



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday September 18, 2019

Agenda Item

Item 6. G. - Watershed Management Plan

Prepared By

Linda Loomis, Administrator

Summary

Staff held a meeting of the Technical Advisory Committee August 13th. The LMRWD allowed additional comments from the cities up until September 6th. Comments were received from Mendota Heights, Shakopee and Scott County WMO.

The final draft of the proposed rules is attached and ready to be submitted to the Board of Water & Soil Resources. Staff is still working on some minor revisions adding some clarifying modifications to the floodplain and drainage alteration rule.

The Board should authorize staff to submit the rules to BWSR.

Attachments

Final draft of proposed rules dated September 2019

Recommended Action

Motion to authorize staff to submit rules to BWSR subject to minor revisions

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Lower Minnesota River Watershed District

Draft Rules

September 2019

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1 **Definitions**

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

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

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

12 **Alteration or Alter:** When used in connection with public waters or wetlands, is any activity that will
13 change or diminish the supply, course, current, or cross section of public waters or wetlands.

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

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

21 **Best Management Practices, or BMPs:** Structural or nonstructural methods used to treat runoff,
22 including such diverse measures as ponding, street sweeping, filtration through a rain garden, and
23 infiltration to a gravel trench.

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

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

30 **Compensatory Storage:** Excavated volume of material below the floodplain elevation required to offset
31 floodplain fill.

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

36 **Development:** The construction of any public or private improvement project, infrastructure, structure,
37 street, or road or the subdivision of land.

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

- 1 **Drain or Drainage:** Any method for removing or diverting water from waterbodies, including
2 excavation of an open ditch and installation of subsurface drainage tile, filling, diking, or pumping.
- 3 **Easement:** The right to use another owner’s land for a specified use, which may be granted for the
4 purpose of constructing and maintaining walkways, roadways, subsurface sewage treatment systems,
5 utilities, drainage, driveways, and other uses.
- 6 **Erosion:** The wearing away of the ground surface as a result of wind, flowing water, ice movement, or
7 land-disturbing activities.
- 8 **Erosion and Sediment Control Plan:** A plan of BMPs or equivalent measures designed to control
9 runoff and erosion and to retain or control sediment on land during the period of land-disturbing
10 activities in accordance with the applicable Rule.
- 11 **Excavation:** The intentional removal of soil or other earth material.
- 12 **Existing Conditions:** Site conditions at the time of application consideration by the LGU or District
13 before any of the work has commenced, except that, when impervious surfaces have been fully or
14 partially removed from a previously developed parcel but no intervening use has been legally or
15 practically established, “existing conditions” denotes the parcel’s previously established developed use
16 and condition.
- 17 **FEMA:** Federal Emergency Management Agency.
- 18 **Fens:** Rare and distinctive wetlands characterized by a substrate of nonacidic peat and dependent on a
19 constant supply of cold, oxygen-poor groundwater rich in calcium and magnesium bicarbonates.
- 20 **Fill:** Any rock, soil, gravel, sand, debris, plant cuttings, or other material placed onto land or into water.
- 21 **Floodplain:** The area adjacent to a waterbody that is inundated during a 100-year flood.
- 22 **Floodway:** The channel of the river or stream and the adjacent land that must remain free from
23 obstruction so that the 100-year flood can be conveyed downstream.
- 24 **Fully Reconstructed:** The reconstruction of an existing impervious surface that involves site grading
25 and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are
26 not considered fully reconstructed.
- 27 **Groundwater Recharge:** The replenishment of groundwater storage through infiltration of surface
28 runoff into subsurface aquifers.
- 29 **High Value Resources Area, or HVRA:** Portion of land (or a watershed) that contributes runoff to a
30 trout water and/or fen within the Lower Minnesota River Watershed District.
- 31 **H:V:** horizontal:vertical.
- 32 **Impervious Surface:** A constructed hard surface that either prevents or retards the entry of water into
33 the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than
34 before development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage
35 areas, concrete, asphalt, and gravel roads or other areas of compacted gravel.
- 36 **Infiltration:** A passage of water into the ground through the soils.

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

6 **Land-Disturbing Activity:** Any change of the land surface to include removing vegetative cover,
7 excavating, fill, grading, stockpiling soil, and constructing any structure that may cause or contribute to
8 eroding or moving sediment into water bodies. Land use for new and continuing agricultural activities
9 shall not constitute a land-disturbing activity under these Rules.

10 **Landlocked Basin:** A localized depression that does not have a natural outlet at or below the 100-year
11 flood elevation.

12 **Linear Project:** Construction or reconstruction of a public road, sidewalk, or trail or construction,
13 repair, or reconstruction of a utility or utilities that is not a component of a larger contemporaneous
14 development or redevelopment project.

15 **Local Government Unit (LGU):** Entity such as a city or county.

16 **Local Water Plan (LWP):** A plan adopted by each municipality pursuant to Minnesota Statutes
17 103B.235.

18 **MNDOT:** Minnesota Department of Transportation.

19 **MPCA:** Minnesota Pollution Control Agency.

20 **MPCA General Construction Permit:** General Permit Authorization to Discharge Storm Water
21 Associated with Construction Activity under the National Pollutant Discharge Elimination System/State
22 Disposal System Permit Program, Permit MN R100001 (NPDES General Construction Permit), issued
23 by the Minnesota Pollution Control Agency, August 1, 2018, and as amended.

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

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

29 **NAVD:** North American Vertical Datum.

30 **Nested:** A hypothetical precipitation distribution whereby the precipitation depths for various durations
31 within a storm have the same exceedance probabilities. This distribution maximizes the rainfall
32 intensities by incorporating selected short-duration intensities within those needed for longer durations
33 at the same probability level. As a result, the various storm durations are “nested” within a single
34 hypothetical distribution. Nested-storm distribution (or frequency-based hyetograph) development must
35 be completed using the most recent applicable National Weather Service reference data (e.g., Atlas 14),
36 in accordance with

- 1 a. the alternating block methodology, as outlined in Chapter 4 of the *HEC-HMS (Hydrologic*
- 2 *Engineering Center-Hydrologic Modeling System) Technical Reference Manual* (USACE,
- 3 2000);
- 4 b. methods in HydroCAD;
- 5 c. methods established by the Natural Resources Conservation Service; or
- 6 d. otherwise as approved by the District.

7 Reference: US Army Corps of Engineers. 2000. *Hydrologic Modeling System: HEC-HMS Technical*

8 *Reference Manual*.

9 **Nondegradation:** For purposes of these rules, nondegradation refers to the regulatory policy stated in

10 Minnesota Administrative Rules 7050.0185, and as amended.

11 **NOT:** Notice of Termination.

12 **NPDES:** National Pollutant Discharge Elimination System.

13 **Ordinary High Water Level (OHWL):** Ordinary high water level, as defined by the Minnesota

14 Department of Natural Resources, means the boundary of water basins, watercourses, public waters, and

15 public waters wetlands, and

- 16 a. the OHWL is an elevation delineating the highest water level maintained for a sufficient period
- 17 of time to leave evidence upon the landscape, commonly the point where the natural vegetation
- 18 changes from predominantly aquatic to predominantly terrestrial;
- 19 b. for watercourses, the OHWL is the elevation of the top of the channel bank; and
- 20 c. for reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

21 **Overlay District:** A district established by Lower Minnesota River Watershed District rules/regulations

22 that may be more or less restrictive than the primary District's rules/regulations. Where a property is

23 located within an overlay district, it is subject to the provisions of both the primary rules/regulations and

24 those of the overlay district.

25 **Owner:** Any individual, firm, association, partnership, corporation, trust, or other legal entity having

26 proprietary interest in the land.

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

28 corporation.

29 **Practical Difficulties:** As defined in Minnesota Statutes section 462.357, subdivision 6.

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

31 12.

32 **Public Project:** Land development or redevelopment or other land-disturbing activity conducted or

33 sponsored by a federal, state, or local governmental entity, for which a permit from the Lower

34 Minnesota River Watershed District, or its designee is required.

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

36 public waters inventory.

- 1 **Qualified Professional:** A person, compensated for her/his service, possessing the education, training,
2 experience, or credential to competently perform or deliver the service provided.
- 3 **Redevelopment:** Any construction or improvement performed on sites where the existing land use is
4 commercial, industrial, institutional, or residential.
- 5 **Runoff:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 6 **Sediment:** The solid mineral or organic material that is in suspension, is being transported, or has been
7 moved from its original location by erosion and deposited at another location.
- 8 **Sedimentation:** The process or action of depositing sediment.
- 9 **Shoreland District:** Shoreland areas regulated by a local municipal or county shoreland ordinance or by
10 Minnesota Statutes 103F. Generally, a shoreland district consists of land located within a floodplain,
11 within 1,000 feet of the ordinary high-water level of a public water or public waters wetland, or within
12 300 feet of a stream or river.
- 13 **Shoreline:** The lateral measurement along the contour of the ordinary high water level of waterbodies
14 other than watercourses, the top of the bank of the channel of watercourses, and the area waterward
15 thereof.
- 16 **Site:** A contiguous area of land under common ownership, designated and described in official public
17 records and separated from other lands.
- 18 **Standard:** A preferred or desired level of quantity, quality, or value.
- 19 **Steep Slope:** A natural topographic feature having average slopes of 18 percent or greater measured
20 over a horizontal distance of 25 feet or more.
- 21 **Steep Slopes Overlay District:** A district containing steep slope areas established by Lower Minnesota
22 River Watershed District rules/regulations that is subject to the provisions of both the primary rules/
23 regulations and those of the overlay district.
- 24 **Stormwater:** Water discharged to natural and artificial conveyance or holding systems resulting from
25 precipitation, including rainfall and snowmelt.
- 26 **Structure:** Anything manufactured, constructed, or erected that is normally attached to or positioned on
27 land, including portable structures, earthen structures, water and storage systems, drainage facilities, and
28 parking lots.
- 29 **Subsurface Sewage Treatment System, or SSTS:** A sewage treatment system or part thereof serving a
30 dwelling, other establishment, or group thereof and using sewage tanks followed by soil treatment and
31 disposal or using advanced treatment devices that discharge below final grade. A subsurface sewage
32 treatment system includes holding tanks and privies.
- 33 **Subwatershed:** A portion of land (or a watershed) contributing runoff to a particular point of discharge.
- 34 **Surface Water:** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage
35 systems, waterways, watercourses, and irrigation systems regardless of whether natural or artificial,
36 public or private.
- 37 **Thalweg:** A line following the lowest points of a valley, river, stream, or creek bed.

- 1 **TP:** Total phosphorus.
- 2 **Trout Waters:** Lakes or streams that support a population of stocked or naturally produced trout.
- 3 **TSS:** Total suspended solids.
- 4 **Waterbody:** All surface waters, watercourses, and wetlands as defined in these Policies.
- 5 **Watershed:** A region draining to a specific watercourse or water basin.
- 6 **Wellhead Protection Plan:** A document that provides for the protection of a public water supply,
7 submitted to the Minnesota Department of Health, that is implemented by the public water supplier and
8 complies with (a) the wellhead protection elements specified in the 1986 amendments to the Federal
9 Safe Drinking Water Act, United States Code, title 42, chapter 6A, subchapter XII, part C, section 300h-
10 7 (1986 and as subsequently amended) and (b) Minnesota Rules parts 4720.5200 to 4720.5290.
- 11 **Wetland:** Any land as defined in Minnesota Statutes 103G.005, subdivision 19.

DRAFT

1 **1 Rule A: Administrative and Procedural Requirements**

2 Minnesota Statutes 103D.341 requires the Lower Minnesota River Watershed District (District) to adopt
3 rules. Pursuant to Minnesota Statutes chapter 103D, on October 24, 2018, the District adopted its Board
4 of Water and Soil Resources–approved watershed management plan (Plan). The Plan establishes
5 management standards that form the foundation of these rules.

6 These rules are primarily applied by a local governmental unit (LGU) under a Municipal (LGU) Permit
7 (Section 1.1) or by the District through an Individual Permit (Section 1.2)

8 Implementation by municipalities or local government units (LGUs) of these rules is required on all
9 projects within their jurisdiction and by the District on projects within unincorporated and ungoverned
10 areas of the Fort Snelling Historic District and on Minnesota Department of Transportation (MnDOT)
11 right-of-way.

12 **1.1 Municipal (LGU) Permit**

13 The municipal (LGU) permit allows local municipalities to issue permits and manage actions as the
14 primary permitting authority and allows the District to act in the event the LGUs are unable to permit.

15 1.1.1 Policy

16 It is the policy of the District to

- 17 a. recognize that control and determination of appropriate land use is the responsibility of LGUs;
- 18 b. hold LGUs to the requirement of Minnesota Statutes section 103G.235, subdivision 1, that each
19 adopt the official controls necessary to bring local water management into conformance with the
20 Plan;
- 21 c. present minimum threshold requirements and allow LGUs to adopt more restrictive
22 requirements;
- 23 d. recognize that the authorities and procedures that LGUs use in implementing these rules will not
24 be identical and that, therefore, some LGUs may occasionally need language and procedures that
25 vary from the language and procedures outlined herein; and
- 26 e. coordinate with and provide a municipal permit to all LGUs with compliant local controls.

27 1.1.2 Regulation

28 All LGUs must obtain a municipal permit highlighting how they intend to implement and enforce these
29 rules through official controls, in accordance with Minnesota Statutes 103B.235, on or before May 1,
30 2020.

31 1.1.3 Application

32 An LGU must submit an application packet to the District to obtain a municipal permit under these rules
33 on or before February 7, 2020. The submitted permit application must address how the LGU’s official
34 controls adhere to these rules. LGUs are encouraged to contact the District on or before January 1, 2020,
35 to begin this process; this allows for nonbinding, informal review to conformity with the District’s rules
36 before the May 1, 2020, implementation deadline.

- a. The municipal permit application packets are due on or before February 7, 2020. The District has up to 60 business days to take action on a submitted permit application that is considered complete.
- b. The municipal permit application forms can be obtained from the District office or downloaded on the District website at www.lowermnriverwd.org/.
- c. The municipal permit applications must be signed by the City Administrator, Water Resources Engineer, or designated City staff upon authorizing action of the LGU's governing board or council.
- d. All municipal permit application packets must include a completed application form and all required exhibits. These documents must be electronically submitted to the District in .pdf format. Compliance with these specifications will be used to determine whether the municipal permit application is complete. The District will not act on an incomplete municipal permit application and will notify LGUs within 15 business days of receiving the application if it is not complete.

1.1.4 Municipal Permit Renewal and Assignment

Municipal permit approval is valid for five calendar years from the approval date, with or without conditions, unless otherwise specified. This does not include suspended or revoked municipal permits. Substantive changes, such as updates to official controls that affect the specific standards identified in the Plan, require a new municipal permit application. To renew or assign a municipal permit, the original permittee must notify and provide an explanation to the District, in writing, before the expiration date.

When approved by the District, the permittee may assign a municipal permit to another LGU. Approval may be granted if

- a. the proposed assignee agrees in writing to assume responsibility for compliance of all terms and conditions of the municipal permit as issued; and
- b. at the time of the request, there are no pending violations of the municipal permit or conditions of approval.

If the District finds that the proposed assignee has not demonstrated the ability to fulfill the municipal permit terms, it may impose new or additional conditions or deny the permit renewal or assignment. The assignment of a permit does not extend the term.

1.1.5 Audit Process

The District reserves the right to conduct periodic audits and/or inspections of LGU programs, project approvals, issued municipal permits, and other processes to assess conformance with the municipal permit, the standards identified in the Plan, and these Rules.

1.1.6 Enforcement

LGUs are responsible for implementing and enforcing local water plans (LWPs) covering their jurisdictions. To avoid unnecessary duplication of permitted programs, the District anticipates providing oversight to confirm that LWPs, including these Rules and local controls, are properly implemented and

1 enforced. Oversight will include spot checks of municipal projects and program audits. If the LGU is
2 found noncompliant, the District will work with the LGU to correct the issue. However, if problems
3 persist, the District may revoke or suspend the municipal permit and require individual permits, issued
4 by the District, for all activities covered by these Rules. The District may also pursue remedies as
5 provided by law to ensure compliance with these Rules.

