

**Side-by-Side Comparison of Proposed and Current MCWD Rules
Rule 13. Fees**

This side-by-side comparison has been prepared to aid in review of the proposed rule changes. The existing and proposed rules can be found on the MCWD website, along with the Guidance on Proposed Revised Rules which provides a detailed explanation of all substantive changes: <https://minnehahacreek.org/permits/permitting-rule-revisions/>

<p>Key: Blue & bold font - Key language that represents a substantive change from current language Grey shading - Revised rule language is a relocation, consolidation, clarification, and/or simplification of the current language (i.e. housekeeping) <i>Italics</i> - removed text</p>

Revised Section	Revised Language	Current Section	Current Language
1	<p>FINDINGS.</p> <p>a. Public awareness of and compliance with the permitting process will be served by a policy of charging a minimal permit application fee. Encouraging applicants to seek permits for potential projects reduces public inspection and enforcement costs.</p> <p>b. Large-scale development projects and activities in sensitive locations should be inspected by District staff to provide the Board sufficient information to evaluate compliance with District rules and applicable law.</p> <p>c. From time to time persons perform work requiring a District permit, but for which the District has not issued a permit, and persons perform work in violation of an issued District permit. The Board finds that District engineering, inspection and analysis costs in such cases exceed those where the applicant has complied with District requirements. The Board further concludes that watershed property owners subject to the District’s annual tax levy should not pay costs incurred because of a failure to meet District requirements. Therefore, the Board adopts a rule charging fees to the responsible persons in such cases.</p>	1	<p>FINDINGS.</p> <p>The Board of Managers finds that:</p> <p>(a) public awareness of and compliance with the permitting process will be served by a policy of charging a minimal permit application fee. By encouraging applicants to seek permits for potential projects, the public benefits by reduced inspection and enforcement costs;</p> <p>(b) it is in the public interest that large-scale development projects and activities in sensitive locations be inspected by District staff to provide the Board of Managers sufficient information to evaluate compliance with District rules and applicable law; and</p> <p>(c) from time to time persons perform work requiring a permit from the District without a permit, and persons perform work in violation of an issued District permit. The Board finds that its costs of engineering, inspection and analysis in such cases exceed those where the applicant has complied with District requirements. The Board further concludes that watershed property owners subject to the District’s annual tax levy should not pay costs incurred because of a failure to meet District requirements. Therefore, the Board adopts a rule charging fees to the responsible persons in such cases.</p>
2	<p>FEES.</p> <p>a. The District will charge an applicant an initial permit processing fee in accordance with a fee schedule set, and revised from time to time, by resolution of the Board of Managers to account for the expected processing and initial inspection cost based on the type and extent of the proposed activity and applicable rule requirements. A permit application is not complete and will not be acted on by the District until the permit processing fee is paid. A current fee schedule is found at the District website at www.minnehahacreek.org.</p> <p>b. Beyond the initial permit processing fee, a permit applicant is responsible for the District’s actual cost to administer and enforce a permit; the actual cost of field inspections or investigations of the area affected by the proposed activity; analysis of the proposed activity; engineering and other technical analysis; legal fees and costs and administrative expenses; and monitoring of permitted activity.</p> <p>c. An applicant or permittee will be invoiced for costs incurred by the District beyond the permit processing fee, as enumerated in this section.</p> <p>d. In accordance with section 5 of the Enforcement Rule, permittees are liable for enforcement costs incurred by the District, including but not limited to the cost to inspect and monitor compliance; fees for engineering and other technical analysis; legal fees and costs; and administrative expenses.</p>	2	<p>FEES.</p> <p>(a) The District will charge applicants an initial permit processing fee in accordance with a schedule set, and revised from time to time, by resolution of the Board of Managers to account for the expected processing and initial inspection costs based on the type and extent of the proposed activities and the applicable rule requirements. A permit application will not be deemed complete and will not be acted on by the District until the permit processing fee is paid. A current fee schedule may be obtained from the District web site at www.minnehahacreek.org.</p> <p>(b) Beyond the initial permit processing fee, permit applicants will be charged the District’s actual costs of administering and enforcing permits, as well as the actual costs of field inspections or investigations of the area affected by a proposed activity, analysis of the proposed activity, and engineering and other technical analysis, legal fees and costs and administrative expenses, as well as any monitoring of permitted activities required.</p> <p>Applicants and permittees will be invoiced for all costs described by this paragraph incurred by the District beyond the permit processing fee.</p> <p>(c) In accordance with section 5 of the Enforcement Rule, permittees will be liable for enforcement costs incurred by the District, including but not limited to the costs of inspection and monitoring of compliance, engineering and other technical analysis, legal fees and costs, and administrative expenses. Applicants and permittees will be invoiced for all costs described by this paragraph incurred by the District.</p>

	e. An invoice issued in accordance with the provisions of this rule must be paid within thirty (30) days of receipt. Failure to pay a District permitting-fees invoice will constitute a failure to comply with District permit-application requirements or a violation of the terms of an issued permit. The Board of Managers may deny a permit application or revoke a permit based on nonpayment of fees.		(d) An invoice issued in accordance with the provisions of this rule must be paid within thirty (30) days from the receipt. Failure to pay a District permitting-fees invoice will constitute a failure to comply with District permit-application requirements or a violation of the terms of an issued permit, and the Board of Managers may deny a permit application or revoke a permit based on nonpayment of fees.
3	RECOVERY OF FEE. The fees provided for in this rule may be recovered by the District by any legal action authorized by law.	3	RECOVERY OF FEE. The fees provided for in this rule may be recovered by the District by any legal action authorized by law.
4	GOVERNMENTAL AGENCIES EXEMPT. No permit fee will be charged to an agency of the United States or any governmental unit in the State of Minnesota.	4	GOVERNMENTAL AGENCIES EXEMPT. No permit fee will be charged to any agency of the United States or any governmental unit in the State of Minnesota.