

## RULE A: DEFINITIONS

For the purposes of these rules, the following words have the meanings set forth below.

References in these rules to specific sections of the Minnesota Statutes include any amendments, revisions or recodification of those sections.

**As Constructed and Subsequently Improved Condition (ACSIC):** the legally established geometry of the public drainage system as constructed and subsequently modified through drainage code procedures.

**Beds of Protected Waters:** all portions of public waters and public waters wetlands located below the ordinary high water level.

**Best Management Practices (BMPs):** measures taken to minimize the negative effects on water resources and systems as referenced in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988), Protecting Water Quality in Urban Areas (MPCA, 1989) and the Minnesota Stormwater Manual (MPCA, 2006) or similar guidance documents.

**Better Site Design (BSD):** an approach to managing runoff that seeks to attain post development hydrology which mimics the undeveloped condition in terms of volume, rate and timing of runoff. The goals of Better Site Design include reducing the amount of impervious cover, increasing the amount of natural lands set aside for conservation, using pervious areas for more effective stormwater treatment, innovative grading and drainage techniques and through the review of every aspect of the project site planning process. Better Site Design involves techniques applied early in the design process to reduce impervious cover, conserve natural areas and use pervious areas to more effectively treat stormwater runoff and promote a treatment train approach to runoff management.

**Bridge:** a road, path, railroad or utility crossing over a waterbody, wetland, ditch, ravine, road, railroad, or other obstacle.

**Bridge Span:** the clear span between the inside surfaces of a bridge's terminal supports.

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

**Comprehensive Wetland Protection and Management Plan (CWPMP):** a locally developed comprehensive wetland protection and management plan approved by the Minnesota Board of Soil and Water Resources, pursuant to Minnesota Rules 8420.0830.

**Conditional Approval Pending Receipt of Changes (CAPROC):** approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to District issuance of the permit, See Rule B.5.

**Conveyance System:** Open channel, pipe or tile that is not a Public Drainage System. A portion of a conveyance system is defined as "regional" if it carries flows from a drainage area of greater than 200 acres.

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

**Critical Duration Flood Event:** the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. The critical duration flood event is generally either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); however, other durations (e.g.,

6-hour) may result in the maximum 100 year return period water surface elevation.

**CWPMP Contributing Drainage Area:** the areas tributary to CWPMP jurisdictional areas from which banked or off-site wetland replacement credits may be used to replace wetland impacts under Rule F.6(c). Figure 4 illustrates the Contributing Drainage Area; however, the precise boundary will be determined on a hydrologic basis at the time of permitting.

**Detention Basin:** any natural or man-made depression that stores stormwater runoff temporarily.

**Development:** any land-disturbing activity resulting in creation or reconstruction of impervious surface including, but not limited to, municipal road construction. Normal farming practices part of an ongoing farming operation shall not be considered development.

**District:** the Rice Creek Watershed District established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

**Effectively Drained Wetland:** an area whose natural hydrology has been altered to the point that it is no longer considered wetland.

**Emergency Overflow (EOF):** a primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

**Excavation:** the displacement or removal of soil, sediment or other material.

**Floodplain:** the areas adjoining a waterbody that are inundated by the 100-year flood elevation.

**Floodway:** the channel of a watercourse, the bed of waterbasins and those portions of adjoining floodplains that must be kept free of encroachment to accommodate the 100-year flood.

**Floodway Fringe:** the area between the floodway and the boundary of the 100-year flood.

**Flood Management Zone:** land within the Rice Creek Watershed District draining to and entering Rice Creek downstream from the outlets of Baldwin Lake and Golden Lake.

**Freeboard:** vertical distance between the 100-year flood elevation or emergency overflow elevation of a waterbasin or watercourse and the elevation of the regulatory elevation of a structure.

**Governmental Project:** projects sponsored or paid for by a governmental agency.

**High Quality Wetland:** an existing wetland reflecting a score of “high/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

**Impervious Surface:** a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

**Infiltration:** water entering the ground through the soil.

**Land-Disturbing Activity:** any disturbance to the ground surface that, through the action of wind or water, may result in soil erosion or the movement of sediment into waters, wetlands or storm sewers or onto adjacent property. Land-disturbing activity includes but is not limited to the demolition of a structure or

surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials. The term does not include normal farming practices as part of an ongoing farming operation.

**Landlocked Basin:** a waterbasin lacking an outlet at an elevation at or below the water level produced by the critical duration flood event, generally the 10-day snowmelt event.

**Local Government Unit (LGU):** the public body responsible for implementing the Minnesota Wetland Conservation Act, as defined at Minnesota Statutes §103G.005, subdivision 10e.

