

WATER MANAGEMENT RULES

CORMORANT LAKES WATERSHED DISTRICT

To protect and enhance the quality of waters within its jurisdiction; to ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which impact these waters; and to accomplish the purposes for which a watershed district is established.

Section 1.0 - Introduction

1.1 - Statutory Authority to Adopt Rules

According to Minnesota Statutes (M.S.), section 103D.341, subdivision 1, the managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.

1.2 - Short Title

These rules shall be known and may be cited as the "Cormorant Lakes Watershed District Rules." The address of the District's office is 10929 County Highway #5, Pelican Rapids, Minnesota 56572.

1.3 - Inconsistent Provisions

If any rule or rules herein contained are inconsistent with the provisions of M.S. Chapter 103D or other applicable laws of the State of Minnesota, the provisions of Chapter 103D or other applicable laws shall govern.

1.4 - Severability

The provisions of these rules shall be severable, and the invalidity of any section, subdivision, or any other part thereof shall not make invalid any other section, subsection, paragraph, subparagraph, subdivision, or any other part thereof.

Section 2.0 - Policy Statement

2.1 - General Policy

These rules shall be adopted by the Board of Managers of the District to effectuate the purposes of M.S. Chapter 103D and the powers of the Board of Managers therein prescribed. The Board of Managers intends that its rules conform to the legislative policy of M.S. Chapter 103D.

The Managers intend to use these rules as a tool to carry out the District's mission: to enhance the quality of water in the lakes and water of the state within its jurisdiction. It

is understood that to accomplish this, the District must ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which directly affect these lakes. The Managers' further intent is to accomplish this mission in a manner that is most beneficial to the general welfare of present and future residents of the District and to minimize adverse environmental impacts upon the water resources of the District.

Specifically, the District seeks to minimize increased discharges or nutrients to the waters of the District by exercising control over development and to regulate improvements by riparian property owners of the beaches, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use.

The rules stated below shall be followed by any persons, corporations, firms, state, county, municipal governments, and other government agencies undertaking a revision of their existing rules, plans, or statutes or undertaking certain land use modification or land development activities within the District.

Section 3.0 - Definitions

For these Rules, certain words and terms are defined below. In the absence of a definition, the definitions established for the State of Minnesota by statute or by case law shall apply to these Rules unless clearly in conflict, clearly inapplicable, or unless the context makes such meaning repugnant thereto. Certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

ALTERATIONS TO LAND - grading, excavation, filling, or movement of soil or vegetative material.

APPROPRIATE REGISTERED PROFESSIONAL OR REGISTERED

PROFESSIONAL - a professional registered 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 registered professionals may include professional engineers, professional landscape architects, professional geologists, and professional soil engineers who have the referenced skills.

BLUFF - a topographic feature such as a hill, cliff, or embankment located in a shoreland area and draining to a water body, having a slope rising at least twenty-five (25) feet above the ordinary high-water level of the water body, and where the grade of the slope from the toe of the bluff to any point twenty-five (25) feet or more above the ordinary high-water level averages thirty (30) percent or greater.

BLUFF IMPACT ZONE - a bluff and land located within twenty (20) feet from the top of the bluff.

BOARD OF MANAGERS - the Managers of the Cormorant Lakes Watershed District.

BWSR - Minnesota Board of Water and Soil Resources.

DETENTION SYSTEM - a structure or facility, which collects and stores runoff temporarily with a subsequent gradual release of stormwater at a controlled rate. A detention basin may retain some water.

DE-WATERING - discharge of appropriated surface or groundwater.

DISCHARGE - the disposal, conveyance, channeling of runoff, or drainage of water or material, including, but not limited to, stormwater and snow melting.

DISTRICT - the Cormorant Lakes Watershed District.

DNR – the State of Minnesota Department of Natural Resources.

EROSION - the wearing away of soil by rainfall, surface water runoff, wind, or ice movement.

FILL - soil, sand, gravel, clay, or any other material which is placed on land or in waters of the state.

GROUNDWATER RECHARGE AREA – an area in which surface water accumulates and is conveyed to groundwater aquifers.

ICE RIDGE - the ridge, comprised of soil, sand, and/or gravel, often found in the shore impact zone near the ordinary high-water mark of lakes and caused by wind-driven ice or ice expansion.

