The replenishment of groundwater storage through infiltration of surface runoff into subsurface aquifers.

**High Value Resources Area (HVRA):** Portion of land (or a watershed) that contributes direct surface runoff to a trout water and/or fen within the District. Those areas within the District but not contained within the HVRA are referred to as General areas.

**Hot Spot:** A point source or potential pollution-generating land use, such as a gas station or chemical storage facility.

**Impervious Surface:** A constructed or compacted hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than before development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, concrete, asphalt, and gravel roads or other areas of compacted surfaces.

**Infiltration:** A passage of water into the ground through the soils.

**Infrastructure:** The system of public works for a county, state, or municipality, including but not limited to structures, roads, bridges, culverts, and sidewalks; stormwater management facilities, conveyance systems, and pipes; pump stations, sanitary sewers, and interceptors; hydraulic structures, permanent erosion control, and stream bank protection measures; water lines, gas lines, electrical lines, and associated facilities; and phone lines and supporting facilities.

**Land-Disturbing Activity:** Any change of the land surface including but not limited to: removing vegetative cover, excavating, fill, grading, stockpiling soil, and constructing any structure that may cause or contribute to increases in the flow of water off of a property, erosion downstream, or moving

sediment into water bodies. Land use for new and continuing agricultural activities shall not constitute a land-disturbing activity under these Rules.

**Landlocked:** A water basin that does not have a natural outlet at or below its 100-year flood elevation.

**Linear Project:** Construction or reconstruction of a public road, sidewalk, or trail or construction, repair, or reconstruction of a utility or utilities that is not a component of a larger contemporaneous development or redevelopment project. A linear project does not include ancillary structures or facilities.

**Local Government Unit (LGU):** The municipality or other public body within the Lower Minnesota River Watershed District and subject to these Rules.

**Local Water Plan (LWP):** A plan adopted by each municipality pursuant to Minnesota Statutes 103B.235.

**Construction Stormwater General Permit:** The general permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Program, also known as the NPDES General Construction Permit or NPDES Permit, issued by the Minnesota Pollution Control Agency (MPCA) on August 1, 2018, and as amended.

**Municipality:** Any city or township wholly or partly within the Lower Minnesota River Watershed District.

**Natural Vegetation:** Any combination of ground cover, understory, and tree canopy that, although human activity may have altered it, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

**Official Controls:** Defined and enacted policies, standards, maps and other criteria which control the physical development of the LGU and are the means of translating into ordinances all or any part of the general objectives of the comprehensive plan.

**Ordinary High Water Level (OHWL):** Means the boundary of water basins, watercourses, public waters, or wetlands, and is an elevation indicating the highest water level maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHWL is the elevation of the top of bank of the channel bank. For basins and flowages, the OHWL is the operating elevation of the normal summer pool.

**Outfall:** A constructed point source where water discharges to a receiving water.

**Overlay District:** A district established by Lower Minnesota River Watershed District rules/regulations that may be more or less restrictive than the primary District's rules/regulations. Where a property is located within an overlay district, it is subject to the provisions of both the primary rules/regulations and those of the overlay district.

**Owner:** Any individual, firm, association, partnership, corporation, trust, or other legal entity having proprietary interest in the land.

**Parcel:** A lot of record in the office of the county recorder or registrar or that otherwise has a defined legal existence.

**Person:** Any individual, trustee, partnership, unincorporated association, limited liability company, or corporation.

**Pervious:** Surfaces that are readily penetrated or permeated by rainfall or runoff resulting in infiltration of surface water to the groundwater.

**Pollutant:** A pollutant is a substance or energy introduced that has undesired effects, or adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Professional Engineer:** a licensed engineer registered under the laws of the state of Minnesota.

**Public Drainage System:** Any drainage system as defined in Minnesota Statutes 103E.005, subdivision 12.

**Public Project:** Land development or redevelopment or other land-disturbing activity conducted or sponsored by a federal, state, or local governmental entity, for which a permit from the Lower Minnesota River Watershed District, or its designee is required.