6 The District will not be responsible for liabilities, costs, and damages caused by the LGU's lack of
7 proper implementation.

8 1.1.7 Suspension or Revocation

9 The District may revoke or suspend an issued municipal permit if it was issued based upon inaccurate
10 information provided by the permittee, the permittee has not demonstrated the ability to fulfill the terms,
11 or the permittee fails an audit.

12 1.1.8 Variance

13 It is the District's policy to allow LGUs to grant variances and issue conditional use permits according
14 to processes for such actions contained in existing local controls, except for the professional certification
15 requirement for steep slopes. At least thirty days before municipal consideration of a variance or
16 conditional use permit request, the District shall be notified of the requested action and be allowed to
17 provide comment on the requested action. Variances that would circumvent the intent and purposes of
18 these rules shall not be granted.

19 1.1.9 Permits Subject to Rule F: Steep Slope Rule

20 Upon showing, to the satisfaction of the District, that the LGU has enacted and is following official
21 controls necessary to meet the intent of these rules, the District may issue an exception to the rule for
22 projects with land-disturbing activities that require a municipal grading, building, parking lot, or
23 foundation permit that impact less than 50 cubic yards or less than 5,000 square feet of surface area or
24 vegetation. The exception, if issued, will be documented the municipal permit, wherein the LGU must
25 agree (1) that it will enforce its official controls; (2) that the exception will terminate if the LGU amends
26 its official controls such that they no longer meet the intent of these rules; and (3) that the LGU will
27 provide notice to the District of all permits issued under the exception.

28 **1.2 Individual Permit**

29 The Individual Permit allows the District to act as regulatory body in those areas not regulated by a
30 municipality. These include unincorporated and ungoverned areas of the Fort Snelling Historic District
31 and on Minnesota Department of Transportation (MnDOT) right-of-way.

32 1.2.1 Policy

33 An individual permit is required for projects proposed by the MNDOT and all projects occurring in the
34 Fort Snelling Historic District unincorporated area of the District (i.e., where there is no LGU exercising
35 official controls).

36 Except where a municipal permit has been issued and remains in effect (i.e., has not been revoked or
37 suspended), a person undertaking an activity for which these rules require a permit must obtain the
38 required permit from the District before commencing the regulated activity.

1 1.2.2 Application

2 An application must be submitted to the District to obtain a permit for all projects subject to these rules.
3 Applicants are strongly advised to contact the District early in the project development process. This
4 will allow for a nonbinding, informal review to assess conformity with District rules.

5 Permit applications are due 20 business days before the monthly board meeting to be considered at that
6 board meeting. The District will act on permit applications in a manner consistent with Minnesota
7 Statutes section 15.99.

- 8 a. Application forms can be obtained from the District office or downloaded on the District website
9 at www.lowermnrivewd.org/.
- 10 b. The project/property owner must sign all permit applications.
- 11 c. All permit application packets must include a completed application form, all required exhibits,
12 and a check (if applicable). These documents can be electronically submitted to the District in
13 .pdf format. Applicable fees should be mailed to the District office. See the District website for
14 the most current fee schedule. Compliance with these specifications will be used to determine
15 whether an application is complete. The District will not act on an incomplete permit application.
16 If the application is not complete, the District will notify applicants within 15 business days of
17 receiving it.
- 18 d. Any entity undertaking emergency activity immediately necessary to protect life or prevent
19 substantial physical harm to persons or property must submit an application within 30 days of
20 commencing the work. The emergency activity must be brought into compliance with District
21 rules in a timely manner.

22 1.2.3 Conditional Approval

23 The District may conditionally approve an application; however, it will not issue the permit until the
24 applicant has met all approval conditions. The applicant must demonstrate clear intent to comply with
25 these Rules and all conditional approval requirements that the District has outlined. All conditions must
26 be met 12 months from the date conditional approval was granted. After this timeframe, the conditional
27 approval will expire.

28 1.2.4 Reconsideration

29 An applicant aggrieved by the District's decision regarding a permit application may file a notice of
30 reconsideration.

- 31 a. A notice of reconsideration must be filed with the District within 10 business days of the board
32 meeting at which the original decision was made. The notice must include a statement
33 identifying the specific conditions and findings to be reconsidered.
- 34 b. The District will schedule a reconsideration of the matter by the Board of Managers. The
35 applicant will receive a notice of the reconsideration date at least 20 business days in advance.
- 36 c. The applicant may supplement existing permit exhibits with additional documentation and
37 submit all additional exhibits to the District no later than 10 business days before the date of the
38 reconsideration.

- d. In accordance with Minnesota Statutes section 103D.345, subdivision 2, an applicant will assume the analytical costs incurred by the District while conducting a reconsideration. Costs will not be recovered when the applicant is a local, state, or federal governmental body.
- e. Once an applicant has filed a notice for reconsideration, the underlying permit decision will be suspended until the Board of Managers issues a final decision on the reconsideration.
- f. The District's decision on the reconsideration constitutes the final decision on the application.

1.2.5 Appeal

Pursuant to Minnesota Statutes section 103D.537, an applicant may appeal a permit decision or order made by the managers by a declaratory judgment action brought under Minnesota Statutes chapter 555. An applicant must file an appeal of a permit decision or order within 30 days of the managers' decision. An applicant may request a meeting with the dispute resolution committee of the Board of Water and Soil Resources to informally resolve a dispute before initiating a declaratory judgment action.

1.2.6 Permit Renewal and Assignment

Permit approval is valid for one calendar year from the date the permit was approved, with or without conditions, unless otherwise specified. This does not include suspended or revoked permits. To renew or assign permit approval, the original permittee must notify and provide an explanation to the District, in writing, before the permit expiration date. The District may impose different or additional conditions on the permit renewal or deny the renewal if there is a significant change in the work proposed. The first renewal request will not be subject to new or additional requirements solely because of a change in the District's rules where substantial progress has been made toward the completion of the permitted project. Applicants wishing to continue projects for which permit approval has expired must reapply for a permit and pay associated fees. All District rules in effect at the time of the reapplication will apply.

When approved by the District, the permittee may assign a permit to another party. Approval may be granted if

- a. the proposed assignee agrees in writing to assume responsibility for compliance with all terms and conditions of the permit as issued; and
- b. at the time of the request, there are no pending violations of the permit or conditions of approval; and
- c. the proposed assignee has provided any required financial assurance necessary to complete the permitted project.

If the District finds that the proposed assignee has not demonstrated the ability to fulfill the permit terms, it may impose new or additional conditions or deny the permit assignment. The assignment of a permit does not extend the term of the permit.

1.2.7 Suspension or Revocation

The District may revoke or suspend an issued permit if the permit was issued based upon inaccurate information provided by the permittee, or the permittee has failed to meet the requirements of a conditional approval.

1 1.2.8 Variance

2 The Board of Managers may consider a request for a variance from compliance with these rules. To
3 grant a variance, the applicant must demonstrate the following:

4 a. Practical Difficulties

5 “Practical difficulties” is a legal standard set forth in law that regulatory authorities must apply when
6 considering applications for variances. It is a three-factor test and applies to all requests for variances.
7 To constitute practical difficulties, all three factors of the test must be satisfied.

8 i. The applicant proposes to use the property in a reasonable manner. This factor means that
9 the applicant would like to use the property in a particular reasonable way but cannot do
10 so under the regulatory rule. It does not mean that the land cannot be put to any
11 reasonable use whatsoever without the variance. Activities causing environmental
12 degradation, creating increased risk of damage to property or public or private
13 infrastructure, or unable to be certified as suitable for site conditions may not be
14 considered reasonable.

15 ii. The applicant’s problem is caused by circumstances unique to the property and are not
16 caused by the applicant. The uniqueness generally relates to the physical characteristics
17 of the particular piece of property, that is, to the land and not to personal characteristics
18 or preferences of the landowner.

19 iii. The variance, if granted, will not alter the locality’s essential character. Under this factor,
20 consider whether the resulting structure or land modification will be out of scale, out of
21 place, or otherwise inconsistent with the surrounding area.

22 b. Additional Considerations

23 i. The activity for which the variance is sought will not adversely affect water resources,
24 flood levels, or drainage in the District.

25 ii. A better natural resource protection or enhancement can be achieved by the proposed
26 project if a variance is approved.

27 c. Term and Revocation

28 A variance granted by the District remains valid as long as the activity for which the variance was
29 granted remains consistent with the conditions of the underlying permit. A variance may be revoked
30 if the activity for which the variance was granted is abandoned.

31 1.2.9 After-the-Fact Permits

32 Any work requiring a permit that is performed without a permit is subject to enforcement and restoration
33 under Minnesota Statutes 103D. The District may grant an after-the-fact permit in certain situations. The
34 work sought to be permitted by an after-the-fact permit must have been capable of receiving a permit
35 before the work was performed or must be capable of correction to meet the intent or performance
36 standards of these Rules. Because an after-the-fact permit will require increased investigation of the
37 conditions of the unauthorized work, an increased inspection fee may be required before processing the

1 after-the-fact permit. After-the-fact inspection fees are found District website at
2 www.lowermnrivewd.org/.

3 If the work does not qualify for a permit, no after-the-fact permit shall be issued, and corrective actions
4 may be sought pursuant to Minnesota Statutes 103D.545 and 103D.551. Before considering an after-the-
5 fact permit application, the District may require that the property be returned to the condition that
6 existed before the unpermitted work was performed.

7 a. Completed Work

8 If, after inspection, the unauthorized work is found to comply with these Rules or the performance
9 standards herein, the after-the-fact permit shall be issued to the applicant without further cost. If,
10 after inspection, the unauthorized work is found not to comply with these Rules or the performance
11 standards herein, further inspection and permit processing may be required, including additional
12 inspection fees. An after-the-fact permit may require correction work and be subject to additional
13 conditions.

14 b. Incomplete Work

15 For work in progress, work must cease and the work site must be stabilized until a permit is issued.
16 Standard administrative procedures shall apply to the application, except for increased inspection
17 fees as described above. For any portion of work completed that does not meet performance
18 standards herein, deficiencies must be corrected as a condition of permit issuance.

19 c. Emergency Work

20 An after-the-fact permit may be required after emergency work. If the work is deemed an emergency
21 and otherwise performed in compliance with these Rules or the performance standards herein, the
22 after-the-fact permit shall be issued to the applicant without cost. If the work is deemed an
23 emergency but is not otherwise performed in compliance with these Rules or the performance
24 standards herein, the after-the-fact permit shall be issued to the applicant without any increased cost,
25 rather than that required for a before-the-fact permit. If the work is not deemed an emergency, the
26 standard after-the-fact permit requirements will apply. In all cases, an after-the-fact permit may
27 include conditions to correct any damage caused by the emergency work.

28 d. Enforcement

29 The District may pursue remedies as provided by law to ensure compliance with an issued permit,
30 variance, or permit condition.

31 1.2.10 Permit and Inspection Fees

32 1.2.10.1 Policy

33 It is the determination of the Board of Managers that

- 34 a. charging a minimal permit application fee will increase public awareness of and compliance with
35 District permitting requirements and will reduce enforcement and inspection costs;
- 36 b. the public interest will benefit from inspection by District staff of certain large-scale projects in
37 locations presenting particular risk to water resources to provide the Board of Managers with
38 sufficient information to evaluate compliance with District rules and applicable law; and

- 1 c. from time to time, persons perform work requiring a permit from the District without a permit,
2 and persons perform work in violation of an issued District permit. The Board of Managers
3 determines that its costs of inspection and analysis in such cases will exceed costs incurred
4 where an applicant has complied with District requirements.

5 1.2.10.2 Requirement

6 The District will charge applicants permit and inspection fees in accordance with a schedule that will be
7 maintained and revised from time to time by resolution of the Board of Managers to ensure that permit
8 fees cover the District’s actual costs of administrating and enforcing permits and the actual costs related
9 to field inspections of permitted projects, such as investigation of the area affected by the proposed
10 activity, analysis of the proposed activity, services of a consultant, and any required subsequent
11 monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be
12 charged and collected as necessary after permit issuance. The fee schedule may be obtained from the
13 District office or the District’s website at <http://lowermnrivewd.org/>. A permit applicant must submit
14 the required permit fee to the District at the time it submits the relevant permit application. The fee
15 provided by this rule will not be charged to any agency of the United States or any governmental unit or
16 political subdivision of the State of Minnesota.

17 1.2.11 Financial Assurances

18 1.2.11.1 Policy

19 It is the District’s policy to protect and preserve the water resources within the District by requiring
20 financial performance assurances with a permit application. Such assurances will ensure adequate
21 adherence to District rules when performing authorized activities.

22 1.2.11.2 Requirement

23 The District may require a performance bond, letter of credit, or other financial assurance in a form
24 approved by the District for an activity permitted under these rules. A financial assurance will not be
25 required of any agency of the United States or any governmental unit of the State of Minnesota.

26 1.2.11.3 Criteria

27 Financial assurances required pursuant to this rule must be issued in compliance with the following
28 District criteria:

- 29 a. The financial assurance must be a performance bond, letter of credit, cash deposit, or other form
30 acceptable to the District. Commercial financial assurances must be from an issuer licensed and
31 doing business in the State of Minnesota.
- 32 b. Any bond issued under this section shall be executed by such sureties as are named in the list of
33 “Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as
34 Acceptable Reinsuring Companies,” as published in Circular 570 (amended) by the Financial
35 Management Service, Surety Bond Branch, US Department of the Treasury. All bonds signed by
36 an agent or attorney-in-fact must be accompanied by a certified copy of that individual’s
37 authority to bind the surety. The evidence of authority shall show that it is effective on the date
38 the agent or attorney-in-fact signed each bond.

- c. Financial assurances must be issued in favor of the District and are contingent upon the applicant's compliance with the issued permit and payment of District fees. The financial assurance must state that, in the event of financial assurance conditions not being met, the District may make a claim against it. If the District makes a claim against a financial assurance, the full amount of the financial assurance required must be restored within 20 business days.
- d. The financial assurance must be effective for a minimum of three years from the date it was issued. The District may require the financial assurance to remain in place until all project components are stabilized and verified to be functioning to permitted specifications. The financial assurance must contain a provision that it may not be released without the District's consent.
- e. The permit applicant must submit the financial assurance. The financial assurance principal may be the landowner or the individual or entity undertaking the proposed activity.
- f. Financial assurance will be released only under the terms of section 1.4.4.
- g. No interest will be paid on financial assurances held by the District.
- h. The District Board of Managers will set the amount of financial assurances by resolution. Financial assurance amounts are set to cover potential liabilities to the District, including but not limited to the following:
 - i. Field inspections and monitoring
 - ii. Maintaining and implementing erosion and sediment control and other protections as the permit requires
 - iii. Planting and establishing buffer area
 - iv. Remediation of damages resulting from noncompliance with the permit or for which the permittee is otherwise responsible

1.2.11.4 Financial Assurance Release

Once the District has received written notification of project completion, it will promptly inspect the project to determine whether the project was constructed in accordance with the issued permit and District rules. If the project is found in compliance, all practices and project components are stabilized, all practices and project components are verified to be functioning to permitted specifications, all required documentation has been submitted and approved by the District, and all permit fees have been paid, the District will release the financial assurance.

Further, upon written notice, a portion of the assurance may be released if the District finds that the entire amount is not needed to ensure compliance. After inspection, the District will determine what portion, if any, of the financial assurance can be released. If a portion of the financial assurance is not released, the District will notify the permittee of the outstanding compliance matters to address.