ICE RIDGE MODIFICATION - the removal, excavation, or alteration of material, or vegetation on an ice ridge.

IMPERVIOUS SURFACE - a constructed hard surface 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 before development. Examples include but are not limited to, rooftops, sidewalks, patios, roads, streets, driveways, and parking lots constructed of concrete, asphalt, paving stones, bricks, or compacted soils (including “class 5”).

LATERAL - any constructed waterway or drain which conveys water to a public ditch.

LOADS - a quantity of sediment or nutrients, expressed by weight and carried by, or dissolved in, discharge.

MANAGERS - the Board of Managers of the Cormorant Lakes Watershed District.

MPCA - Minnesota Pollution Control Agency.

NATURAL VEGETATION DISTURBANCE - the removal or destruction of established vegetation species.

NRCS - U.S. Department of Agriculture Natural Resource Conservation Service Agency.

ON-SITE - within the contiguous confines of an ownership parcel.

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 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.

POINT DISCHARGE - discharge from a specific outlet, such as storm sewer, pipe, culvert, or ditch.

PROPERTY OWNER - the party possessing the title of the land on which the activity will occur; or if the activity is for a leaseholder, the party identified as the leaseholder, or the contracting government agency responsible for the activity.

RECONSTRUCTION - includes, but is not limited to, changing drainage, re-grading, changing cross sections, or vegetation removal; reconstruction does not include seal coating or overlays of roads, streets, highways, driveways, parking lots, right-of-way maintenance, or road repairs resulting from maintenance or repair of sanitary or water supply system.

RELIEF - a modification or variation of the provisions of the Rules, as applied to a specific piece of property.

RETAINING WALL - a structure intended to maintain a grade differential of six (6) inches or more.

RETENTION SYSTEM - a structure or facility which accumulates a specified amount of stormwater or runoff.

RULES - the Cormorant Lakes Watershed District Rules, when the word "Rules" is used, it shall mean and refer to the rules placed here, the Cormorant Lakes Watershed District Rules.

RUNOFF - water, including nutrients, pollutants, and sediments carried by water, from the land surface.

SEDIMENT - mineral or organic particulate matter that has been carried from its point of origin by water or wind.

SHORE IMPACT ZONE - land located between the ordinary high-water level of public water and a line parallel to and one-half ($\frac{1}{2}$) 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 (50) feet from the ordinary high-water level. In no instance shall the shore impact zone be less than fifty (50) feet from the ordinary high-water level.

SHORELAND (SHORELAND DISTRICT OR SHORELAND ZONE) - land located within one thousand (1000) feet of the ordinary high-water mark of a lake, pond, or three hundred (300) feet from a river or stream, as defined in the Becker County Zoning Ordinance.

SLOPE INSTABILITY - a condition in which slope has exhibited sloughing or slumping or other failure to maintain natural grades, or is determined by an appropriate registered professional to have the potential for failure.

STABILIZATION - covering an exposed ground surface with sod, erosion control blanket, rip rap, or other material that prevents erosion. A surface is not considered stabilized by simply sowing grass seed.

STEEP SLOPE - steep slopes, that are not bluffs, are lands having average slopes more than 12 (twelve) percent, as measured over distances of fifty (50) feet measured horizontally.

STORM SEWER - a system of pipe installed for the specific purpose of transporting surface and/or underground waters from one location to another and said system need not be continuously constructed only of pipe but may include reaches of flumes, spillways, or open channels.

STORMWATER - precipitation runoff, snow melt runoff, or any other surface runoff and drainage.

STORMWATER INFRASTRUCTURE - constructed measures to collect, convey, or treat stormwater.

STORMWATER TREATMENT DEVICE - a facility designed to retain or detain stormwater or to lower its sediment or nutrient content.

VEGETATION - brush, shrubs, grass, or trees.

WATERCOURSE - a channel having definable beds and banks capable of conducting confined runoff from adjacent lands. During floods, water may leave the confining beds and banks, but under low and normal flows water stays within the channel. A

watercourse may be perennial or intermittent, natural or man-made. Ditches and streams are examples of watercourses.

