

Side-by-Side Comparison of Proposed and Current MCWD Rules
Rule 1. Definitions

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 Language	Current Language
Abstraction means permanent retention of runoff on a site through structures and practices such as infiltration, evapotranspiration and capture and reuse. See also the Abstraction Credit Schedule in Appendix A of the Stormwater Management Rule.	Abstraction means permanent retention of runoff on a site through structures and practices such as infiltration, evapotranspiration and capture and reuse. See also the Abstraction Credit Schedule in Appendix A of the Stormwater Management Rule.
	<i>Access Corridor means a corridor equal to 30 percent of the total shoreline length to a maximum of 30 feet.</i>
Agricultural activity means the use of land to produce agronomic, horticultural or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, forages, cover crops, grains, and Christmas trees, or for grazing.	Agricultural activity means the use of land for the production of agronomic, horticultural or silvicultural crops, including nursery stock, sod, fruits, vegetables, flowers, forages, cover crops, grains, and Christmas trees. Agricultural activity also includes grazing.
Alteration or alter means to change or diminish the course, current, or cross-section of a public water or wetland.	Alteration or alter means any activity that will change or diminish the course, current, or cross-section of public waters and wetlands.
BMP (best management practice) is an action, or a structural or non-structural method, to prevent or limit adverse impact to water resources that is recognized by those proficient in the field as reflecting best present means and methods.	BMPs (best management practices) are actions taken to prevent or reduce detrimental impacts to the environment while maintaining the natural characteristics of the environment.
Bed of a waterbody means that part of a waterbody located below the ordinary high-water level.	Beds of a waterbody means all portions of a waterbody located below the ordinary high- water level.
Bioengineering Practice means the strategic installation of natural, vegetative, biologically active materials in conjunction with toe stabilization, riprap or other hard-armoring materials to stabilize a shoreline or streambank area and associated slopes and prevent erosion.	Bioengineering Stabilization means the strategic installation of natural, vegetative, biologically active materials in conjunction with toe stabilization, riprap or other hard- armoring materials to stabilize shoreline or streambank areas and associated slopes and prevent erosion.
Biological Practice means the strategic placement of natural, vegetation, biologically active materials – such as but not limited to brush mattresses, live stakes/plantings, brush layering, fiber rolls, root wads and willow wattles – to stabilize a shoreline or streambank area and prevent erosion.	Biological Stabilization means the strategic placement of natural, vegetation, biologically active materials – such as but not limited to brush mattresses, live stakes/plantings, brush layering, fiber rolls, root wads and willow wattles – to stabilize shoreline or streambank areas and prevent erosion.
Common plan of development means one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.	

Revised Language	Current Language
Design Storm means a storm magnitude with a return period (T) that has the probability (1/T) of being equaled or exceeded in a given year. For example, a “100-year” event at a given location has a chance of 1/100 or 0.01 or 1% of being equaled or exceeded in any given year. For MCWD regulatory purposes, the rainfall depths to be used are as specified in the current NOAA guidance, “NOAA Atlas 14 Precipitation Frequency Estimates.” All rainfall depths are to use the NRCS Type II rainfall distribution.	Design storm refers to a storm magnitude with a return period (T) which has the probability (1/T) of being equaled or exceeded in any given year. For example, a “100- year” event at a given location has a chance of 1/100 or 0.01 or 1% of being equaled or exceeded in any given year. For MCWD regulatory purposes, the rainfall depths to be used are as follows: o 1-year event = 2.4” in 24 hours o 10-year event = 4.1” in 24 hours o 100-year event = 5.9” in 24 hours All rainfall depths shall use the NRCS Type II rainfall distribution.
Development means a land-disturbing activity, other than a Linear Transportation Project, that creates or reconstructs impervious surface.	Development means any land-disturbing activity that creates impervious surface, with the exception of Linear Transportation Projects.