1.2.11.5 Financial Assurances by Rule

Financial assurance required for a particular permit will include a 10 percent contingency and a 30 percent administrative costs amount in addition to the amounts calculated according to the criteria found in section 1.4.3.h and the financial assurance schedule (reference). No financial assurance is required for

1 a project undertaken by or for a resident owner on a single-family home site requiring only a permit
2 under Erosion and Sediment Control, unless the Board of Managers determines that the project presents
3 a significant risk of damage to water resources from erosion. See the fee schedule policy on the
4 District’s website for additional information.

5 1.2.12 Enforcement

6 1.2.12.1 Investigation of Noncompliance

7 District staff, agents, and contractors may enter and inspect a property within the watershed to determine
8 if a violation of permit conditions or District rules has occurred.

9 1.2.12.2 Informal Resolution of Noncompliance

10 Before initiating formal proceedings (see below), the District and its staff shall attempt to informally
11 resolve incidences of noncompliance (i.e., by voluntary corrective actions or after-the-fact permitting).

12 1.2.12.3 Board Hearing; Administrative Compliance Order

13 The District will provide the permittee or landowner with reasonable notice when a compliance hearing
14 will take place. An opportunity to be heard by the Board of Managers will be allotted at the compliance
15 hearing, during which the permittee or landowner can address the finding of probable violation. At the
16 hearing’s conclusion, the District may issue a compliance order.

17 1.2.12.4 District Court Enforcement

18 The District Board of Managers may seek judicial enforcement of an order and recovery of associated
19 legal costs and fees, as provided by Minnesota Statutes chapter 103D.

20 1.2.12.5 Liability for Enforcement Costs

21 The permittee or owner of a property subject to the District’s enforcement action will be liable for
22 associated costs incurred by the District. Such costs include but are not limited to inspection and
23 monitoring, engineering, technical analysis, and legal and administrative expenses.

24

1 **2 Rule B: Erosion and Sediment Control Rule**

2 **2.1 Policy**

3 It is the District’s policy to

- 4 a. minimize erosion and sediment transport to lakes, streams, fens, and the Minnesota River;
- 5 b. retain or control sediment on land and during land-disturbing activities;
- 6 c. prevent resource degradation and loss or damage to property from erosion and sedimentation;
- 7 d. protect receiving water bodies, wetlands, and storm sewer inlets; and
- 8 e. require the preparation and implementation of erosion and sediment control plans to control
- 9 runoff and erosion.

10 **2.2 Regulation**

11 A municipal or District erosion and sediment control permit must be obtained for any land-disturbing
12 work in overlay districts or other areas within the watershed as defined below:

- 13 a. General: Land-disturbing activities of one (1) acre or more
- 14 b. HVRA: Land-disturbing activities that involve the displacement or removal of 5,000 square feet
15 or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within
16 the HVRA Overlay District, as shown on the Lower Minnesota River Watershed District—High
17 Value Resources Area Overlay District Map (Figure 1)

18 **2.3 Exceptions**

19 An erosion and sediment control permit is not required for the following land-disturbing activities:

- 20 a. Minor land-disturbing activities, such as home gardens contained within a residential lot,
21 landscape repairs, and maintenance work
- 22 b. Installation of any fence, sign, telephone or electric poles, or other kinds of posts or poles
- 23 c. Emergency activity necessary to protect life or prevent substantial harm to persons or property
- 24 d. All maintenance, repair, resurfacing, and reconditioning activities of existing road, bridge, and
25 highway systems that do not involve land-disturbing activities outside of the existing surfaced
26 roadway
- 27 e. Agricultural activity

28 **2.4 Criteria**

29 Permit approval for activities that meet the general threshold must demonstrate that the implementation
30 of their erosion and sediment control will meet the following criteria:

31 2.4.1 Erosion and sediment control plan that provides the following:

- 32 a. Protection of natural topography and soil conditions

- 1 b. Temporary erosion and sediment control practices consistent with the Minnesota Pollution
2 Control Agency’s “Protecting Water Quality in Urban Areas,” as amended or updated, and the
3 “Minnesota Stormwater Manual,” as amended or updated
- 4 c. Minimization of the disturbance’s intensity and duration
- 5 d. Provide adequate stabilization measures on slopes of 3:1 (H:V) or steeper
- 6 e. Protection of all stormwater conveyance systems during construction activities
- 7 f. Final site stabilization measures

8 2.4.2 All waste generated by project activities will be properly managed and disposed of to avoid
9 adverse impacts on water quality.

10 2.4.3 Site Stabilization

- 11 a. Establish sediment control BMPs on all downgradient perimeters of the site and downgradient
12 areas of the site that drain to any surface water, including curb and gutter systems, locate
13 sediment control practices upgradient of any buffer zones, install sediment control practices
14 before any upgradient land-disturbing activities begin and must keep the sediment control
15 practices in place until permanent vegetative cover is established.
- 16 b. All soil surfaces that are compacted during construction and remain compacted upon
17 construction completion must be decompacted. Decompaction can be achieved through soil
18 amendment and/or ripping to a depth of 18 inches. All decompaction measures should be
19 completed before final stabilization.
- 20 c. All temporary erosion and sediment control BMPs must be maintained until construction is
21 completed and permanent vegetative cover is established, where appropriate, to a consistent,
22 uniform density of 70 percent of its expected final growth..
- 23 d. When final stabilization is achieved, all temporary erosion and sediment control BMPs must be
24 removed from the project site.
- 25 e. All disturbed areas must be finally stabilized within 14 days of completing land-altering
26 activities.

27 2.4.4 Inspection and Maintenance

28 The permit holder is responsible for inspecting and maintaining the project site until final stabilization is
29 complete, including ensuring that all erosion and sediment control measures are effective.

30 a. Inspection

31 Routine inspections shall be conducted at least once every seven (7) days during active construction
32 and within 24 hours after a rainfall event greater than 0.5 inch in 24 hours by the owner or the
33 owner’s representative. Following a rainfall inspection, the next inspection shall be conducted within
34 seven (7) days. The inspection schedule will be modified for the following conditions:

- 35 i. Where parts of the construction site have permanent cover, but work remains on other
36 parts of the site, inspections shall be reduced to once per month.

- 1 ii. Where construction sites have permanent cover on all exposed soil areas and no
2 construction activity is occurring anywhere on the site, monthly inspections shall be
3 performed for 12 months (except during frozen ground conditions). After the 12th month
4 of permanent cover and no construction activity, inspections may cease until construction
5 activity resumes or sooner if notified by the District or the LGU.
- 6 iii. Where frozen ground conditions have resulted in suspension of work, the inspection and
7 maintenance schedule shall resume within 24 hours after runoff occurs at the site or upon
8 resuming construction, whichever comes first.
- 9 iv. Routine inspections shall include the following:
- 10 1. All areas disturbed by construction activity and areas used for storage of materials
11 exposed to precipitation
- 12 2. Discharge locations, inaccessible locations, and nearby downstream locations
13 where inspections are practicable
- 14 3. Locations where vehicles enter or exit the site for evidence of off-site sediment
15 tracking
- 16 v. Records for each inspection and maintenance activity shall be kept on file with the owner
17 and shall contain the following information:
- 18 1. Date and time of inspection
- 19 2. Name, title, and qualifications of person(s) conducting inspection
- 20 3. Date, duration, and amount of all rainfall events that produce more than 0.5 inch
21 of rain in a 24-hour period and whether any discharges occurred
- 22 4. Inspection findings, including corrective action recommendations and
23 implementation dates
- 24 5. Locations of the following:
- 25 a. Sediment discharges or other pollutants from the site
- 26 b. BMPs that need to be maintained
- 27 c. BMPs that have failed to operate as designed or have proven inadequate for
28 a particular location
- 29 d. Needed BMPs that did not exist at the time of inspection
- 30 6. Documented changes to the erosion and sediment control plan
- 31 7. Inspector's signature

32 The owner shall keep an inspection log with the erosion and sediment control plan for a period of
33 three (3) years following the completion of the project and filing of the Notice of Termination
34 (NOT).

1 b. Maintenance

2 All maintenance conducted during construction must be recorded in writing, and these records must
3 be kept. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs
4 within 24 hours after discovery or as soon as field conditions allow access, unless another period is
5 specified below. Maintenance will include the following:

- 6 i. Excess sediment behind silt fences and biorolls shall be removed and properly disposed
7 of when sediments reach one third the height of the structure. Such sedimentation shall be
8 corrected by the next business day following discovery.
- 9 ii. Construction site vehicle exit locations shall be inspected for evidence of off-site
10 sediment tracking onto paved surfaces. Tracked sediment will be removed from all paved
11 surfaces within 24 hours of discovery or, if applicable, within a shorter time.
- 12 iii. Surface waters, including drainage ditches and conveyance systems, shall be inspected
13 for evidence of erosion and sediment deposition. Evidence of erosion and/or sediment
14 deposition will be addressed within seven (7) calendar days.
- 15 iv. Infiltration areas shall be maintained to ensure that no compaction or sedimentation
16 occurs.
- 17 v. Construction entrances shall be maintained daily.
- 18 vi. Turf shall be maintained until final stabilization is established.

19 The maintenance of temporary erosion and sediment controls and implementation of additional
20 controls shall be performed as soon as possible and before the next storm event, whenever
21 practicable. All remaining temporary erosion and sediment controls and accumulated sediments from
22 silt fences will be removed within 30 days of achieving final stabilization at the site.

23 **2.5 Required Information and Exhibits**

24 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by
25 17 inches] and one set as electronic files in a format acceptable to the District):

26 2.5.1 A narrative that includes the following:

- 27 a. The name, address, and telephone number(s) of all property owners
- 28 b. The name, address, and telephone number(s) for all contractors undertaking land-disturbing
29 activities as part of the proposed project
- 30 c. The property owner's signature
- 31 d. A statement granting the District and its authorized representatives' access to the site for
32 inspection purposes
- 33 e. Designation of an individual who will remain liable to the District for performance under this
34 Rule from the time the permitted activities commence until vegetative cover is established and
35 the District has certified satisfaction with erosion and sediment control requirements

36 2.5.2 An erosion and sediment control plan that includes the following:

- 1 a. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic
2 features and areas where grading will expose soils to erosive conditions as well as the flow
3 direction of all runoff (single-family home construction or reconstruction projects may comply
4 with this provision by providing satellite imagery or an oblique map acceptable to the District)
- 5 b. Tabulation of the construction implementation schedule for all projects except construction or
6 reconstruction of a single-family home
- 7 c. Name, address, and phone number of the individual responsible for inspection and maintenance
8 of all erosion and sediment control measures
- 9 d. Temporary erosion and sediment control measures that will remain in place until vegetation is
10 established
- 11 e. All final erosion control measures and their locations
- 12 f. Staging areas, as applicable
- 13 g. Delineation of any floodplain and/or wetland area changes
- 14 h. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable

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1 **3 Rule C: Floodplain and Drainage Alteration Rule**

2 **3.1 Policy**

3 It is the District’s policy to

- 4 a. regulate alterations within the floodplain and drainageways within the watershed to provide flood
5 protection to natural resources, permanent structures, and private lands, in accordance with
6 Minnesota Statutes 103F;
- 7 b. preserve existing water storage capacity below the 100-year high-water elevation of all public
8 waters, wetlands subject to the Wetland Conservation Act, and public drainage systems subject
9 to Minnesota’s buffer law in the watershed to minimize the frequency and severity of high water;
10 and
- 11 c. minimize development below the FEMA base flood elevation that will unduly restrict flood
12 flows or aggravate known high water problems.

13 **3.2 Regulation**

14 A municipal or District permit is required for any alteration to or filling of land below the 100-year flood
15 elevation of any wetland, public water, or landlocked subwatershed (as identified by municipalities)
16 shall be subject to the following regulations and shall be completed in accordance with a state-approved
17 floodplain management and shoreland ordinance:

- 18 a. No filling is allowed within the 100-year floodplain that causes a rise in the 100-year flood
19 elevation without providing compensatory floodplain storage equal to or greater than the volume
20 of fill. A no-rise certification by a professional engineer satisfies this requirement.
- 21 b. No grading or filling is allowed within the 100-year floodplain that reduces the flood-carrying
22 capacity of the watercourse.
- 23 c. The lowest floor of the lowest enclosed area of proposed structures must be a minimum of two
24 (2) feet above the 100-year high-water level of nearby surface waters or one (1) foot above the
25 emergency overflow elevation, whichever is greater, unless they have protection through
26 floodproofing or by another approved construction technique.
- 27 d. No permanent structure, with the exception of drainage conveyance structures and monitoring
28 equipment, may be constructed in the floodway as it is shown on FEMA flood maps.

29 **3.3 Exceptions**

30 No floodplain and drainage alternation permit from the District is required if all of the following
31 conditions exist:

- 32 a. The 100-year flood elevation of a waterbody is entirely within a municipality.
- 33 b. The water basin is landlocked.
- 34 c. The municipality has adopted a floodplain ordinance regulating floodplain encroachment.
- 35 d. The proposed project is entirely within the water basin drainage area.

36 **3.4 Criteria**

1 All permitted projects under this rule shall be subject to the following regulations and shall be completed
2 in accordance with a state-approved floodplain management and shoreland ordinance:

- 3 a. Fill shall not cause a net decrease in storage capacity below the projected 100-year high water
4 elevation nor an increase in the 100-year elevation of a waterbody.
- 5 b. A professional engineer registered in the state of Minnesota shall calculate the allowable fill
6 area. Creation of floodplain storage capacity to offset fill shall occur before any fill is placed in
7 the floodplain, unless it has been demonstrated to the District and the municipality that doing so
8 is impractical and that placement of fill and creation of storage capacity can be achieved
9 concurrently. Any placement of fill before creation of floodplain storage capacity will be allowed
10 only by a registered professional engineer to ensure that such work will not aggravate high water
11 conditions.
- 12 c. Fill or grading shall not cause a decrease in the conveyance capacity of a waterbody below the
13 projected 100-year high water elevation.
- 14 d. A professional engineer registered in the state of Minnesota shall calculate the conveyance
15 capacity. The analysis must demonstrate no decrease in conveyance upstream and downstream of
16 the proposed fill or grading.
- 17 e. All new residential, commercial, industrial, and institutional structures shall be constructed such
18 that the lowest floor of the lowest enclosed area (including basement or crawl space) is at a
19 minimum of two (2) feet above the 100-year high water elevation, unless they have protection
20 through floodproofing or by another approved construction technique..
- 21 f. No person shall install or remove a culvert or other artificial means to remove or drain surface
22 water, create artificial pond areas, or obstruct the natural flow of waters without demonstrating
23 that the activity has no adverse impact on upstream or downstream landowners or water quality,
24 habitat, or fisheries.
- 25 g. Temporary placement of fill within the floodway for staging or processing of river dredge or fill
26 material, including facilities for such activities, shall be allowed when it is conducted, in whole
27 or part, pursuant to a cooperative or local sponsorship agreement with the United States under
28 the Rivers and Harbors Act and it meets requirements of the LGU.

29 **3.5 Required Information and Exhibits**

30 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by
31 17 inches] and one set as electronic files in a format acceptable to the District):

32 3.5.1 A site plan showing the following:

- 33 a. Property lines
- 34 b. Delineation of the work area
- 35 c. Existing elevation contours of the work area
- 36 d. OHWL or normal water elevation and 100-year flood elevations (all elevations must be reduced
37 to NAVD [1988 datum])

38 3.5.2 Grading plan showing proposed elevation changes

- 1 3.5.3 Preliminary plat of proposed land development
- 2 3.5.4 Determination by a licensed professional engineer or registered qualified hydrologist of the 100-
3 year flood elevations for the parcel before and after the project
- 4 3.5.5 Computation by a professional engineer of cut, fill, and change in water storage capacity
5 resulting from proposed grading
- 6 3.5.6 Erosion control plan
- 7 3.5.7 Soil boring information, if requested by the District engineer
- 8 3.5.8 Documentation that drainage and flowage easements over all land and facilities below the 100-
9 year flood elevation, if required by the municipality with jurisdiction, have been conveyed and
10 recorded. For public entities, this requirement may be satisfied by a written agreement executed
11 with the District in lieu of a recorded document. The agreement must state that, if the land within
12 the 100-year floodplain is conveyed, the public body will require the buyer to comply with this
13 subsection.