WATERS OF THE STATE - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WATERSHED DISTRICT - the legally established agency named and referred to as the Cormorant Lakes Watershed District, when the word "District", it shall mean the land contained within the boundary of the Cormorant Lakes Watershed District.

WETLAND - all wetlands as defined in Minnesota Statutes.

Section 4.0 - Water Quality Protection and Enhancement

4.1 - Thresholds for Permits

Permits are required for any of the following actions within the boundaries of the District:

- a. alterations to land, impervious surface, or vegetation in shore impact zone or bluff impact zones, or steep slopes in a shoreland zone;
- b. additions to the impervious surface resulting in total impervious surface (new and existing) more than twenty-five (25) percent of lot area, or ten thousand (10,000) square feet in the shoreland zone, or one (1) acre elsewhere for any property draining to waters of the state, or draining to an existing storm sewer or stormwater treatment facility;
- c. construction or re-construction of a private or public highway, road, street, parking lot, or public water access;
- d. subdivisions, plats, and developments based upon certified surveys or planned unit developments;
- e. changes to stormwater infrastructure, including streets and public parking, inlets to waters of the state, bridges, or culverts;
- f. de-watering of groundwater or surface water including sump pumps, heating and air conditioning systems, and well cleaning resulting in discharges into public waters of the state; no permit shall be issued to allow a direct discharge into the waters of the state within the shore impact zone. An expedited permit may be granted for temporary de-watering provided adequate erosion control methods are in place and do not result in a direct discharge into the waters of the state;

- g. installation, repair, replacement, or removal of rip-rap or beach sand blanket in the shore impact zone;
- h. installation, repair, replacement, or removal of retaining walls in the shore or bluff impact zone;
- i. the removal, construction, or modification of an ice ridge formed at the edge of public water;
- j. no person shall alter or fill land below the OHWL flood elevation of any wetland or public water or wetland without first securing a permit from the District. An expedited administrative permit is required for one (1) inch or less of fill within the shore impact zone in preparation for sodding or seeding purposes. A Becker County land alteration permit and a District permit are required for any fill in the shore impact zone exceeding one (1) inch in depth;
- k. operating equipment for land alteration purposes in the shore impact zone;
- l. normal agricultural practice shall be excluded from regulations, unless such agricultural practice adversely affects the water quality of the district, at which time a permit will be required.

4.2 - Approval of Permits

Permits will be granted for actions in 4.1 that meet all the following conditions:

- a. Actions will not result in increases in stormwater discharge rates to adjoining properties or waters of the state for the 5-year-24-hour rainfall events.
- b. All actions must utilize standards and procedures for controlling runoff rates, nutrients, and sediments as described in the “Protecting Water Quality in Urban Areas” manual (MPCA, 2000) as revised. If a facility or measure is not addressed in that manual, other resources include "BWSR Minnesota Construction Site Erosion and Sediment Control Planning Handbook” as revised, the NRCS “Slope Protection for Dams and Lakeshores, Minnesota Technical Release 2” (October 1997) as revised, “Minnesota Urban Small Sites BMP Manual, Met Council, 2001 ", or “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency, 1992", as revised.
- c. Actions in Section 4.1 b, c, d, and e must be accompanied by a stormwater management plan, and for areas that are changed incorporate retention of the stormwater runoff generated by the 5-year-24-hour rainfall event on-site. An alternative standard would be to show a minimum of 90 (ninety) percent removal of total suspended solids and a fifty (50) percent or higher total phosphorus removal

for a 5-year-24-hour rainfall event using the Walker's Pond Net model or other equivalent models. In either case, a maintenance schedule for the provisions must be provided.