**Public Waters:** Waters as defined in Minnesota Statutes 103G.005, subdivision 15, and included in the public waters inventory.

**Qualified Professional:** A person, compensated for her/his service, possessing the education, training, experience, or credential to competently perform or deliver the service provided.

**Reconstruction:** Removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed. The following do not constitute “reconstruction” for the purposes of these rules: impervious surface mill, reclamation, overlay, or paving of an existing rural section gravel road.

**Redevelopment:** Any construction or improvement performed on sites where the existing land use is commercial, industrial, institutional, or residential.

**Regional System:** A surface water storage or conveyance system used at a regional scale.

**Runoff:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**Seasonally Saturated Soils:** The highest known seasonal elevation of groundwater, or seasonal high water table, as indicated by redoximorphic features such as mottling within the soil.

**Sediment:** The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and deposited at another location.

**Semi-Pervious:** Land cover or surfaces which include both pervious and impervious features that allow for some infiltration, but are directed to a conveyance system, such as synthetic turf and capped or lined systems at landfills.

**Shoreland:** Areas regulated by a local municipal or county shoreland ordinance or by Minnesota Statutes 103F. Generally, a shoreland district consists of land located within a floodplain, within 1,000 feet of the ordinary high-water level of a public water or public waters wetland, or within 300 feet of a stream or river.

**Shoreline:** The lateral measurement along the contour of the ordinary high water level of waterbodies other than watercourses, the top of the bank of the channel of watercourses, and the area waterward thereof.

**Single-Family Home:** A free-standing residential building designed for and to be occupied as a single-dwelling unit on its own land.

**Site:** A contiguous area of land under common ownership, designated and described in official public records and separated from other lands, see Parcel.

**Standard:** A preferred or desired level of quantity, quality, or value.

**Steep Slope:** A natural topographic feature having average slopes of 18 percent or greater measured over a horizontal distance of 25 feet or more.

**Steep Slopes Overlay District (SSOD):** A subarea within the District containing steep slopes established by Lower Minnesota River Watershed District Watershed Management Plan that is subject to the provisions of these Rules.

**Storage System:** The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow and treatment of surface and stormwater from multiple properties the highest points on the land down to a receiving water. The natural elements of the storage system include lakes and wetlands. The humanmade elements of the storage system include retention or detention facilities.

**Stormwater:** Water discharged to natural and artificial conveyance or holding systems resulting from precipitation, including rainfall and snowmelt.

**Structure:** Anything manufactured, constructed, or erected that is normally attached to or positioned on land, including portable structures, earthen structures, water and storage systems, drainage facilities, and parking lots.

**Subwatershed:** A portion of land (or a watershed) contributing runoff to a particular point.

**Surface Water:** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, water basins, watercourses, and irrigation systems regardless of whether natural or artificial, public or private.

**Total Phosphorus (TP):** A measure of all forms of phosphorus, dissolved or particulate, in a given water sample or flow.

**Trout Waters:** Lakes or streams that currently support or historically have supported a population of stocked or naturally- occurring trout.

**Total Suspended Solids (TSS):** Refers to the dry-weight of waterborne particles, that are not dissolved and can be trapped by a filter, in a given water sample or flow.

**Waterbody:** All surface waters, watercourses, and wetlands as defined in these Rules.

**Water Basin:** An enclosed depression with definable banks capable of containing water.

**Watercourse:** A channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

**Watershed:** A region draining to a specific watercourse or water basin.

**Wellhead Protection Plan:** A document that provides for the protection of a public water supply, submitted to the Minnesota Department of Health, that is implemented by the public water supplier and complies with (a) the wellhead protection elements specified in the 1986 amendments to the Federal Safe Drinking Water Act, United States Code, title 42, chapter 6A, subchapter XII, part C, section 300h-7 (1986 and as subsequently amended) and (b) Minnesota Rules parts 4720.5200 to 4720.5290.

**Wetland:** Any land as defined in Minnesota Statutes 103G.005, subdivision 19.