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1 **4 Rule D: Stormwater Management Rule**

2 **4.1 Policy**

3 It is the District’s policy to

- 4 a. manage new development, redevelopment, and drainage alternations by requiring each
- 5 development or land-disturbing activity to manage its stormwater effectively, either on- or off-
- 6 site;
- 7 b. promote and encourage a reduction in runoff rates to encourage infiltration and to promote
- 8 groundwater recharge;
- 9 c. encourage infiltration and stormwater storage in the District’s upland areas;
- 10 d. maximize groundwater recharge as a means of maintaining drinking water supplies, preserving
- 11 base flows in streams and water levels in fens, and limiting discharges of stormwater to
- 12 downstream receiving waters;
- 13 e. protect and maintain existing groundwater flow, promote groundwater recharge, and improve
- 14 groundwater quality and aquifer protection;
- 15 f. require that property owners control the rate and volume of stormwater runoff originating from
- 16 their property so that surface water and groundwater quantity and quality is protected or
- 17 improved, soil erosion is minimized, and flooding potential is reduced; and
- 18 g. protect and improve natural resources within the watershed to prevent further degradation.

19 **4.2 Regulation**

20 A municipal or District permit that incorporates an approved stormwater management plan is required
21 under this rule prior to the commencement of any activities to which this rule applies. The District may
22 review a stormwater management plan at any point in the development of a regulated project and
23 encourages project proposers to seek the District’s early review of plans.

24 The requirements of this rule apply to any land-disturbing activity that will involve the following:

- 25 a. General: Development, redevelopment, and drainage alterations (including roads) creating new
- 26 impervious areas greater than one (1) acre
- 27 b. HVRA: Development, redevelopment, and drainage alternations (including roads) creating new
- 28 impervious areas greater than 10,000 square feet in an HVRA Overlay District, as shown on the
- 29 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map
- 30 (Figure 1)

31 **4.3 Exceptions**

32 The requirements of this rule do not apply to the following:

- 33 a. Construction or remodeling on a single-family homesite consistent with a subdivision,
- 34 development, or redevelopment plan implemented in accordance with a District permit issued
- 35 after February 1, 2015, and an approved erosion control prevention and sediment control plan
- 36 b. Rehabilitation of paved surfaces

- c. Trails, sidewalks, and retaining walls that do not exceed 10 feet in width and are bordered down gradient by a pervious area extending at least half the trail width
- d. Land-disturbing activities that do not involve creation of new impervious surface, reconstruction of existing impervious surface, or grading that materially alter stormwater flow at a site boundary

4.4 Criteria

Permit approval for activities that meet the general threshold must demonstrate that the implementation of their stormwater management plan will meet the following criteria:

4.4.1 Rate Control

Stormwater runoff rate from development, redevelopment, and drainage alterations shall not exceed the existing runoff rates for the 1 or 2-year, 10-year, and 100-year 24-hour events using Atlas 14 nested distribution.

4.4.2 Volume

- a. General: For projects that create one (1) acre or more of new impervious surface on sites without restrictions (such as factors that prevent attainment of the performance goal, like shallow depth to bedrock, presence of contaminated soils, and lack of access because utilities are present [*Minnesota Stormwater Manual*, 2019]), the post-construction stormwater runoff volume retained on-site shall be equivalent to one (1) inch of runoff from impervious surfaces or the MPCA's Construction General Permit abstraction requirements (as amended), whichever is greater.
- b. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA Overlay District have the following volume requirements:
 - i. New development: For new, nonlinear developments that create 10,000 square feet or more of new impervious surface on sites without restrictions, the post-construction stormwater runoff volume retained on-site shall be equivalent to 1.0 inch of runoff from impervious surfaces.
 - ii. Redevelopment: Nonlinear redevelopment projects on sites without restrictions that create 10,000 square feet or more of new and/or fully reconstructed impervious surfaces shall capture and retain on-site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.
 - iii. Linear projects: Linear projects on sites without restrictions that create 10,000 square feet or greater of new and/or fully reconstructed impervious surfaces shall capture and retain the larger of the following:
 1. 0.55 inch of runoff from the new and fully reconstructed impervious surfaces
 2. 1.1 inches of runoff from the net increase in impervious area

To the maximum extent practicable, volume control shall be fully met on-site. Site conditions may make infiltration undesirable or impossible. The owner must make soil corrections and/or investigate other

1 locations on the site for feasible infiltration locations. Infiltration of stormwater should avoid areas of
2 contaminated soil.

3 c. Infiltration practices are not allowed in the following areas:

- 4 i. Areas that receive discharges from vehicle fueling and maintenance facilities
- 5 ii. Areas with less than three (3) feet of separation distance from the bottom of the
6 infiltration system to the elevation of the seasonally saturated soils or the top of bedrock
- 7 iii. Areas that receive discharges from industrial facilities that are not authorized to infiltrate
8 industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the
9 MPCA
- 10 iv. Areas where infiltrating stormwater will mobilize high levels of contaminants in soil or
11 groundwater
- 12 v. Areas of predominately Hydrologic Soil Group D (clay) soils, unless allowed by an LGU
13 with a current NPDES/SDS Municipal Separate Storm Sewer Systems (MS4) permit
- 14 vi. Areas within 1,000 feet up gradient or 100 feet down gradient of active karst features,
15 unless allowed by an LGU with a current MS4 permit
- 16 vii. Areas within a Drinking Water Supply Management Area (DWSMA), as defined in
17 Minnesota Administrative Rules 4720.5100, subpart 13., unless allowed by an LGU with
18 a current MS4 permit
- 19 viii. Areas where soil infiltration rates are more than 8.3 inches per hour, unless soils are
20 amended to slow the infiltration rate below 8.3 inches per hour or as allowed by an LGU
21 with a current MS4 permit
- 22 ix. Areas within the LMRWD Steep Slopes Overlay District (See Rule F)

23 If the permittee claims that infiltration is not feasible or allowed on-site, sufficient supporting
24 documentation must be provided with the permit application. Filtration technologies are an acceptable
25 alternative for types C and D soils and other sites where infiltration is infeasible given the criteria above.

26 4.4.3 Water Quality

- 27 a. General: Projects that create one (1) acre or more of new impervious surface shall have no net
28 increase from existing conditions in total phosphorus (TP) and total suspended solids (TSS) to
29 receiving waterbodies.
- 30 b. HVRA: Projects that create new impervious areas greater than 10,000 square feet in an HVRA
31 Overlay District have the following water quality requirements:
 - 32 i. Total phosphorus and total suspended solids: All projects shall have a net decrease TP
33 and TSS to receiving waterbodies from existing conditions. For new development
34 projects, the decrease in TP and TSS shall be 60 percent and 80 percent, respectively,
35 from existing conditions.
 - 36 ii. Buffer zone: An undisturbed buffer zone of 100 linear feet from trout waters shall be
37 maintained at all times, both during construction and as a permanent feature after

1 construction, except where a water crossing, or other encroachment is necessary to
2 complete the project.

- 3 1. Exceptions: The replacement of existing impervious surfaces within the buffer zone is
4 allowed provided that the use of additional or redundant BMPs minimizes all potential
5 water quality, scenic, and other environmental impacts of the activity. Buffer
6 encroachments (circumstance and reason) and minimization activities must be
7 documented.

8 iii. Temperature controls: Permanent stormwater management facilities shall be designed to
9 minimize any increase in the temperature of trout waters receiving waters resulting from
10 the 1 and 2-year 24-hour precipitation events. This includes all tributaries of designated
11 trout streams within the Public Land Survey System (PLSS) section where a trout water
12 is located. Projects that discharge to trout waters must minimize the impact using one or
13 more of the following measures, in order of preference:

- 14 1. Minimize new impervious surfaces
- 15 2. Minimize the discharge from connected impervious surfaces by discharging to
16 vegetated areas or grass swales and using other nonstructural controls
- 17 3. Use infiltration or other volume reduction practices to reduce stormwater runoff in
18 excess of pre-project conditions (up to the 2-year, 24-hour precipitation event)
- 19 4. Design an appropriate combination of measures, such as shading, filtered bottom
20 withdrawal, vegetated swale discharges, or constructed wetland treatment cells, that
21 will limit temperature increases when incorporating ponding. Also, design the pond to
22 be drawn down in 24 hours or less.
- 23 5. Use other methods that will minimize any increase in trout water temperature

24 4.4.4 Maintenance and Easement

25 The permittee is responsible for developing and adhering to a maintenance plan for the permitted
26 project, including the acquisition of all necessary easements.

- 27 a. All stormwater management structures and facilities must be designed for maintenance access
28 and properly maintained in perpetuity so that they continue to function as designed.
- 29 b. A maintenance plan shall identify and protect the design, capacity, and functionality of on-site
30 and off-site stormwater management facilities; specify the methods; and schedule responsible
31 parties for maintenance for every stormwater management facility.
- 32 c. The maintenance agreement shall be recorded with the applicable county (Carver, Dakota,
33 Hennepin, Scott, or Ramsey) as part of the LGU or other development approval process. The
34 District may require that stormwater management structures and facilities be publicly dedicated
35 or placed in a conservation easement, giving rights of enforcement to an LGU, the District, or
36 other appropriate public authority.
- 37 d. A public entity assuming a maintenance obligation may submit a written executed agreement in
38 lieu of the recorded maintenance agreement.

1 4.4.5 Alternative Measures

2 At sites where infiltration is infeasible, an applicant must comply with the NPDES General Construction
3 Permit, issued by the MPCA, August 1, 2018, as amended.

4 **4.5 Required Information and Exhibits**

5 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by
6 17 inches] and one set as electronic files in a format acceptable to the District):

7 4.5.1 A narrative explaining the existing and proposed conditions

8 4.5.2 Stormwater management system modeling in a form acceptable to the District that utilizes the
9 most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD,
10 SWMM, MIDS calculator, or P8

11 4.5.3 A site plan showing the following:

12 a. Property lines and delineation of lands under ownership of the applicant

13 b. Existing and proposed elevation contours

14 c. Identification of existing and proposed normal and ordinary high- and 100-year water elevations
15 on-site.

16 4.5.4 A stormwater management plan that includes, at a minimum, the following:

17 a. Proposed and existing stormwater facility locations, alignment, and elevation

18 b. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which
19 any portion of the project parcel drains; except where a project will not alter or change the
20 hydrology of a wetland, the plan need only identify the wetland.

21 c. Geotechnical analysis, including soil borings, at all proposed stormwater management facility
22 locations

23 d. If infiltration of runoff is proposed, data must be submitted showing the following:

24 i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the
25 bottom of the facility, practice, or system

26 ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility,
27 practice, or system

28 iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the
29 facility, practice, or system. In addition, the District engineer may require submission of a
30 phase I environmental site assessment and/or other documentation to facilitate analysis
31 by the District of the suitability of the site for infiltration.

32 e. Construction plans and specifications for all proposed stormwater management facilities,
33 including design details for outlet control structures

34 f. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events,
35 existing and proposed conditions, using Atlas 14 nested distribution

- 1 g. All hydrologic, water quality, and hydraulic computations completed to design the proposed
2 stormwater management facilities
- 3 h. Narrative addressing incorporation of retention BMPs
- 4 i. Platting or easement documents showing sufficient drainage and ponding/flowage easements
5 over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands,
6 and waterways, if required by the municipality with jurisdiction
- 7 j. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 8 k. If a stormwater harvest and reuse practice is proposed to meet applicable requirements, the
9 following materials must be submitted:
- 10 i. An analysis using a stormwater reuse calculator or equivalent methodology approved by
11 the District engineer
- 12 ii. Documentation of the adequacy of soils, storage capacity, and delivery systems
- 13 iii. Delineation of green space area to be irrigated, if applicable
- 14 iv. A detailed irrigation or usage plan showing compliance with the District's volume-
15 retention requirements.
- 16 4.5.5 Documentation demonstrating that the applicant holds the legal rights necessary to discharge to
17 any off-site stormwater facility/facilities used for compliance and that the facility/facilities are
18 subject to a maintenance document satisfying the requirements of this rule
- 19 4.5.6 An erosion and sediment control plan complying with the District's Erosion and Sediment
20 Control Rule
- 21 4.5.7 A maintenance plan and applicable maintenance agreements

1 5 Rule E: Shoreline and Streambank Alternation Rule (Reserved)

1 **6 Rule F: Steep Slopes Rule**

2 **6.1 Policy**

3 It is the District’s policy to

- 4 a. protect water quality down gradient of steep slopes from sediment, nutrients, bacteria, and other
5 contaminant pollutant loadings;
- 6 b. maintain stability of steep slopes, shorelines, and other areas prone to erosion;
- 7 c. sustain and enhance the biological and ecological functions of noninvasive vegetation on steep
8 slopes as outlined in the Lower Minnesota River Watershed District Vegetation Management
9 Plan;
- 10 d. minimize impacts to and preserve the natural character and topography of steep slopes;
- 11 e. protect properties and waterbodies adjacent to steep slopes from erosion, sedimentation,
12 flooding, and other damage; and
- 13 f. promote public safety by requiring certification from qualified individuals before land-disturbing
14 activities and other changes to land on steep slopes.

15 **6.2 Regulation**

16 A municipal or District permit must be obtained for the following activities:

- 17 a. Land-disturbing activities that involve the excavation of 50 cubic yards or more of earth or
18 displacement or removal of 5,000 square feet or more of surface area or vegetation within the
19 Steep Slopes Overlay District, as shown on the Lower Minnesota River Watershed District—
20 Steep Slopes Overlay District Map (Figure 2)
- 21 b. Activities requiring municipal/LGU grading, building, parking lot, and foundations permits that
22 result in a net increase in impervious surface or stormwater runoff within the Steep Slopes
23 Overlay District, as illustrated on Figure 2

24 **6.3 Exceptions**

25 A steep slopes permit is not required for the following activities:

- 26 a. New impervious areas associated with driveway widenings that drain to the street where a
27 municipal storm sewer system manages runoff water
- 28 b. Maintenance, repair, or in-kind replacement of existing structures, public roads, utilities, and
29 drainage systems within the Steep Slopes Overlay District
- 30 c. Disturbances that are part of an approved LWP to repair, grade, or reslope existing steep slopes
31 that are eroding or unstable to establish stable slopes and vegetation
- 32 d. Native plantings that enhance natural vegetation of steep slopes
- 33 e. Selective removal of noxious, exotic, or invasive vegetation, using locally recognized methods to
34 control and/or minimize their spread
- 35 f. Pruning of trees or vegetation that are dead or diseased or pose a public hazard and removal of
36 vegetation in emergency situations from steep slopes

- 1 g. Maintenance of existing lawns, landscaping, and gardens
- 2 h. Agricultural and forestry activities

3 **6.4 Criteria**

4 All permitted projects under the Steep Slopes Rule must comply with the following regulations:

5 6.4.1 Land-disturbing activities as regulated in this section may occur within the Steep Slopes Overlay
6 District provided that a qualified professional/professional engineer registered in the state of
7 Minnesota certifies the area’s suitability for the proposed activities, structures, or uses resulting
8 from the activities and that the following requirements are addressed:

- 9 a. Minimum erosion and sediment control BMPs include site stabilization and slope restoration
10 measures to ensure the proposed activity will not result in
 - 11 i. adverse impacts to adjacent and/or downstream properties or water bodies;
 - 12 ii. unstable slope conditions; and
 - 13 iii. degradation of water quality from erosion, sedimentation, flooding, and other damage.
- 14 b. Preservation of existing hydrology and drainage patterns. Land-disturbing activities may not
15 result in any new water discharge points on steep slopes or along the bluff.

16 6.4.2 Stormwater ponds, swales, infiltration basins, or other soil saturation–type features shall not be
17 constructed within a Steep Slopes Overlay District.