- d. Actions involving ice ridges are allowed only for purposes of repairing current year shoreline damage; no ice ridge modifications which result in an increase of runoff to a lake or natural vegetation disturbance are allowed, except that a four (4) foot-wide walkway may be constructed across a permanent ice ridge after a permit is obtained from the District, following the general permit from the DNR, using the DNR existing guidelines for ice ridge modification. The completion date for a permit to remove an ice ridge may be extended by the District if the existing lake elevation would prohibit a practicable repair during the current year.
- e. Actions involving the stabilization of shorelines or stream banks, or installing beach sand blankets must use non-polluting fill or non-polluting material under any foreseeable circumstances. For rip-rap, under normal conditions, no rip-rap or filter materials should be placed more than six (6) feet waterward of the shoreline measured from the OHWL elevation. The encroachment into the water is the minimum amount necessary to provide protection and does not unduly interfere with the flow of water.
- f. Retaining walls in the shore impact zone are allowed only to correct existing slope instability or erosion; the base of such walls must be above the highest known water level. Retaining wall design plans must comply with accepted engineering principles and submit an analysis that shows that the wall will withstand expected ice and wave action and earth pressure.
- g. A complete permit application which includes all required exhibits shall be received by the District at least thirty (30) full days before the scheduled meeting date of the Board of Managers. Late submittals or submittals with incomplete exhibits will be scheduled for a subsequent meeting date.
- h. Permit applications tabled at a board meeting due to revisions needed for compliance with District rules will be addressed at the next board meeting if the revisions are submitted within five (5) working days of being tabled.
- i. Regular Board meetings of the Board of Managers are conducted on the first Monday of each month at 7:00 pm. and are held at the Cormorant Townhall, Cormorant Village, 10929 County Highway #5, Pelican Rapids, Minnesota 56572 unless otherwise noticed. Special meetings will be subject to posted notice.

- j. A permit issued shall be posted on the premises before the commencement of the project and remain posted until the project has been inspected and approved by the Cormorant Lakes Watershed District Staff.

4.3 - Permit Application Requirements

- a. No action, works, or use requiring a permit shall be commenced before the issuance of the permit, except for emergency repairs necessitated by storms, floods, water, or electrical or sewage system failures. The District should be notified of such repairs as soon as practicable.
- b. Application forms and instructions will be available from the District office and the Becker County Zoning office. Permit applications must be completed to be considered by the District.
- c. Permits are valid for up to a twelve (12) month period from the date of issuance unless otherwise suspended or revoked. To extend a permit, the property owner must apply to the District in writing stating the reasons for the requested extension. Any plan changes and related project documents must also be included in the extension application. The District must receive this application at least thirty (30) days before the permit's expiration date.
- d. Nothing in these Rules shall limit the District from requiring a design certification by a licensed engineer or licensed landscape architect, or other appropriate professional, when deemed necessary and appropriate by the Managers or Administrator to ensure compliance with the Rules.
- e. For any proposed land alteration project in the shore impact zone or a bluff impact zone, an applicant must provide a design, site drawing, and proposed construction plan, approved by a certified engineer or landscape architect as required by the Becker County Zoning Ordinance Section 12, Subdivision 7. A copy of said design and drawing must be attached to the application submitted to the District thirty (30) days before approval is received from the County to allow comments by the District as may be appropriate. Nothing in this regulation shall limit the District from requiring a design certification by a licensed engineer or landscape architect, or another appropriate professional when deemed necessary and appropriate by the managers to provide sediment control, pollution control, runoff, erosion, or drainage.
- f. All new residential, commercial, industrial, and institutional structures and alterations to existing structures shall be constructed such that all finished floor elevations are at a minimum of eighteen (18) inches above the highest recorded water level. For Big Cormorant Lake, the highest recorded lake level elevation shall

be thousand, three hundred fifty-six and two-tenths (1,356.2) feet. The Applicant shall bear the burden of establishing the proposed elevation of the structure. The District shall place a monument establishing the OHWL on each lake within the District, that has an established OHWL by the DNR.

- g. A District permit shall not be construed as a valid permit required from any state, county, township, or other regulatory agency as may be required such as the State of Minnesota Department of Natural Resources, State of Minnesota Pollution Control Agency, Becker County, Township, Soil and Water Conservation District and U.S. Army Corps of Engineers.