**Low Entry Elevation:** the elevation of the lowest opening in a structure.

**Low Floor Elevation:** the elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

**Major Watercourse:** any watercourse having a tributary area of 200 acres or more.

**Marginally Degraded Wetland:** an existing wetland reflecting a score of “high/low” or “low/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

**Mill, Reclamation and Overlay:** removal of the top layer(s) of an impervious surface (e.g. roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without exposure of the underlying native soil.

**Moderately Degraded Wetland:** an existing wetland reflecting a score of “medium/medium” or “low/medium” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

**Municipal Separate Storm Sewer System (MS4):** the system of conveyances owned or operated by the District and designed or used to collect or convey storm water, and that is not used to collect or convey sewage.

**Municipality:** any city or township wholly or partly within the Rice Creek Watershed District.

**Native Vegetation:** plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database.

**NPDES Permit:** general permit authorization to discharge storm water associated with construction activity under the National Pollutant Discharge Elimination System (NPDES), issued by the Minnesota Pollution Control Agency.

**Non-Degraded Wetland:** an existing wetland reflecting a score of “high/medium” or “medium/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

**Non-Invasive Vegetation:** plant species that do not typically invade or rapidly colonize existing, stable plant communities.

**NURP:** Nationwide Urban Runoff Program.

**100-Year Flood Elevation:** the elevation of water resulting from the critical duration flood event, as mapped under the RCWD District Wide Model and as the RCWD may refine on the basis of site-specific data.

**Ordinary High Water Level (OHW):** the highest water level elevation that has been maintained for a sufficiently long period of time to leave evidence upon the landscape. The OHW is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. If an OHW has been established for a waterbody by the Minnesota Department of Natural Resources, it will constitute the OHW under this definition.

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

**Person:** any natural person, partnership, unincorporated association, corporation, limited liability company, municipal corporation, state agency, or political subdivision of the State of Minnesota.

**Political Subdivision:** a municipality, county, town, school district, metropolitan or regional agency, or other special purpose district of Minnesota.

**Pollutant:** Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (This definition is for the purpose of Rule H only and is incorporated from the U.S. EPA model ordinance.)

**Public Drainage System:** Open channel, pipe tile, and appurtenant structures, within a public system as established or delineated under Minnesota Statutes Chapter 103E.

**Public Linear Project:** a project involving a roadway, sidewalk, trail or utility not part of an industrial, commercial, institutional or residential development.

**Public Waters:** waters identified as public waters under Minnesota Statutes section 103G.005, Subdivision 15.

**Public Waters Wetlands:** all wetlands identified as public waters wetlands under Minnesota Statutes section 103G.005, subdivision 15a.

**Reconstruction:** removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed.

**Resource of Concern (ROC):** lakes identified in Figures C1A through C1E. If an area within the jurisdictional boundary of the District drains to a location outside the District without reaching an ROC, the District will identify the receiving water outside of the District that is the ROC for the purpose of the permit.

**Resource of Concern Drainage Area:** Land draining to a Resource of Concern. The Resource of Concern drainage area excludes lands draining first to an upstream Resource of Concern.

**Seasonal High Water Table:** The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

**Severely Degraded Wetland:** an existing wetland reflecting a score of “medium/low” or “low/low” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

**Site:** All contiguous lots of record on which activity subject to any District rule is proposed to occur or occurs, as well as all other lots of record contiguous to any such lot under common ownership at the time of the permitted activity. Linear right of way does not disturb contiguity. For public linear projects not occurring in conjunction with land development, the term means the portion of right-of-way defined by the project work limits.

**Storm Sewer:** a pipe system for stormwater conveyance.

**Stormwater Pond:** Constructed basins placed in the landscape to capture stormwater runoff.

**Structure:** a building with walls and a roof, excluding structures such as pavilions, playgrounds, gazebos, and garbage enclosures.

**Subdivision, Subdivide:** the legal separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots.

**Technical Evaluation Panel (TEP):** The body described in Minnesota Rules 8420.0240.

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

**Upland Habitat Area:** A non-wetland area that is contiguous with an existing, restored, or created wetland and scores "C" or better using the Natural Heritage Ranking methodology.

**Waterbasin:** an enclosed natural depression with definable banks capable of containing water.

**Waterbody:** a waterbasin, watercourse or wetland as defined in these Rules.

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

**Wetland:** area identified as wetland under Minnesota Statutes section 103G.005, subdivision 19.

**Wetland Management Corridor (WMC):** A contiguous corridor encompassing high priority wetland resources identified at a landscape scale in Figure F1 and refined at the time of individual project permitting at a site level as provided for in Rule F, section 6.