18 **6.5 Required Information and Exhibits**

19 The following exhibits must accompany the permit application (one hardcopy set of plans [11 inches by
20 17 inches] and one set as electronic files in a format acceptable to the District):

21 6.5.1 A narrative that includes the following:

- 22 a. The name, address, and telephone number(s) of all property owners
- 23 b. The name, address, and telephone number(s) for all contractors undertaking land-disturbing
24 activities as part of the proposed project
- 25 c. The signature of the property owner
- 26 d. A statement granting the District and its authorized representatives’ access to the site for
27 inspection purposes
- 28 e. Designation of an individual who will remain liable to the District for performance under this
29 rule from the time the permitted activities commence until vegetative cover is established and the
30 District has certified its satisfaction with erosion and sediment control requirements
- 31 f. An explanation of existing and proposed conditions

32 6.5.2 An erosion and sediment control plan including the following:

- 33 a. Topographic maps of existing and proposed conditions that clearly indicate all hydrologic
34 features and areas where grading will expose soils to erosive conditions as well as the flow

- 1 direction of all runoff (single-family home construction or reconstruction projects may comply
2 with this provision by providing satellite imagery or an oblique map acceptable to the District)
- 3 b. Tabulation of the construction implementation schedule for all projects, except construction or
4 reconstruction of a single-family home
- 5 c. Name, address, and phone number of the individual responsible for inspection and maintenance
6 of all erosion and sediment control measures
- 7 d. Temporary erosion and sediment control measures that will remain in place until vegetation is
8 established
- 9 e. All final erosion control measures and their locations
- 10 f. Staging areas, as applicable
- 11 g. Delineation of any floodplain and/or wetland area changes
- 12 h. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 13 6.5.3 Stormwater management system modeling in a form acceptable to the District and that uses the
14 most recent applicable precipitation reference data (e.g., Atlas 14), for example, HydroCAD,
15 SWMM, MIDS calculator, or P8
- 16 6.5.4 A site plan showing the following:
- 17 a. Property lines and delineation of lands under ownership of the applicant
- 18 b. Existing and proposed elevation contours
- 19 c. Identification of existing and proposed normal and ordinary 100-year and high water elevations
20 on-site
- 21 6.5.5 A stormwater management plan, including, at a minimum:
- 22 a. Proposed and existing stormwater facilities location, alignment, and elevation
- 23 b. Delineation of existing wetlands, marshes, shoreland, and/or floodplain areas on-site or to which
24 any portion of the project parcel drains; except that where a project will not alter or change the
25 hydrology of a wetland, the wetland need only be identified on the plan.
- 26 c. Geotechnical analysis, including soil borings, at all proposed stormwater management facility
27 locations
- 28 d. If infiltration of runoff is proposed, data must be submitted showing the following:
- 29 i. No evidence of groundwater or redoximorphic soil conditions within three (3) feet of the
30 bottom of the facility, practice, or system
- 31 ii. Soil conditions within five (5) feet of the bottom of any stormwater treatment facility,
32 practice, or system
- 33 iii. If requested by the engineer, site-specific infiltration capacity of soils at the bottom of the
34 facility, practice, or system. In addition, the District engineer may require submission of a
35 phase I environmental site assessment and/or other documentation to facilitate analysis
36 by the District of the suitability of the site for infiltration.

- 1 e. Construction plans and specifications for all proposed stormwater management facilities,
2 including design details for outlet control structures
- 3 f. Stormwater runoff volume and rate analyses for the 2-, 10-, and 100-year 24-hour critical events,
4 existing and proposed conditions, using Atlas 14 nested distribution
- 5 g. All hydrologic, water quality, and hydraulic computations completed to design the proposed
6 stormwater management facilities
- 7 h. Narrative addressing incorporation of retention BMPs
- 8 i. Platting or easement documents showing sufficient drainage and ponding/flowage easements
9 over hydrologic features, such as floodplains, storm sewers, ponds, ditches, swales, wetlands,
10 and waterways, if required by the municipality with jurisdiction
- 11 j. Documentation of the project's NPDES Construction Stormwater Permit status, if applicable
- 12 k. If a stormwater harvest and reuse practice is proposed to meet applicable requirements,
13 submission of
- 14 iv. an analysis using a stormwater reuse calculator or equivalent methodology approved by
15 the District engineer;
- 16 v. documentation of the adequacy of soils, storage capacity, and delivery systems;
- 17 vi. delineation of green space area to be irrigated, if applicable; and
- 18 vii. a detailed irrigation or usage plan showing compliance with the District volume-retention
19 requirements.
- 20 6.5.6 Documentation that the applicant holds the legal rights necessary to discharge to any off-site
21 stormwater facility/facilities used for compliance and that the facility/facilities are subject to a
22 maintenance document satisfying the requirements of this rule
- 23 6.5.7 A maintenance plan and applicable maintenance agreements
- 24 6.5.8 Construction plans and specifications certifying construction on the steep slope by a registered
25 professional engineer. The certification must indicate that the slope is suitable to withstand
26 proposed construction.

27 **7 Rule G: Water Appropriations Rule (Reserved)**

28

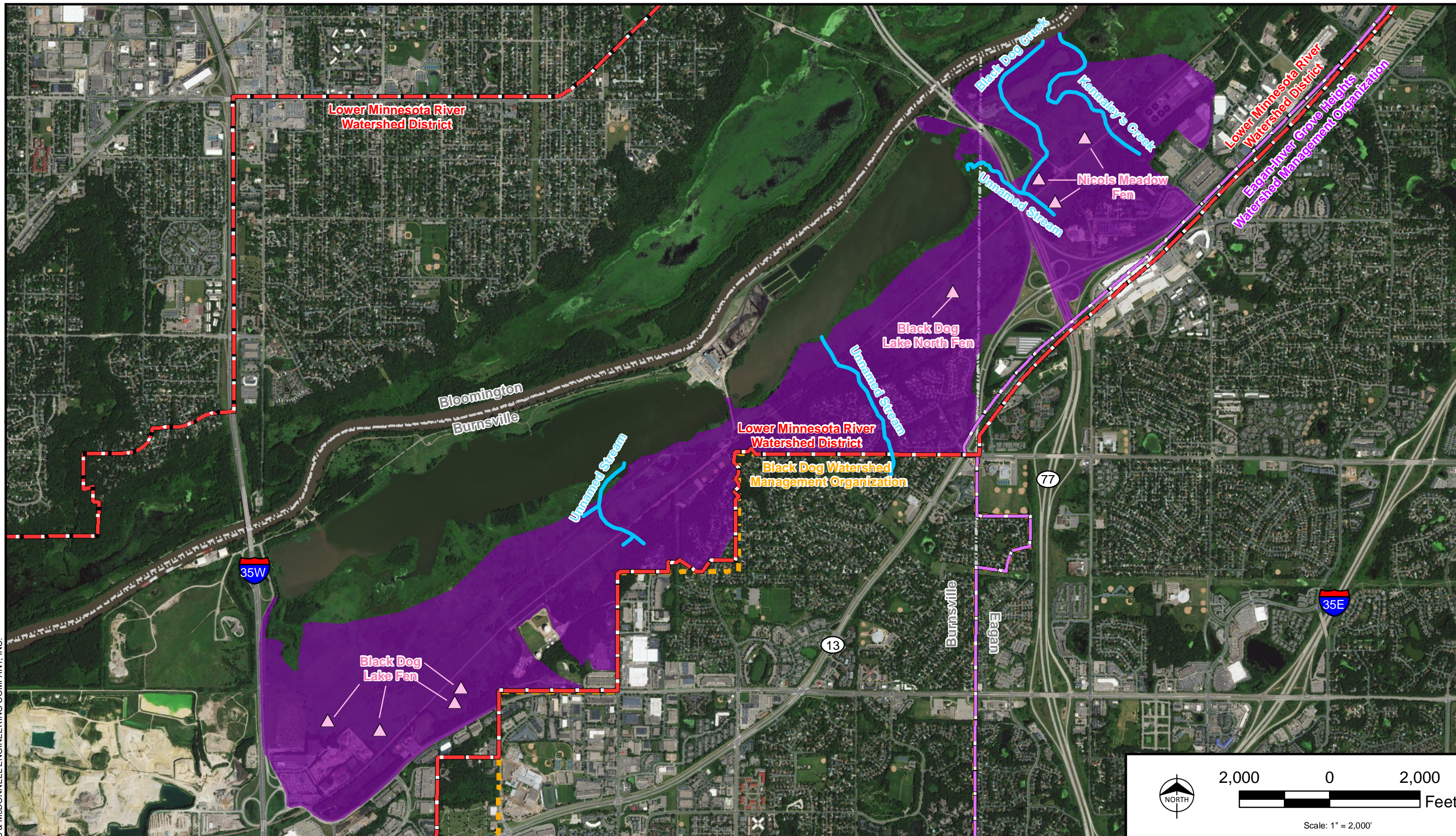
1 **9 Rule H: Water Crossing Rule (Reserved)**

2

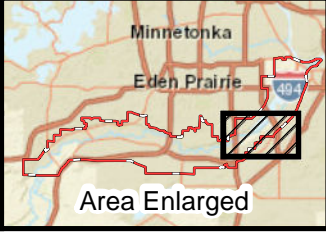
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1 *Figure 1 Lower Minnesota River Watershed District—High Value Resources Area Overlay District Map*

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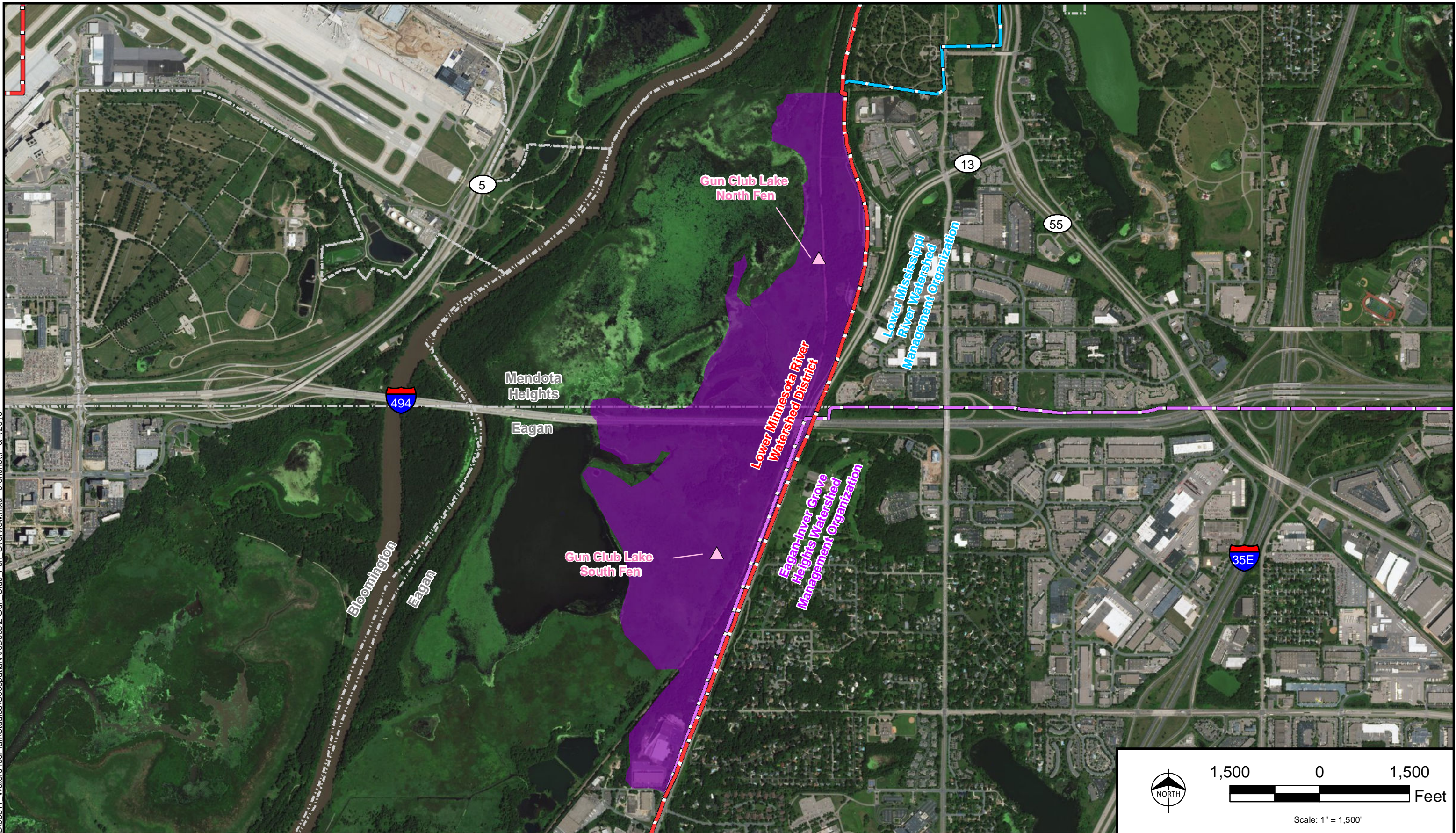


High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Riley-Purgatory-Bluff Creek Watershed District
		Black Dog Watershed Management Organization



Lower Minnesota River Watershed District
 High Value Resources Area
 Overlay District Map
 1 of 5

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High Value Resource Area (HVRA)

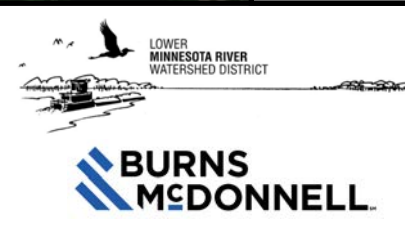
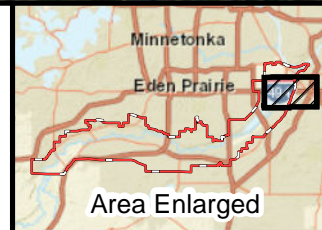
■ HVRA Overlay District