4.4 - Sureties

- a. The District may require a performance bond, letter of credit, or other surety in a form approved by the District for an activity regulated under these Rules. A commercial surety shall be from an issuer licensed and doing business in Minnesota. The surety shall be submitted by the property owner but the surety principal may be either the property owner or the individual or entity undertaking the proposed activity.
- b. The surety shall be in favor of the District and conditioned on the applicant's performance of the activities authorized in the permit in compliance with all applicable laws, including the District's Rules, the terms and conditions of the permit, and payment when due of any fees or other charges authorized by law, including the District's Rules. The surety shall state that in the event the conditions of the surety are not met, the District may claim it.
- c. The surety must be valid and in force for at least an eighteen (18) month period and shall contain a provision that it may not be canceled or released except under the terms in 4.13(e) herein.
- d. The amount of the surety shall be set by the Board of Managers by resolution as the amount the Board deems necessary to cover the following potential liabilities to the District:
 - 1) Application, field inspection, monitoring, and related fees authorized under Minnesota Statute §103D.345;
 - 2) The cost of maintaining and implementing protective measures outlined in or incorporated into the permit;
 - 3) The cost of remedying damage resulting from permit noncompliance or for which the property owner otherwise is responsible.

- e. On written notification of completion of a project, the District will inspect the project to determine if the project is constructed by the terms of the permit and District Rules. If the project is completed by the terms of the permit and District Rules and there is no outstanding balance for unpaid inspection fees, attorney's fees, engineer's costs, or contract labor on materials ordered and installed by the District, the District will release the surety if one was required in Section 4.4(a).
- f. Governmental agencies are exempt from surety requirements.
- g. The District, at the sole discretion of the Board Managers, may accept a personal surety from a landowner with an accompanying financial statement.

4.5 - Upgrade of Existing Stormwater Discharges

The Managers may require a person or government to provide a treatment plan for point discharges of stormwater containing annual loads of more than ten (10) pounds of phosphorus or two thousand (2000) pounds of sediment to the waters of the state. Such a plan must be implemented within one (1) year of notification by the District.

4.6 - Maintenance of Stormwater Treatment Devices

The owners of the property on which a stormwater treatment device has been constructed must maintain that device so that its function is not diminished. If a stormwater treatment device is not maintained by the owner, the District shall have the authority to order all necessary emergency repairs and assess all costs to the record owners of the property.

Section 5.0 - Dredging

5.1 - Policy

It is the policy of the Board of Managers to preserve the natural appearance of shoreline areas, recreational, wildlife, and fisheries resources of surface waters, and surface water quality.

5.2 - Regulations

No person shall dredge in the beds, banks, or shores of any protected water or wetland in the District without first securing a permit from the District and the DNR and posting a bond or letter of credit under Regulation 4.4(a).

5.3 - General Standards

All permitted dredging shall comply with the following standards:

- a. The disposal site must be identified and found not to be below the OHWL of a public water or public water wetland, wetland subject to the Wetland Conservation Act of 1991, or floodplain and not prone to erosion.

- b. In cases of an identifiable sediment source under the applicant's control, the plan shall include remedial action to minimize sediment deposition into a waterbody or off-site.
- c. Before review by the District, all dredging proposals that involve docking shall be submitted to and approved by the DNR.
- d. The proposed project shall represent the "minimal impact" solution to a specific need concerning all other reasonable alternatives such as dock extensions, aquatic nuisance plant removal without dredging, beach sand blankets, excavation above the bed of public water, less extensive dredging in another area of the public water, or management of an alternative water body for the intended purpose.
- e. The dredging shall be limited to the minimum dimensions necessary for achieving the stated purpose.
- f. If the dredging will be accomplished using hydraulic dredging the following additional standards will apply the disposal site shall have a minimum storage capacity equal to four (4) times the calculated volume of solid material to be removed, a minimum freeboard between the top of the projected water surface elevation and the top of the dike of one foot, if no outlet from the disposal is proposed.
- g. All permit applications must be accompanied by design information by a certified civil engineer.

Section 6.0 - Shoreline & Streambank Improvement

6.1 - Policy

It is the policy of the Board of Managers to:

- a. Assure that improvement of shoreline and streambank areas to prevent erosion and to enhance water quality complies with accepted engineering principles in conformity with DNR construction guidelines, and
- b. Preserve the natural appearance of shoreline and streambank areas.

6.2 - Regulations

- a. No person shall construct a shoreline or stream bank improvement, such as rip rap or to prevent erosion, or for any other purpose, such as boat ramps and sand blankets, without first securing a permit from the District. Any retaining wall shall require a conditional use permit to be issued by Becker County and it is the expressed policy of the District to discourage the development of retaining walls that abut any lake or stream.

