

CHAPTER 4. DEFINITIONS AND INTERPRETATION

4.1 **Definitions.** For the purposes of the Rules, certain words and terms are defined as follows. In the absence of a definition hereinafter, the definitions established for the State of Minnesota by statute or by case law apply to the Rules unless clearly in conflict, clearly inapplicable, or unless the content makes such meaning contrary thereto. Additionally, if words or phrases are not defined therein, they shall be interpreted to give them the same meaning they have in common usage and to give the Rules their most reasonable application.

Alteration: Activity that results in disturbance to a site's underlying soils or established vegetation that's not part of routine maintenance.

Best Management Practices (BMP): Measures taken to minimize negative effects on the environment including those documented in the Minnesota Stormwater Manual, as amended.

Board of Managers (Board and/or Managers): The governing body of the Pelican River Watershed District.

Buffer Law: Minn. Stat. § 103F.48, as amended.

BWSR: Board of Water and Soil Resources of Minnesota.

Commissioner: Commissioner of the Minnesota Department of Natural Resources.

Conditional Uses: Traditionally non-approved practices that may be allowed, with written approval from the District, to best meet the intent of the rule.

DNR: The Minnesota Department of Natural Resources.

Direct Watershed: Region draining to a specific lake, stream, or river.

District: The Pelican River Watershed District established under the Minnesota Watershed Law, Minn. Stat. Chapter 103D.

Drainage Authority: The public body having jurisdiction over a drainage system under Minn. Stat. Chapter 103E.

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

Impervious Surface: Constructed hard surface (gravel, concrete, asphalt, pavers, etc.) that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development.

Landowner: The holder of the fee title or the holder's agents or assigns.

Linear Project: A road, trail, or sidewalk project that is not part of a common plan of development.

Low Floor Elevation (LFE): 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.

Licensed Professional: A professional licensed in the State of Minnesota with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management devices and plans, erosion prevention and sediment control plans, and shoreland alterations including retaining walls. Examples of licensed professionals may include professional engineers, professional landscape architects, professional geologists, professional soil engineers, SWCD staff with Job Approval Authority, and licensed contractors who have the referenced skills.

MPCA: The Minnesota Pollution Control Agency.

Minnesota Stormwater Manual: The MPCA's online manual for stormwater management including design guidance and referenced regulations.

New Development Areas: Surface construction activity that is not defined as redevelopment and areas where new impervious surface is being created.

NPDES General Construction Stormwater Permit: The current Minnesota Pollution Control Agency General Permit to Discharge Stormwater Associated with Construction Activity Under the National Pollution Discharge Elimination System State Disposal System Program (NPDES/SDS).

NRCS: Natural Resource Conservation Service of the U.S. Department of Agriculture.

Ordinary High Water Level (OHWL): The boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel.

Parcel: A unit of real property that has been given a tax identification number maintained by a County.

Person: An individual, firm, partnership, association, corporation, or limited liability company, but does not include public corporations or governmental subdivisions.

Pretreatment: Devices or practices installed upstream of a stormwater BMP that are designed to capture trash, debris, and/or coarse sediment to reduce the risk of clogging the primary BMP. Pretreatment option includes but is not limited to vegetated filter strips, sumped manholes, and forebays.

Public Drainage System: A network of open channel ditches, drain tile, or a combination used to drain property that were established by a drainage authority under MN Chapter 103E.

Public Water: As defined in Minn. Stat. § 103G.005, subd. 15, as amended, and included within the public waters inventory as provided in Minn. Stat. § 103G.201, as amended.

Redevelopment Areas: Construction activity where, prior to the start of construction, the areas to be disturbed have fifteen percent (15%) or more of existing impervious surface(s).

Reconstruction: A project that is repairing or rebuilding existing infrastructure where the underlying soil is disturbed; the definition does not include mill & overlay projects or full-depth reclamation projects where the underlying soils are undisturbed.

Regional Conveyance: A surface or subsurface drainage path conveying concentrated flow that drains two hundred (200) acres or more not including piped, public conveyance (i.e. storm sewer).

Responsible Party: A party other than a landowner that directly or indirectly controls the condition of riparian land subject to a Buffer under the Rules.

Riparian Lot: Private or public property that is abuts a waterbody, such as a river, stream, lake, or wetland.

Riparian Protection: A water quality outcome for the adjacent waterbody equivalent to that which would be provided by the otherwise mandated buffer, from a facility or practice owned or operated by a municipal separate storm sewer system (MS4) permittee or subject to a maintenance commitment in favor of that permittee at least as stringent as that required by the MS4 general permit in effect.

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

Shore Impact Zone (SIZ): Land located between the ordinary high water level of a public water and a line parallel to and half (1/2) the setback from it (as defined by applicable county or municipal zoning ordinances), except that on property used for agricultural purposes the shore impact zone boundary is a line parallel to and fifty feet (50') from the Ordinary High Water Level.

Shoreland District: Area within one thousand feet (1,000') of the OHWL of water bodies and three hundred feet (300') from rivers or the outer extent of the floodplain.

Shoreland Standards: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minn. Stat. § 103F.211, as amended.

Stormwater Pollution Prevention Plan (SWPPP): A comprehensive plan developed to manage and reduce the discharge of pollutants in stormwater.

Structure: An above ground building or other improvement that has substantial manmade features other than a surface.

SWCDs: Soil and Water Conservation Districts: political subdivisions of the State of Minnesota.

Trail: A linear, non-motorized vehicle path not exceeding ten feet (10') in width.

Wetland: Area identified as wetland under Minn. Stat. § 103G.005, subd. 19, as amended.

4.2 Interpretation.

- A. The headings of articles and sections are provided for convenience of reference only and will not affect the construction, meaning, or interpretation of the Rules.

- B. The definition of terms herein shall apply equally to the singular and plural forms of the terms defined.
- C. Whenever the context may require, any pronoun shall include the corresponding masculine, feminine, and neuter forms.
- D. The words “include,” “includes,” and “including” shall be deemed to be followed by the phrase “without limitation.”
- E. The word “will” shall be construed to have the same meaning and effect as the word “shall.” Both terms shall be construed to indicate a mandatory state or condition.
- F. The word “may” shall be construed to indicate a permissive state or condition.
- G. The words “herein,” “hereof,” and “hereunder,” and words of similar import, shall be construed to refer to the Rules in its entirety and not to any particular provision hereof.
- H. In the computation of periods of time from a specified date to a later specified date, the word “from” means “from and including” and the words “to” and “until” mean “to and including.”
- I. All distances, unless otherwise specified, shall be measured horizontally.