MNDNR Publicly Available Data

- ▲ Calcareous Fen Point
- Trout Stream
- ▨ Trout Pond/Lake

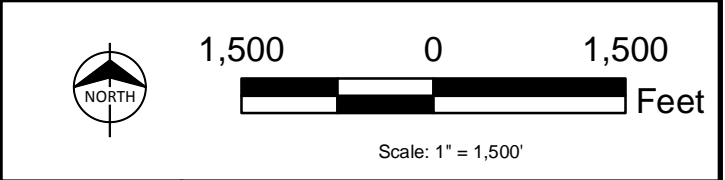
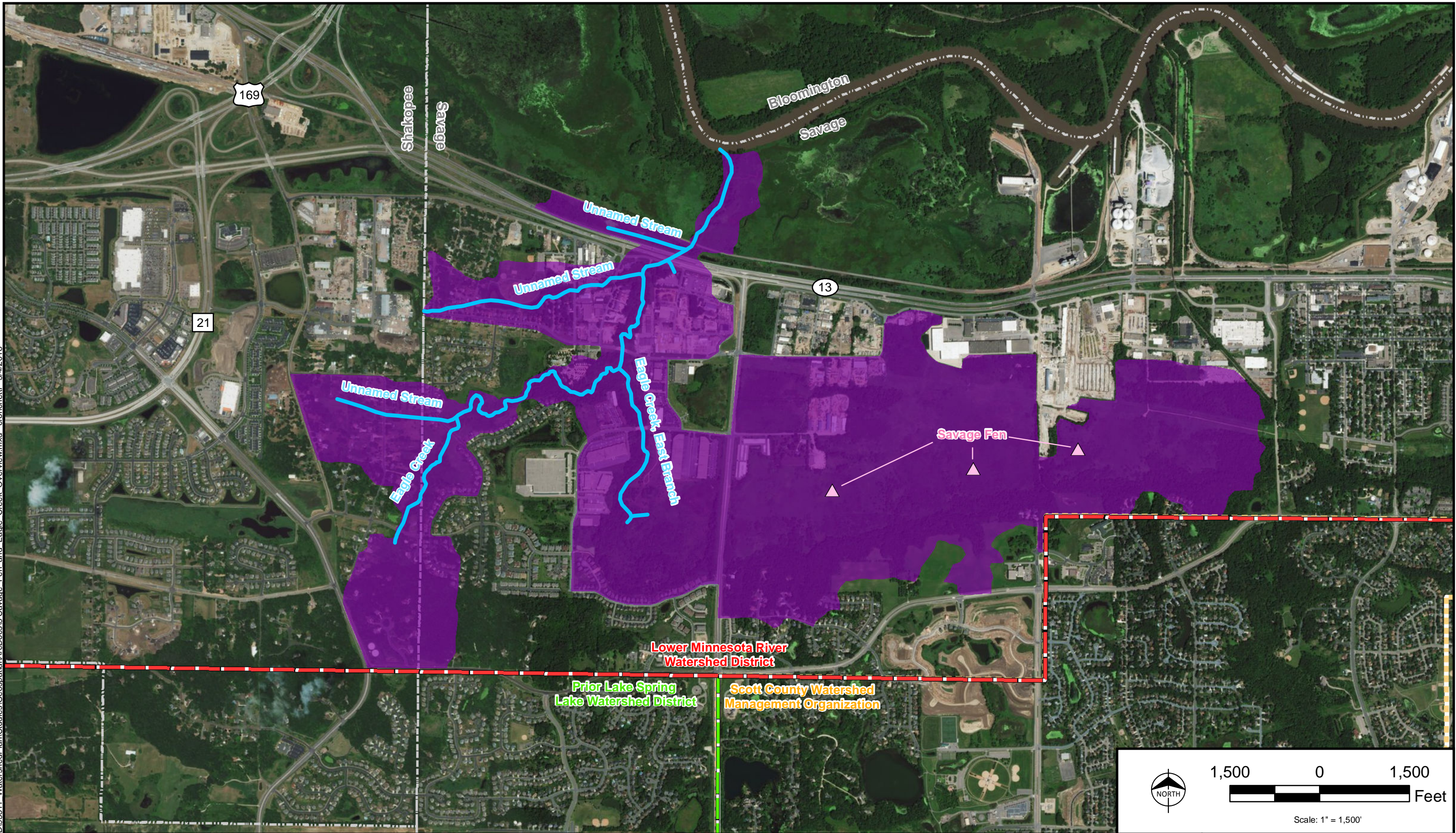
Jurisdictional Boundaries

- ▭ Municipal Boundary
- ▭ Lower Minnesota River Watershed District
- ▭ Riley-Purgatory-Bluff Creek Watershed District
- ▭ Lower Mississippi River Watershed Management Organization

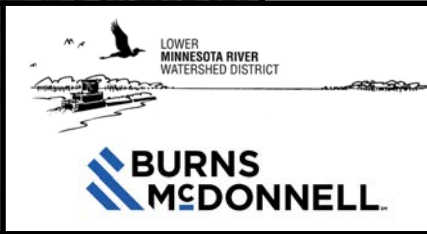
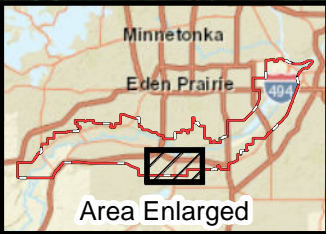


Lower Minnesota River Watershed District
 High Value Resources Area
 Overlay District Map
 2 of 5

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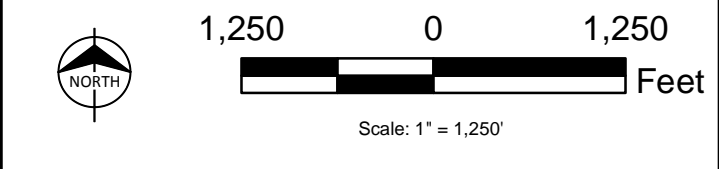
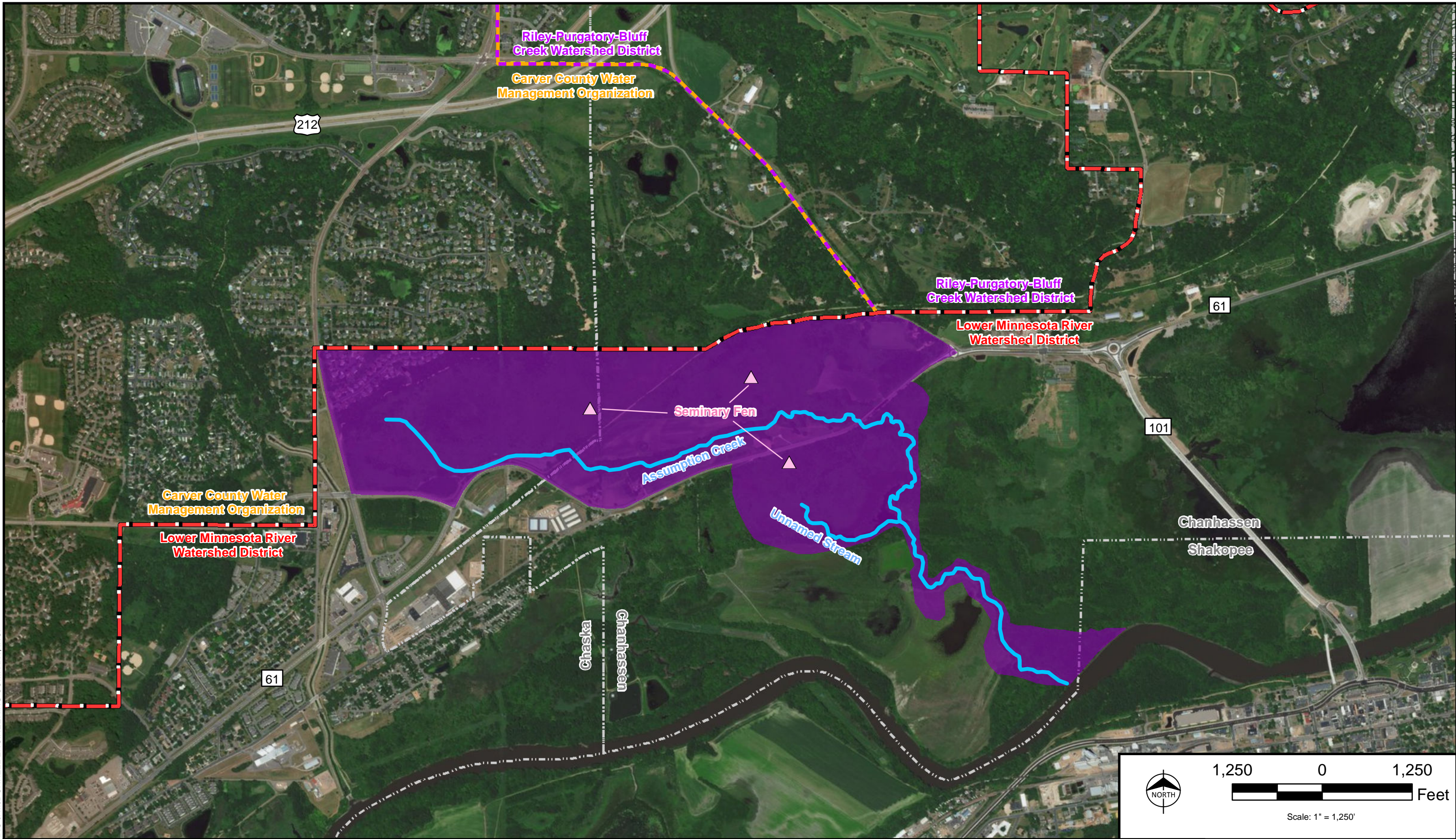


High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Prior Lake Spring Lake Watershed District
		Scott County Watershed Management Organization

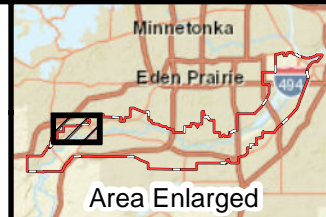


Lower Minnesota River Watershed District
 High Value Resources Area
 Overlay District Map
 3 of 5

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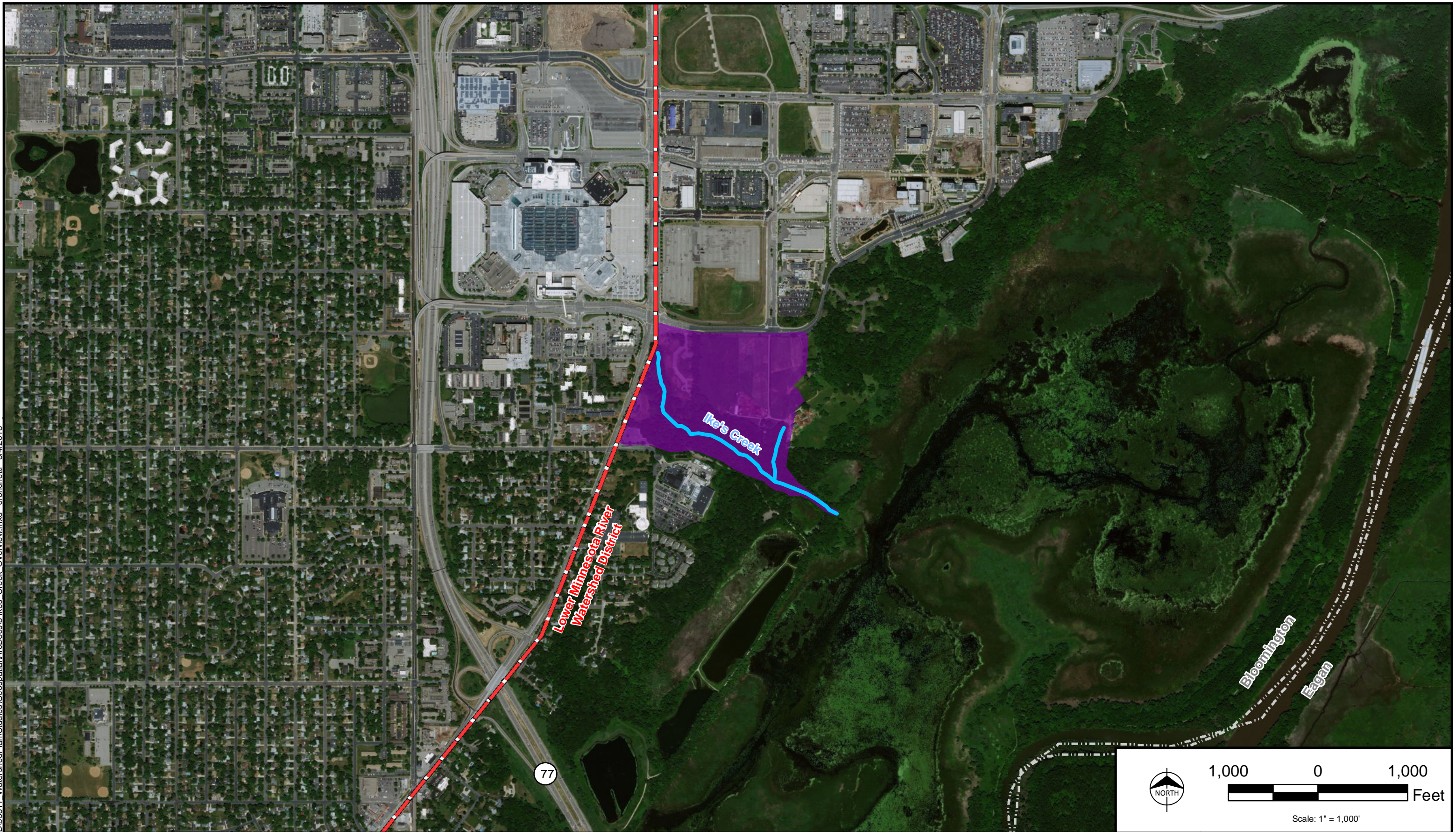


High Value Resource Area (HVRA)	MNDNR Publicly Available Data	Jurisdictional Boundaries
HVRA Overlay District	Calcareous Fen Point	Municipal Boundary
	Trout Stream	Lower Minnesota River Watershed District
	Trout Pond/Lake	Riley-Purgatory-Bluff Creek Watershed District



Lower Minnesota River Watershed District
 High Value Resources Area
 Overlay District Map
 4 of 5


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High Value Resource Area (HVRA)

 HVRA Overlay District

MNDNR Publicly Available Data

 Calcareous Fen Point

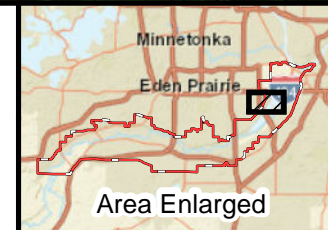
 Trout Stream

 Trout Pond/Lake

Jurisdictional Boundaries

 Municipal Boundary

 Lower Minnesota River Watershed District

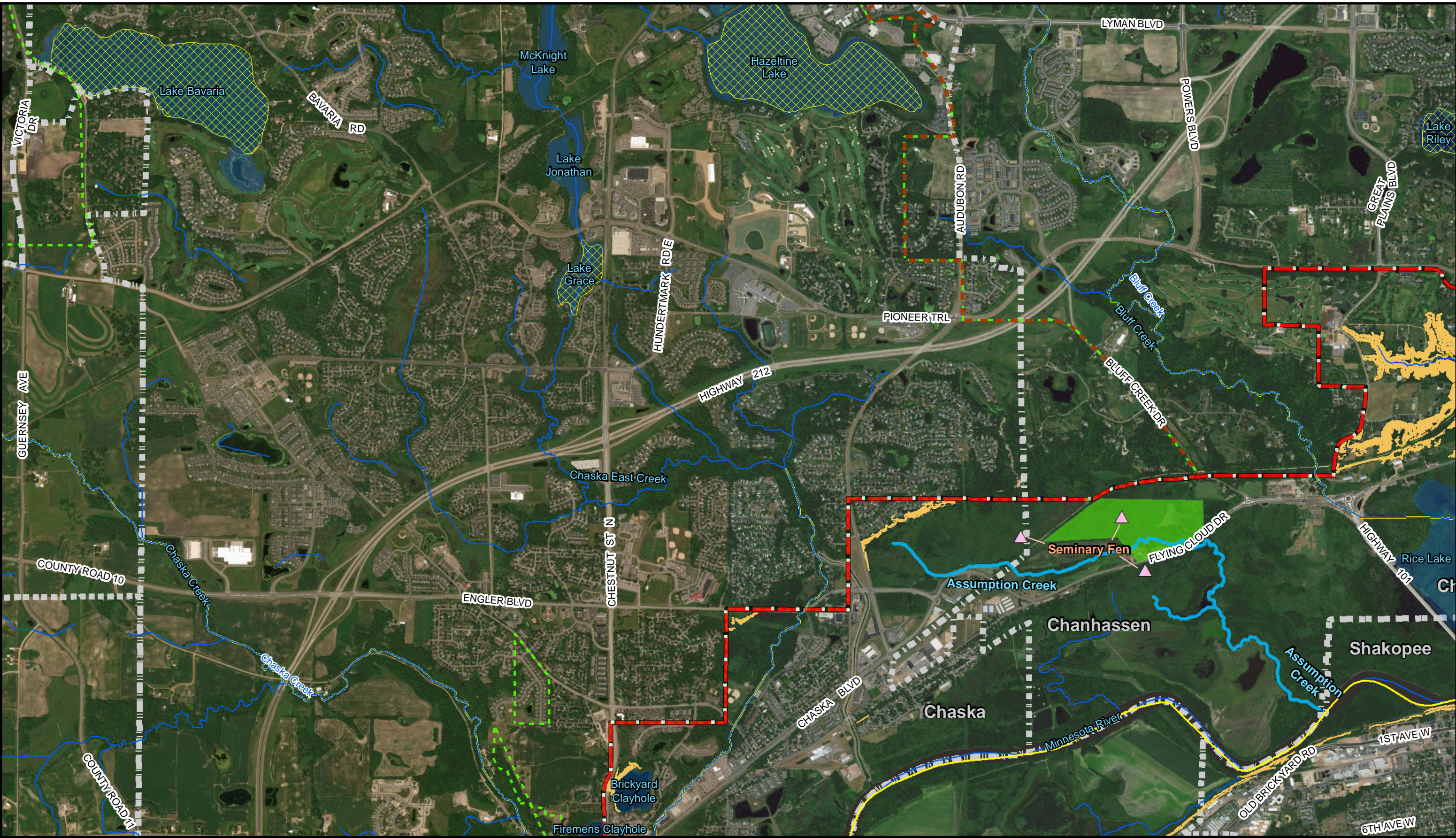


Lower Minnesota River Watershed District
High Value Resources Area
Overlay District Map
5 of 5