Dredge means to remove sediment or other material from the bed, bank or shore of a waterbody by means of hydraulic suction, mechanical excavation or any other means.	Dredge means the removal of the sediment or other materials from the beds, banks or shores of, a waterbody by means of hydraulic suction, mechanical excavation or any other means.
Excavation means to displace or remove sediment or other material.	Excavation means the displacement or removal of sediment or other material.
Fast Track Permit means a permit for activity that typically presents low risk to water resources and is issued by staff without public notice and on the basis of more limited application submittals.	Fast Track Permit means a permit issued by staff for standard rip rap, sandblankets or maintenance fill projects which are installed according to technical specifications provided by District engineers, or an erosion control permit issued by staff in accordance with the criteria in the Erosion Control Rule.
Fill means a solid material, other than stockpiled temporarily for active use, that alters the cross-section of a waterbody bed or bank, floodplain, or buffer area. For the purpose of the Wetland Protection Rule, “fill” also includes a material as defined at Minnesota Rules 8420.0111, subpart 26.	Fill means any material placed or intended to be placed on the bed or bank of any protected water or wetland. Fill must be clean, inorganic material that is free of pollutants
Floodplain means the area adjoining a watercourse or water basin that is covered by the Regional Flood.	Floodplain means the areas adjoining a watercourse or water basin which have been or hereafter may be covered by a 100-year regional flood.
General Permit means a permit that is deemed issued to an applicant on the applicant’s notice to the District and submittal of an abbreviated set of application materials.	
Impervious means compacted or covered with a layer of material such that it is highly resistant to infiltration of runoff, including but not limited to gravel, rock, asphalt, and non-pervious concrete or paver systems.	Impervious refers to surfaces that are compacted or covered with a layer of material such that it is highly resistant to infiltration of runoff including but not limited to gravel, rock, asphalt, concrete and non-pervious paver systems.
Land-disturbing activity or land disturbance means a disturbance of the ground surface that exposes soil and, 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 that exposes the surface, soil stripping, clearing, grubbing, grading, excavating, filling, but does not include agricultural activity.	Land-disturbing activity or land disturbance means any disturbance to the ground surface that exposes soil and, 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, but does not include agricultural activity.
	<i>Linear Reconstruction Project means rebuilding a road, sidewalk or trail within existing right-of-way, and may include an increase in the area of impervious surface. Rehabilitation, including mill and overlay, of a road, sidewalk or trail within existing right-of-way in a manner that disturbs and/or replaces only the existing pavement and does not involve the addition of impervious surface area or the exposure of underlying soils is not considered a Linear Reconstruction Project.</i>
Linear Transportation Project means construction of a new road, trail, or sidewalk or reconstruction of an existing road, trail, or sidewalk.	Linear Transportation Project means construction of a new road, trail, or sidewalk or reconstruction of an existing road, trail, or sidewalk (see Linear Reconstruction Project).

Revised Language	Current Language
Management Class means a wetland designation set forth in the MCWD’s Functional Assessment of Wetlands based on the ecological function and vulnerability of the wetland. In order of highest function and vulnerability, management classes are Preserve, Manage 1, Manage 2 and Manage 3.	
Meadow Condition is a modeled event that uses concentration of 0.04 mg/L of Total Phosphorus in runoff in accordance with the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual and the MCWD Hydrologic, Hydraulic, and Pollutant Loading Study (HHPLS). For runoff rates, meadow condition uses curve numbers corresponding to soil and cover types “meadow,” “brush,” or “woods,” as appropriate, provided in Table 2-2c of the Natural Resources Conservation Service’s (NRCS) Technical Release 55 (TR-55).	Meadow Condition shall be modeled using an event mean concentration of 0.04 mg/L of Total Phosphorus in runoff in accordance with the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual and the MCWD Hydrologic, Hydraulic, and Pollutant Loading Study (HHPLS). For runoff rates, meadow condition shall be modeled using curve numbers corresponding to soil and cover types “meadow,” “brush,” or “woods,” as appropriate, provided in Table 2-2c of the Natural Resources Conservation Service’s (NRCS) Technical Release 55 (TR-55).