- b. An expedited administrative permit may be issued for routine rip rap projects that conform with the requirements outlined in paragraph 4.2(e) of these Rules.
- c. An expedited administrative permit may be issued for routine sand blanket projects that conform with the requirements outlined in paragraph 4.2(e) of these Rules.
- d. The District may issue an expedited permit for activity limited to Section 6.2(b), 6.2(c), 4.1(f), 4.1(j), and 8 without inspection to a contractor that has posted a cash bond or personal surety with the District Administrator in the sum of one thousand (1,000) dollars before May 1, of each construction year. The contractor must also attend a District training seminar for contractors. The contractor must advise a manager of the scope of the project before the work is commenced. The District reserves the right to terminate the contractor's privilege to obtain an expedited permit without inspection for any or no reason. The purpose of the surety bond is to provide funds to restore the activity to the pre-permit condition for any activity completed that is not in compliance with all District regulations.

6.3 - Criteria for Rip Rap Placement

Rip rap placement shall comply with the following criteria:

- a. General standards:
 - 1) Clean rip rap material should be durable, natural stone, and of a gradation that will result in stable shoreline embankment.
 - 2) The finished slope of the rock fragments, boulders, and/or cobbles should not be deeper than a ratio of three (3) feet horizontal to one (1) foot vertical (3:1) under normal conditions. Steeper slopes will generally require larger-sized rip rap. The minimum finished slope shall be no steeper than 2:1 (horizontal to vertical). Any rock/boulder stabilization project with a proposed finished slope steeper than 2:1 (horizontal to vertical) shall be evaluated by the conditions for retaining walls.
 - 3) Under normal conditions, No rip rap or filter material should be placed more than six (6) feet waterward of the shoreline measured from the OHWL elevation. The encroachment into the water is the minimum amount necessary to provide protection and does not unduly interfere with the flow of water.
 - 4) No existing rip rap may be removed without a permit.

Section 7.0 - Stream and Lake Crossings

7.1 - Policy

It is the policy of the Board of Managers to discourage the use of lakebeds and beds of waterbodies for the placement of roads, highways, and utilities.

7.2 - Regulation

No person shall use the beds of any waters of the state within the District for the placement of roads, highways, and utilities without first securing a permit from the District. Utility service providers shall be exempt from permit requirements if the utilities are placed within the public right of way and are consistent with recorded easements or dedications of public right of way.

7.3 - Criteria

Use of the bed:

- a. Shall meet a demonstrated public benefit, and
- b. Shall regain an adequate hydraulic capacity, and
- c. Shall retain adequate navigational capacity, and
- d. Shall not adversely affect water quality, and
- e. Shall represent the "minimal impact" solution to a specific need concerning all other reasonable alternatives,

7.4 - Required Exhibits

The following exhibits shall accompany the permit application. One set - full size, one set - reduced to eleven (11) inches x seventeen (17) inches.

- a. Construction plans and specifications.
- b. Analysis prepared by a professional civil engineer or qualified hydrologist showing the effect of the project on hydraulic capacity and water quality.
- c. An erosion control and restoration plan.

Section 8.0 - Trees

An administrative expedited permit shall be required to remove any tree or root system, whether said tree is living, dead, or diseased, within the shore impact zone. Any unauthorized removal shall result in a two-hundred fifty (250.00) dollars per tree restoration assessment and the District shall require the property owner to plant replacement trees in a number, kind, and quality to be determined by the discretion of the Board on a case-by-case basis for all trees removed without District authorization. Tree removal contractors shall be jointly liable with the property owners for the unauthorized removal of trees. To be subject to District regulations, a tree must have a two (2) inch diameter at four (4) feet above ground level. This regulation may be enforced by any

method outlined in Section 10.1 of these rules. Nothing in this section shall prohibit the emergency removal of trees or limbs to prevent loss of life or damage to property. A permit is required for any tree that is removed by chainsaw or other means that results in the tree, whether living, dead, diseased, or falling on the ice. The permit shall require the owner or the owner's agent to remove all debris and waste material from the ice promptly.