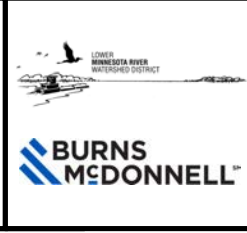
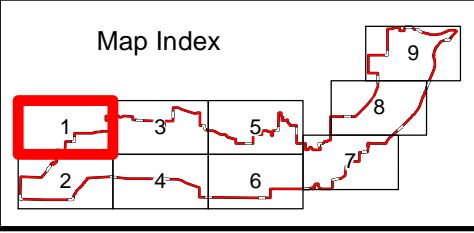
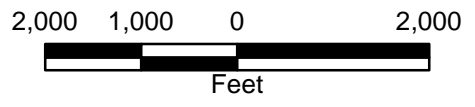
1 *Figure 2 Lower Minnesota River Watershed District—Steep Slopes Overlay District Map*

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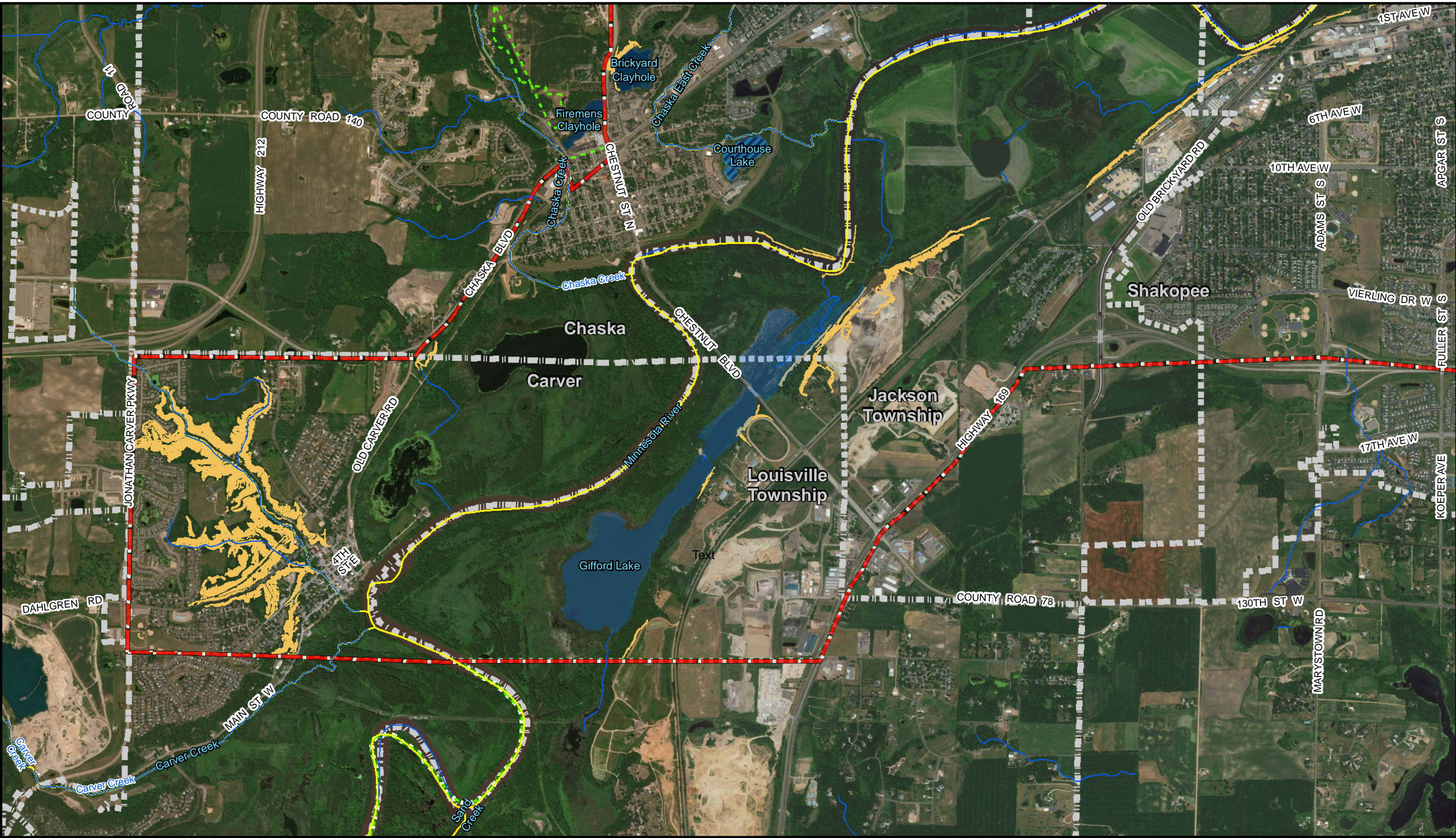


Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Carver County	Stream/River	Impaired River or Stream	PWI Water
Riley-Purgatory-Bluff Creek	Impaired Lake	Trout Stream	Calcareous Fen Point
Scott	Municipal Boundary		
Lower MN River			



Lower Minnesota River Watershed District
 Steep Slopes Overlay District
 1 of 9

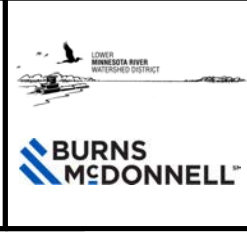
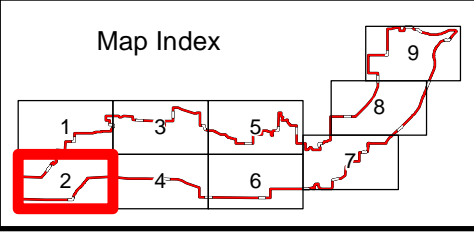
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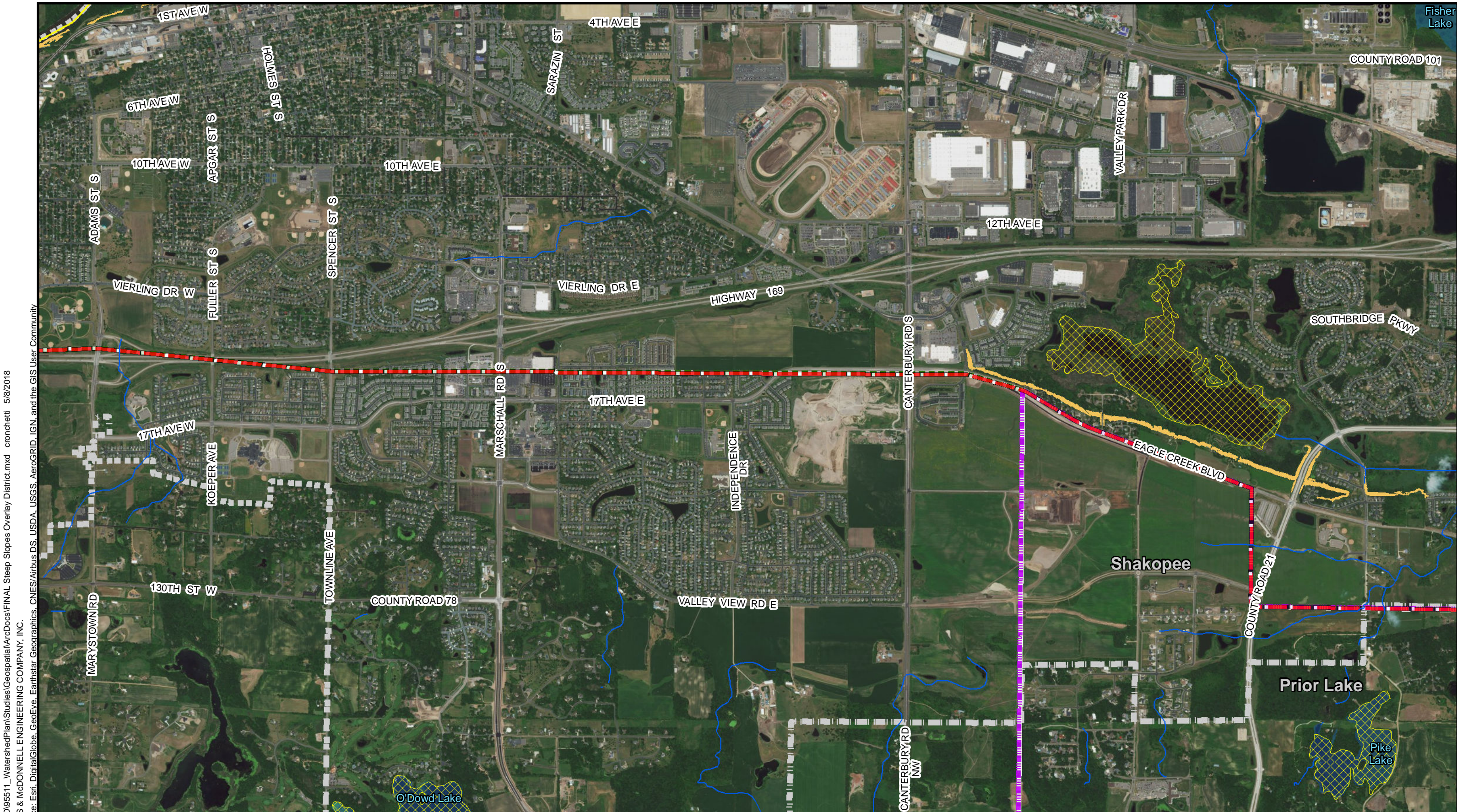
Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Carver County	Stream/River	Trout Pond/Lake	PWI Water
Scott	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Lower MN River	Impaired Lake		

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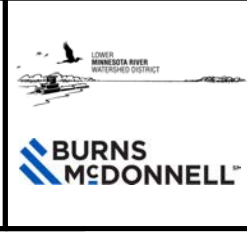
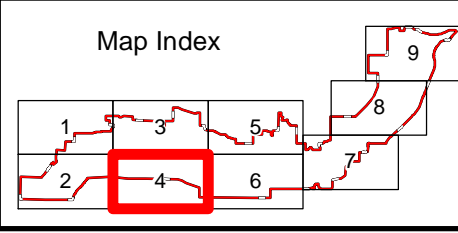
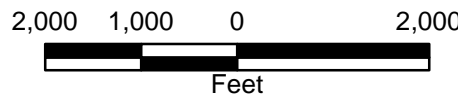


Lower Minnesota River Watershed District
 Steep Slopes Overlay District
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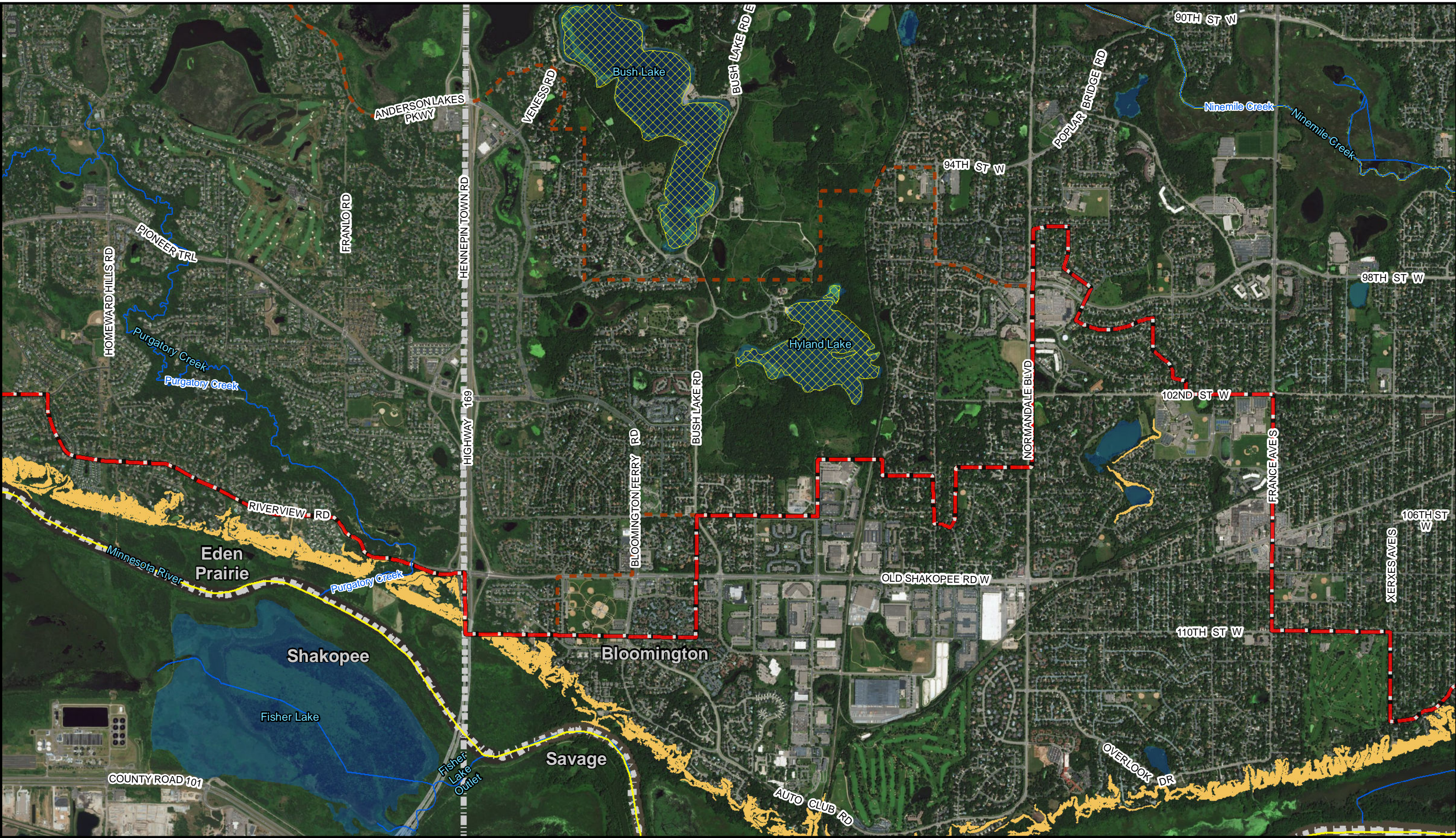
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Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Prior Lake-Spring Lake	Stream/River	PWI Water	Calcareous Fen Point
Scott	Impaired River or Stream	Calcareous Fen Point	Calcareous Fen Point
Lower MN River	Impaired Lake	Municipal Boundary	

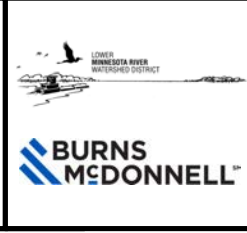
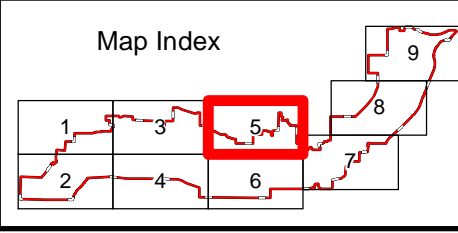
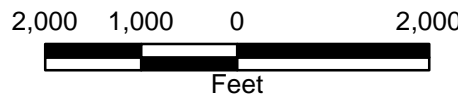