Native Vegetation means plant species that are indigenous to Minnesota or that expand the range into Minnesota without being intentionally or unintentionally introduced by human activity, and that are classified as native in the Minnesota Plant Encyclopedia, Minnesota Department of Natural Resources, St. Paul, 2002.	Native Vegetation means plant species that are indigenous to Minnesota or that expand the range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.
	<i>Natural State refers to a segment of shoreline or streambank displaying essentially no evidence of constructed stabilization or from which constructed stabilization measures have been removed by degradation or deconstruction.</i>
New Principal Residential Structure means a single-family residence constructed on undeveloped property zoned for residential use, or on a property zoned for residential use from which the principal building has been removed to construct a new single-family residence.	New Principal Residential Structure means a single-family residential building constructed on undeveloped property zoned for residential use or on a property zoned for residential use from which the principal building has been removed for purposes of constructing a new single-family residential building.
No-Rise Standard means no increase in the 100-year high water elevation that exceeds modeling error.	
No-Rise Certificate means the “No Rise” certification provided by the Minnesota Department of Natural Resources	
NPDES means the “National Pollutant Discharge Elimination System” program under the federal Clean Water Act.	NPDES refers to Clean Water Act National Pollutant Discharge Elimination System
NURP means Nationwide Urban Runoff Program, as developed by the U.S. Environmental Protection Agency (EPA) to study stormwater runoff from urban development.	NURP means Nationwide Urban Runoff Program developed by the Environmental Protection Agency (EPA) to study stormwater runoff from urban development.
100-year high water elevation means the water elevation reached by the Regional Flood, as determined by, in the order of preference, the most recent municipal, District or FEMA modeling, or by the applicant, in each case subject to the District's concurrence as to modeling adequacy.	100-year high water elevation means the highest water elevation associated with a waterbody reached during a 24-hour precipitation event with a recurrence interval of 100 years, as specified by the District in a written guidance document or, if not so specified, as determined by the District in order to act on a permit application.
Ordinary high water level (OHW) is the elevation of a waterbody that is the highest water level that has existed for a sufficient time to leave evidence on the landscape. It is commonly the elevation where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For a watercourse, the OHW is the elevation of the channel top of bank. For a reservoir or flowage, the OHW is the operating elevation of the normal summer pool.	Ordinary high water level (OHW) means the boundary of a waterbody and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
Person means a natural person, partnership, unincorporated association, corporation, municipal corporation or political subdivision of the State of Minnesota.	Person means any natural person, partnership, unincorporated association, corporation, municipal corporation or political subdivision of the State of Minnesota.
Pervious means readily penetrated or permeated by rainfall or runoff resulting in infiltration and reduced runoff.	Pervious refers to surfaces that are readily penetrated or permeated by rainfall or runoff resulting in infiltration and reduced runoff.
	<i>PID means Property Tax Identification Number and is an abbreviated method to substitute for the legal description for a parcel of property (ex. 03-117-24 33 0004 is Section 3 of Township 117; Range 24; Quarter 33 and Parcel 4).</i>

Revised Language	Current Language
	<i>Preserve Wetland is the highest of four management classifications assigned through use of either the District's Functional Assessment of Wetlands (FAW) or the current version of the Minnesota Routine Assessment Method (MnRAM).</i>
Public water means a water as defined under Minn. Stat.103G.005, subd. 15.	Public waters means all waters identified as public waters under Minn Stat.103G.005, Subd. 15.
Public waters wetland means a wetland defined under Minn. Stat. 103G.005, subd. 18.	Public waters wetlands means all wetlands identified as public waters wetlands under Minn. Stat. 103G.005, Subd. 18.
