

# Carnelian Marine St. Croix Watershed District (District) – Common Rule Applicability Review



- The intent of this guidance document is to help project applicants and landowners conduct a quick review of common watershed rules related to Single-Family Residential lots or Developments.
- Completing this guidance document does not constitute a project determination or project approval by the District.
  - Projects not requiring a permit will receive written confirmation from District staff of a “Permit Not Required” determination.
  - Receiving a “Permit Not Required” confirmation is beneficial in:
    - Demonstrating compliance with watershed rules to contractors, landowners, other regulatory authorities, neighbors, & concerned citizens.
    - Avoiding unintentional project violations resulting by mistake or inaccurate understanding about District Rules.
    - Preventing after-the-fact permit fees & stop work orders from being issued.
    - Reducing public compliant follow ups.
- This guidance document also does not replace:
  - Any rule and ordinance requirements from other regulatory authorities.
  - A thorough review of Watershed Rules that may be applicable to your project.

## Additional Resources:

- Watershed Rules:  
<https://www.cmscwd.org/rules>
- Permit Pre-Application Staff Assistance Submittal:  
<https://www.cmscwd.org/permits-overview>
- Active Watershed Permits:  
<https://www.cmscwd.org/active-permit-viewer>

## Common regulatory partners within CMSCWD:

National Park Service (NPS)

Wetland Conservation Act (WCA)

Minnesota Department of Natural Resources (MDNR)

Washington County

Cities/TWP: Scandia, Marine on St. Croix, Hugo, Stillwater, May

# Is Rule 2 (Stormwater Management) applicable to the project?

## 1. Is the project reconstructing or adding any *impervious surface*?

- Yes. Proceed to question #2.
- No. Proceed to review Rule 4 for project applicability.

“*Impervious surface*” as defined by the District is 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<sup>1</sup>, parking areas, sidewalks and trails, patios, decks, courts, pools, roofed structures, and other structures. Permeable hard surfaces are considered impervious surfaces but may receive treatment volume credit if designed in accordance with District guidance.

## 2. Rule 2 is applicable to the project if a ‘Yes’ is checked to any of the following:

- Yes. The project is creating a subdivision of 4 or more lots.
- Yes. The total impervious surfaces will exceed 5% of the platted lot.
- Yes. The total impervious surfaces will exceed 1 acre.
- Yes. The project requires a variance approval from the City, TWP, or County for impervious coverage or structure setback from water resource(s).
- Yes. The project is creating at least 5,000 SF of *land disturbance*, wholly or partially, within the shaded area of Figure 1.

“*Land disturbance*” as defined by the District is any change of the land surface, including removing vegetative cover, excavation, fill, grading, stock piling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies. Home gardens and landscaping adjacent to existing structures are an exempt land disturbing activity under these Rules.

Next, proceed to review Rule 4 for project applicability.

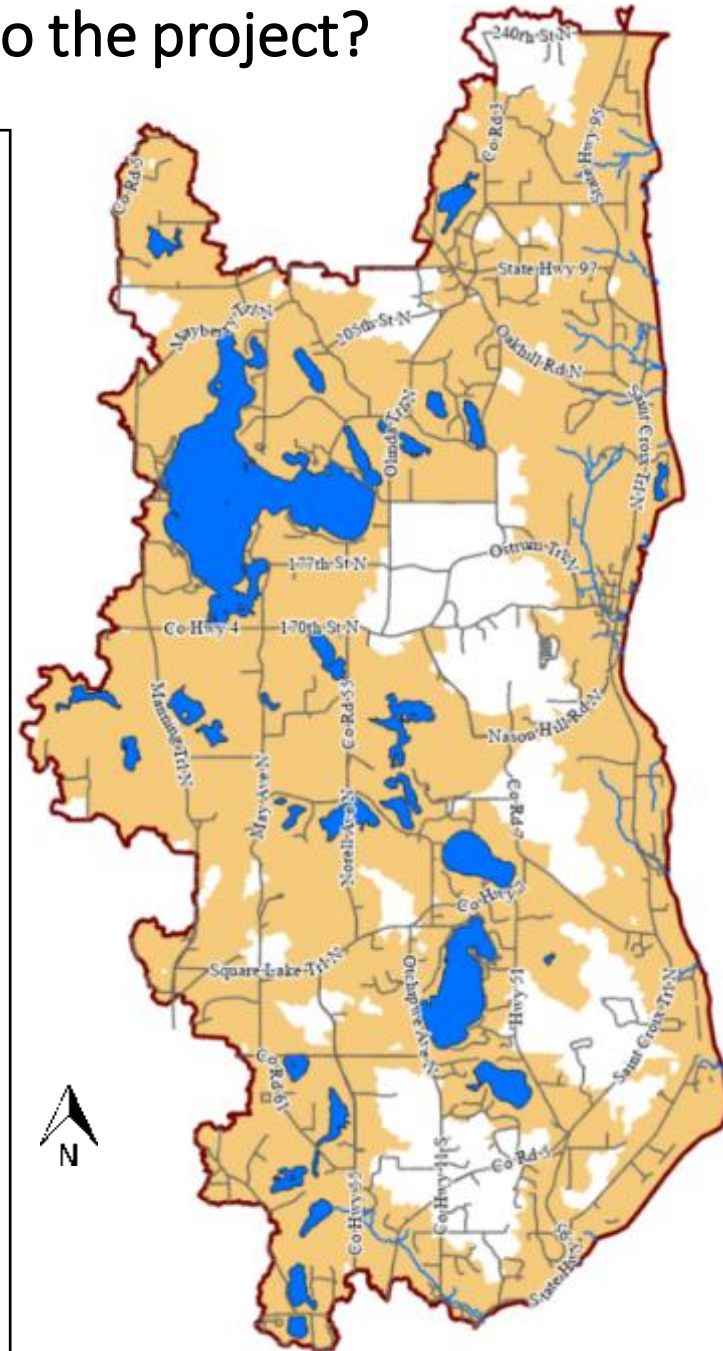


Figure 1. Tan shaded areas identify land within 1,000 ft of or in direct conveyance to a public water or groundwater dependent natural resource.