Lower Minnesota River Watershed District
 Steep Slopes Overlay District
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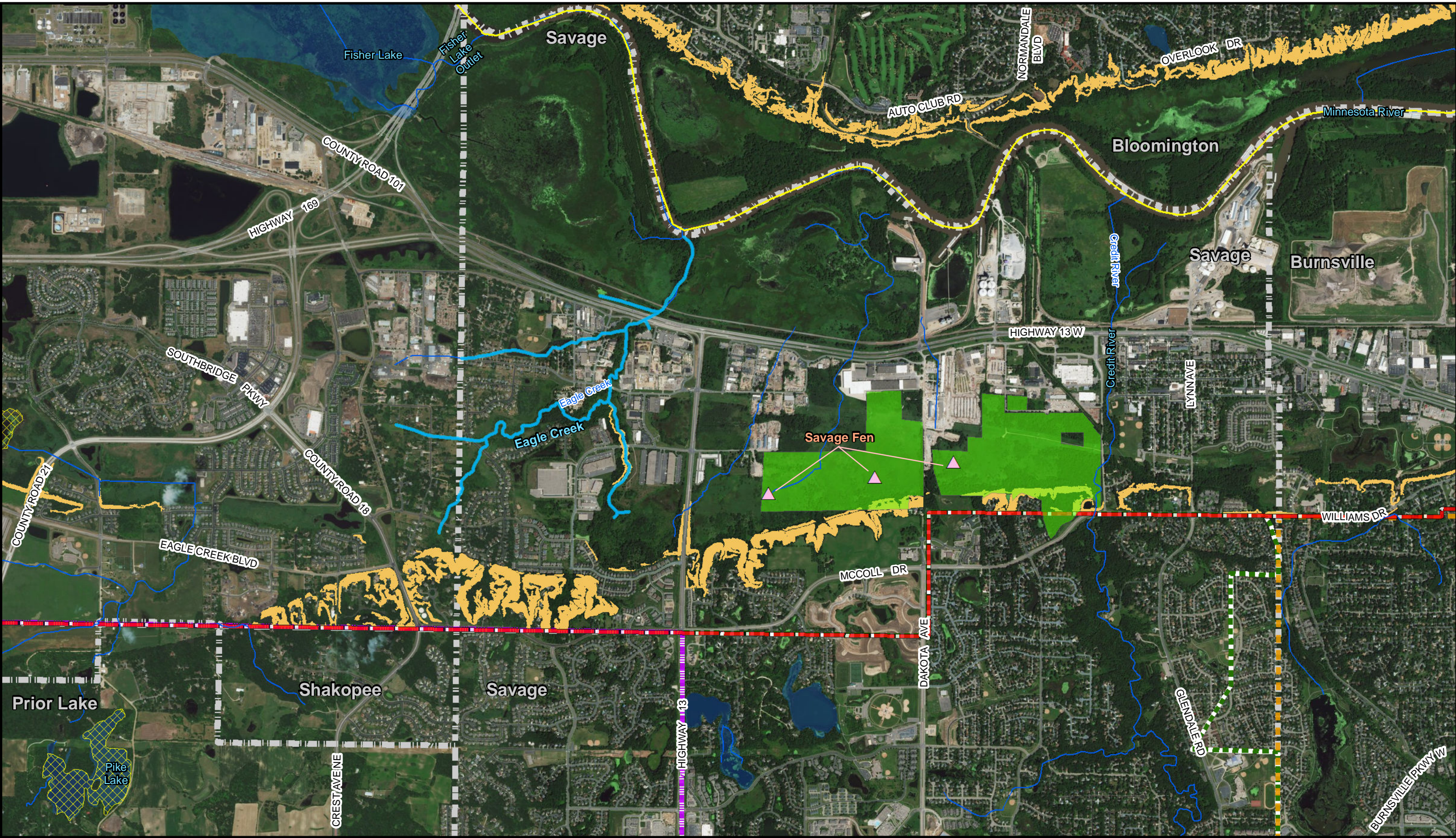


Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Riley-Purgatory-Bluff Creek	Stream/River	PWI Water	Calcareous Fen Point
Scott	Impaired River or Stream	Impaired Lake	Municipal Boundary
Lower MN River			

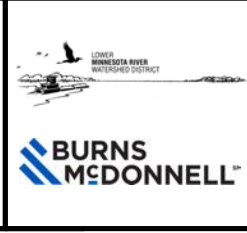
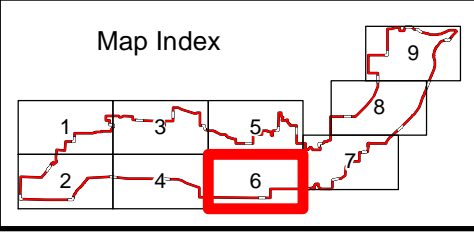
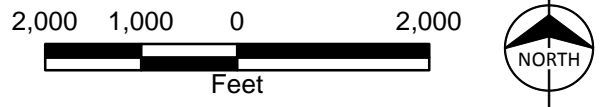


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 Steep Slopes Overlay District
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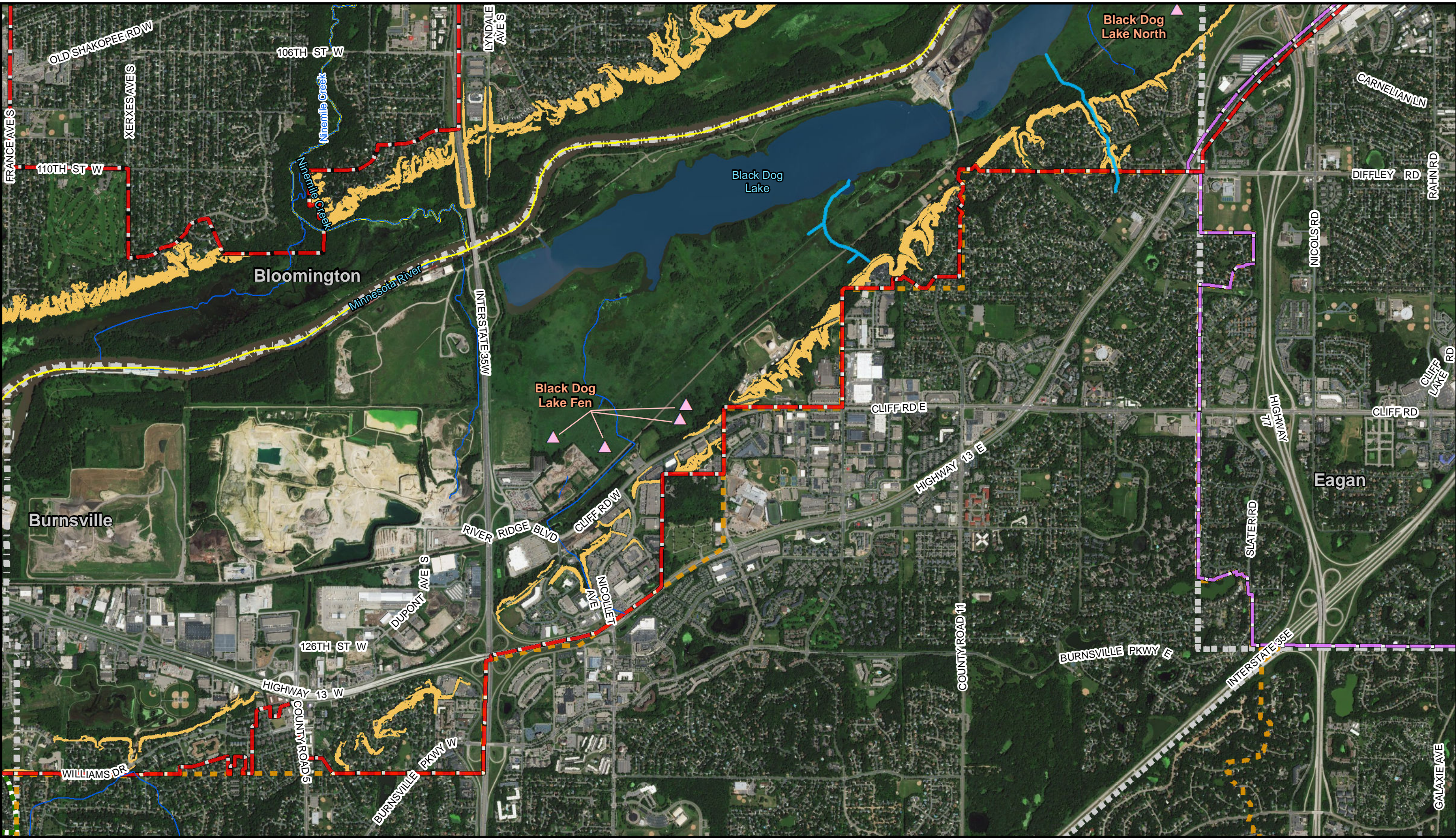


Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Black Dog	Stream/River	PWI Water	Trout Stream
Prior Lake-Spring Lake	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Scott	Impaired Lake		
Lower MN River			

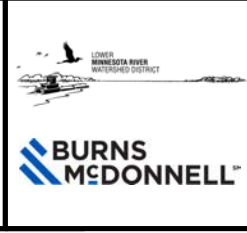
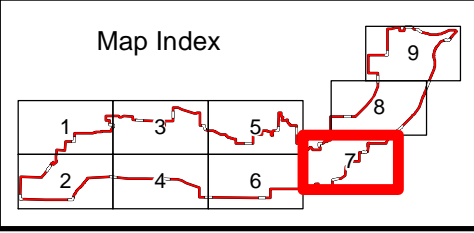
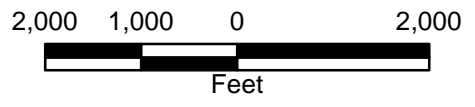


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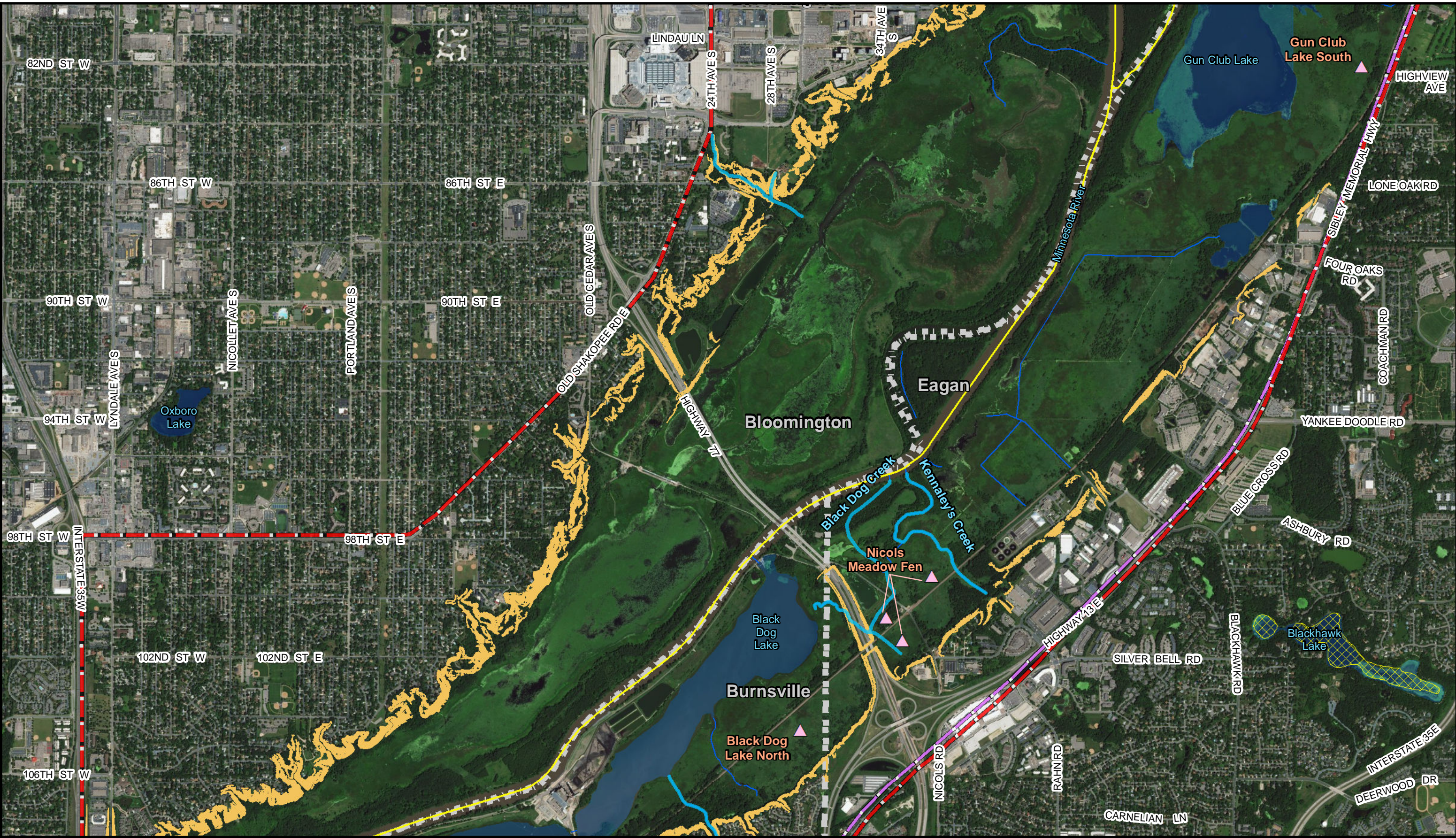


Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Black Dog	Stream/River	PWI Water	Trout Stream
Eagan-Inver Grove	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Scott	Impaired Lake		
Lower MN River			

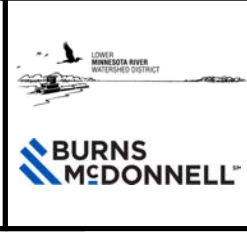
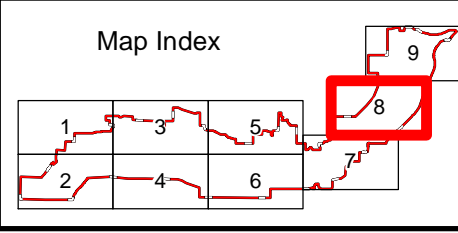
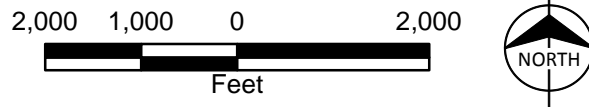


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Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Eagan-Inver Grove	Stream/River	PWI Water	Trout Stream
Scott	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Lower MN River	Impaired Lake		

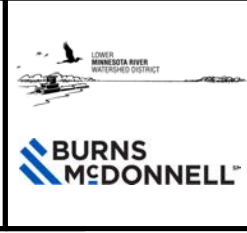
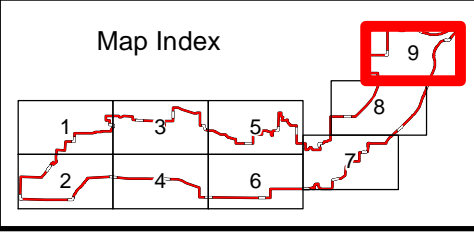
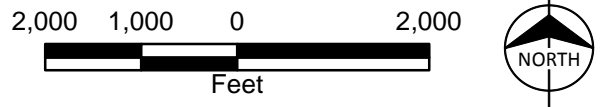


Lower Minnesota River Watershed District
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Steep Slope	Watershed District Boundary	MNDNR Publicly Available Data	SNA - Fens
Eagan-Inver Grove	Stream/River	PWI Water	Calcareous Fen Point
Lower MS River	Impaired River or Stream	Calcareous Fen Point	Municipal Boundary
Scott	Impaired Lake		
Lower MN River			



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 Steep Slopes Overlay District
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