Reconstructed means that impervious surface has been removed to underlying soil. Activities such as structure renovation, mill and overlay, and other pavement rehabilitation that do not expose underlying soil beneath the structure, pavement, or activity are not considered as reconstructed. Limited impervious surface replacement associated with maintenance activity such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting installation, or pedestrian ramp improvement is not considered to be reconstructed surface.	
	<i>Redevelopment means land-disturbing activity that creates or replaces impervious surface on a parcel that is fully or partially occupied by buildings and/or impervious surface with the exception of Linear Transportation Projects.</i>
Regional flood means the precipitation event, associated with the location, expected to occur with an average frequency of once each 100 years, and the volume and intensity of precipitation associated with that event, as set forth in the regional precipitation data set adopted and maintained by the District.	Regional flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.
Residential appurtenance means (a) a driveway, or (b) a structure or surface that throughout the watershed customarily is associated with residential use of a property, and that does not exceed 5,000 square feet of impervious surface.	
Site means a parcel or contiguous parcels of record on which activity subject to a District rule is proposed to occur, as well as any tract contiguous thereto under common ownership. For a Linear Transportation Project within right-of-way that is not of record, the Site is bounded by the longitudinal termini of the proposed activity but includes area outside of the right-of-way designated by the applicant for project purposes.	Parcel or Site means a contiguous area of land under common ownership, designated and described in official public records and separated from other lands. "Parcel" and "site" generally have equivalent meanings for purposes of these rules, and are used interchangeably in rule text. Site - see Parcel
	<i>Shoreline means the ordinary high water level of a water basin and the area waterward thereof.</i>
Stabilization Zone means an area of land parallel to a shoreline or streambank and extending 20 feet inland from the ordinary high-water level.	Stabilization Zone means the area of land paralleling the shoreline or streambank and extending 20 feet inland from all points along the ordinary high-water mark of the shoreline.
Stabilize means to establish a surface condition that, without maintenance, will not be subject to soil erosion or sediment movement.	
Structural Practice is the use of an engineered system – such as riprap, retaining wall, headwall, groin, revetment or gabion – to stabilize a shoreline or streambank area and associated slope.	Structural Stabilization is the use of engineered systems – such as riprap, retaining walls, headwalls, groins, revetments, gabions – to stabilize shoreline or streambank areas and associated slope and prevent erosion.
Subwatershed means one of the fifteen major subwatershed planning units within the District, as identified in the District's watershed management plan.	Subwatershed means one of the fifteen major subwatershed planning units within the Minnehaha Creek Watershed District.
Top of bank means the ordinary high water level for a water basin or wetland, and the break in slope for a watercourse.	Top of bank means the ordinary high water level for a water basin or wetland, and the break in slope for a watercourse.
Waterbasin means an enclosed natural depression with definable banks, capable of containing water, that may be partly filled with water.	Waterbasin means an enclosed natural depression with definable banks capable of containing water which may be partly filled with waters.
Waterbody means a waterbasin, watercourse or wetland as defined in these rules.	Waterbody means all waterbasins, watercourses and wetlands as defined in these rules.

Revised Language	Current Language
<p>Watercourse means a channel with definable beds and banks capable of conducting generally confined runoff from adjacent lands, or any channel included in the District’s inventory of first order streams. A watercourse may be perennial or intermittent. The term does not include a roadside ditch created by excavation or other human construction activity.</p>	<p>Watercourse means any channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands, or any channel included in the District’s inventory of first order streams. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent. Watercourse does not include roadside ditches created by excavation or other human construction activity</p>
	<p><i>Wetland buffer zone means an area of vegetated groundcover abutting or surrounding a wetland.</i></p>
<p>Wetland means a feature identified as a wetland under Minn. Stat. 103G.005, subd 19. The term does not include “public waters wetlands” as defined under Minn. Stat. 103G.005, subd. 15a.</p>	<p>Wetlands means all wetlands identified as wetlands under Minnesota Stat. 103G.005, Subd 19. The term does not include "public waters wetlands" as defined under Minnesota Statutes 103G.005, subdivision 15a.</p>