Section 9.0 - Governmental Responsibilities

9.1 - Notification and Review

All township, municipal, county, and state governments shall provide copies of plans or documents for proposed actions that may impact the waters of the state to the legal address of the District at least thirty (30) calendar days before the first public hearing date for review and comment, or before rendering a decision on the proposed action, whichever is earlier. The Board of Managers shall review such changes considering the foregoing Water Quality Protection and Enhancement Rules (Section 4.0) to ensure that such changes contain provisions for maintaining or enhancing water quality. The following are specific cases in which such notification and review are required:

- a. Proposed ordinances involving land use, stormwater, or wetlands;
- b. Proposed public works including modifications of existing roadway, storm collection or treatment systems, sewage collection and treatment systems, or plans for such projects;
- c. Requests for zoning changes, divisions of riparian lots, subdivisions, plats, variances, conditional use permits, and planned unit developments, to be authorized under county or municipal zoning ordinances;
- d. Requests for permits involving construction or other modifications in a shoreland zone.

Section 10.0 - Enforcement Powers of Board of Managers

10.1 - Enforcement

These Rules, and other applicable statutes, affecting water quality within the District and any stop work order issued by the District may be enforced by local law enforcement officials or by all appropriate legal action, including, but not limited to temporary restraining orders, injunctions, actions to compel compliance with these rules, restoration, misdemeanor prosecution, abatement, costs, and damages. Costs, fees, and expenses incurred by the District in enforcing these rules, including activity, commenced without a permit, including but not limited to engineering, attorneys' fees, and emergency erosion control costs, shall be assessed against and paid by any person, landowner, entity, contractor, or governmental subdivision found to violate these rules.

10.2 - Contractor's Liability

Any individual, firm, corporation, partnership, association, or other entity contracting to perform services regulated by these Rules shall be responsible for ascertaining that all permits have been obtained and that the work performed complies with all requirements of these Rules. Contractors and landowners in violation of these Rules shall be jointly and individually subject to all methods of enforcement as provided above, including criminal prosecution.

10.3 - Administrative Stop Work Order

The District and their designated agents, staff, and professionals, as a condition to granting a permit, may inspect the premises at any time and issue a cease-and-desist order when it finds that a proposed or initiated project presents a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or violates any rule or condition of the permit issued by the District. Failure of the owner or contractor to comply with a cease-and-desist order shall constitute grounds for immediate revocation of any permit and shall require the permit holder to pay all costs of restoration, emergency erosion control measures and attorney fees reasonably incurred to restore work done in violation of the permit to the pre-permit condition in the minimum amount of one hundred fifty (150.00) dollars. The District may also issue an administrative stop order for work performed without a permit.

Section 11.0 - Adoption, Amendment, and Effective Date

These Rules of the Cormorant Lakes Watershed District shall be adopted or amended by M.S. Chapter 103D. Upon adoption, Rules and Amendments of the Rules previously approved by the Board of Managers are hereby rescinded. These Rules are effective upon adoption by M.S. Chapter 103D.

Section 12.0 - Variances

12.1 - Variances Authorized

The Board of Managers may hear requests for variances from the literal provisions of these rules in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances in conformance with the definitions found in Minnesota Statute 394.27(7), where it is demonstrated that such action will be in keeping with the spirit and intent of these rules.

12.2 - Standard

To grant a variance, the Board of Managers shall determine that the special conditions which apply to the structure or land in question do not apply generally to other land or

structures in the District, that the granting of such variance will not merely serve as a convenience to the applicant, and that the variance will not impair or be contrary to the intent of these rules. A hardship cannot be created by the landowner, the landowner's agent or representative, or a contractor, and must be unique to the property. Economic hardship shall not be considered grounds for issuing a variance. A variance granted because of a physical disability shall be personal to the applicant and the District shall make every effort to ensure the variance is temporary in nature and any structures erected under the variance will be removed within sixty (60) days after the individual requesting the variance no longer resides or uses the premises.

12.3 - Term

A variance shall become void after one year after it is granted if not used unless an extension in writing is granted by the District Board.

12.4 - Violation

A violation of any condition outlined in a variance shall be a violation of the District Rules and shall automatically terminate the variance.

Section 13.0 - Fees Charged in Certain Cases

13.1 - Policy

The Board finds that:

- a. Public awareness of and compliance with the permitting process will be served by a policy of not charging a permit application fee. By encouraging applicants to seek permits for potential projects, the public benefits by reduced inspection and enforcement costs.
- b. 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 cost of engineering, inspection, analysis, attorney fees, and temporary erosion control measures in such cases exceeds those where the applicant has complied with District requirements. The Board further concludes that its annual tax levy should not be used to pay such costs which are incurred because of a failure to meet District requirements. Therefore, the Board adopts a rule charging fees to the responsible persons in such cases. In these cases, the applicant or person responsible for the violation shall pay to the District a fee equal to the District's actual costs of field inspection of the work, including mileage for the District staff, investigation of the area affected by the work, analysis of the work, emergency erosion control measures, services of a consultant, including engineering and legal consultants, and any subsequent monitoring of the work, which in the

case of a violation are incurred after notice of violation from the District; inspection fees shall be at least seventy-five (75.00) dollars per inspection, as may be established from time to time by the District.

- c. It is in the public interest that certain projects, involving larger-scale development in sensitive locations, be inspected by District staff to provide the Board sufficient information to evaluate compliance with District rules and applicable laws.
- d. For commercial, residential developments, or restoration projects, a field inspection fee for permits required under 4.1, based upon the actual hourly rates of District staff or consultants may be charged to cover actual costs related to the investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. The fee may be assessed for the actual costs of enforcement of permit violations.
- e. Government agencies are exempt from fees.
- f. The failure to erect or maintain temporary erosion control measures as directed by the District shall result in the District ordering the work done. The record legal owner shall pay the District one hundred (100.00) dollars plus the actual costs of the installation. The District may erect temporary erosion control devices in emergency circumstances anywhere within this District.
- g. No permit fee will be assessed by the District when an application is submitted promptly as outlined in the rules. The District may, in its discretion, waive enforcement of fees.

Section 14.0 - Refuse, Temporary Buildings

14.1 - Refuse

To preserve and protect water quality, no refuse, garbage, vehicles, or obnoxious materials shall be deposited in, or within the shore impact zone, of any public waters in said District, or placed in any location where the same would by natural runoff or overflow drain into and be cast upon the public waters.

14.2 - Temporary Buildings

No permanent or temporary storage building, ice house, shed or any other structures may be located within the shore impact zone without a District permit to prevent runoff or discharge into the public water and without first obtaining a conditional use permit from Becker County.

Section 15.0 - New Subdivisions, Plat, Tract, or Planned Unit Developments

It shall be compulsory to include an owner's affidavit on each new plat within the shore land district, or in the absence of such plat, it shall be included in the owner's restrictive covenants, contained in any deed of conveyance to wit: "The undersigned owner or owners acknowledge that this land is in the Cormorant Lakes Watershed District and all purchasers and assigns hereafter are given notice that all properties and improvements made thereon are subject to the regulations, requirements and permit obligations of the said district and must be adhered to." A stormwater runoff plan prepared by a licensed engineer or licensed landscape architect, or other appropriate professional, shall be required for any portion of a proposed new subdivision, plat, tract, or planned unit developments that are located within one thousand (1,000) feet of a lake. The District may require a stormwater runoff plan prepared by a licensed engineer, for any new proposed subdivision, plat, tract, or planned unit developments that are located outside one thousand (1,000) feet from the public waters of the state. The owner shall submit a draft of the preliminary plat, proposed subdivision tract, or planned unit development forty-five (45) days in advance of the presentation to the Becker County Planning Commission, to the District to allow a period of review and comment before any formal action is taken by the Becker County Planning Commission. The developer shall request a preliminary inspection of the final plat and submit the final plat to the District forty-five (45) days before submission to the Becker County Planning Commission to allow a period of review and comment before final action is taken by the Becker County Planning Commission.

Section 16.0 - Fertilizer Guidelines

No fertilizer containing phosphorus may be applied in the shore impact zone. A permit shall be required for any phosphorus fertilizer applied outside the shore impact zone that is causing an adverse impairment to any waters of the state located within the District.

Board of Managers

Cormorant Lakes Watershed District

Ellis Peterson, Manager-Chairman

Jeff Moritz, Manager

Lyle Hansen, Manager

Mike Foley, Manager-Treasurer

Sam Blattenbauer, Manager-Secretary

A map of the Cormorant Lakes Watershed district is attached as Exhibit "A".