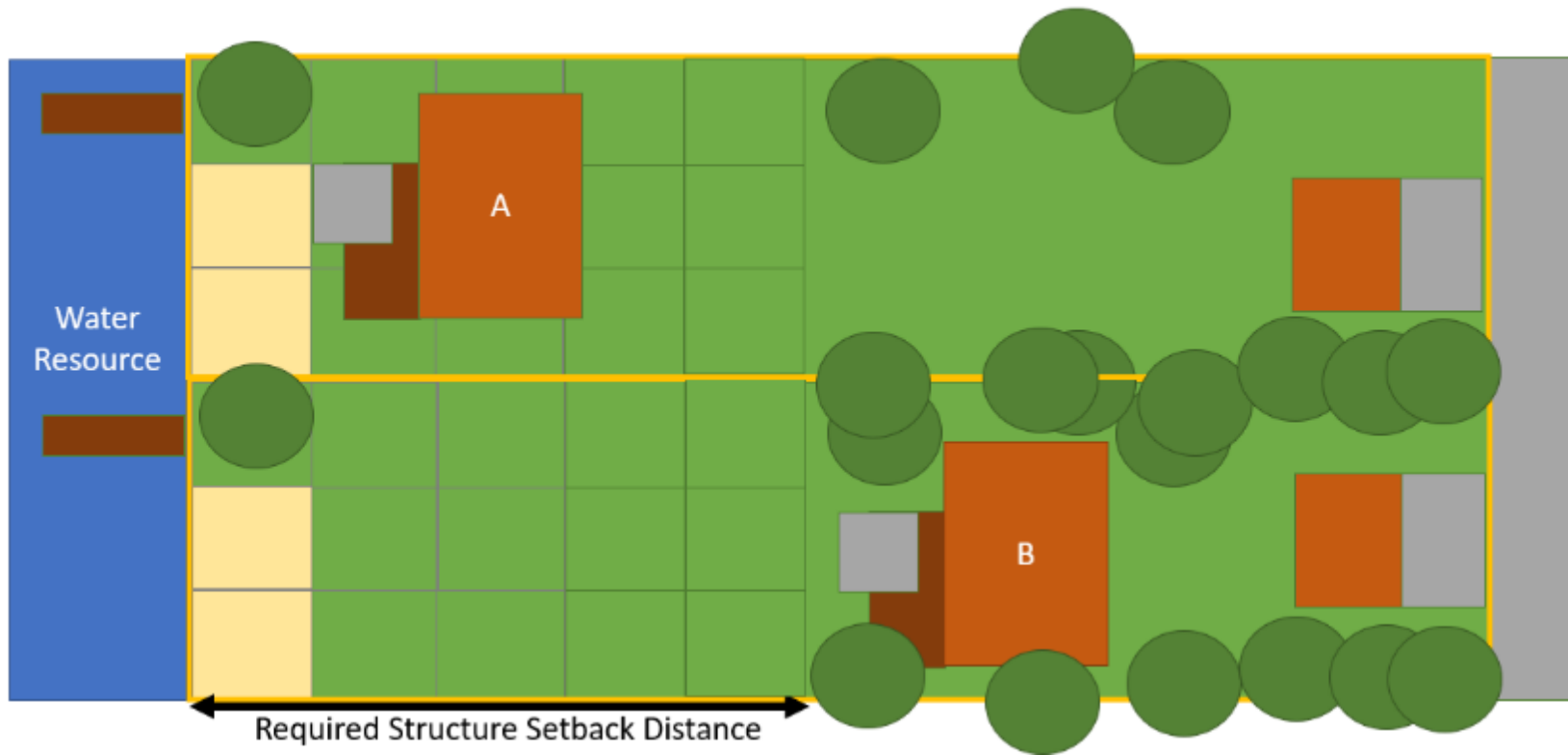
<sup>1</sup>See Full Rules: Exception 2.7.3

# Is Rule 4 (Buffers) applicable to the project?

3. Rule 4 is applicable to the project if a 'Yes' is checked to any of the following:
- Yes. The project is subdividing the lot into 2 or more parcels.
  - Yes. The total impervious surfaces will require a variance approval from the City, TWP, or County for impervious coverage of the platted lot area.
    - Commonly when exceeding 25% impervious coverage.
  - Yes. The project requires a variance approval from the City, TWP, or County for water resource setback.
    - If there is a wetland, lake, stream, or bluff on or near the property this rule could be triggered.

Next, proceed to review Rule 5 for project applicability.

Diagram example of single-family residences and impervious features built within (A) and outside (B) of setback requirements. Home A would trigger Rule 4, Home B would not.



# Is Rule 5 (Shoreline & Streambank Alterations) applicable to the project?

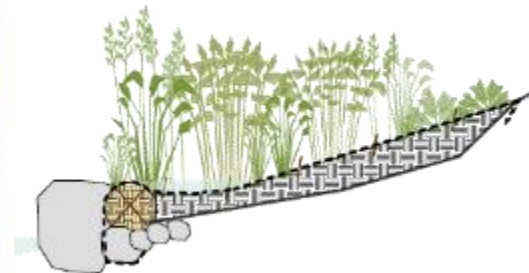
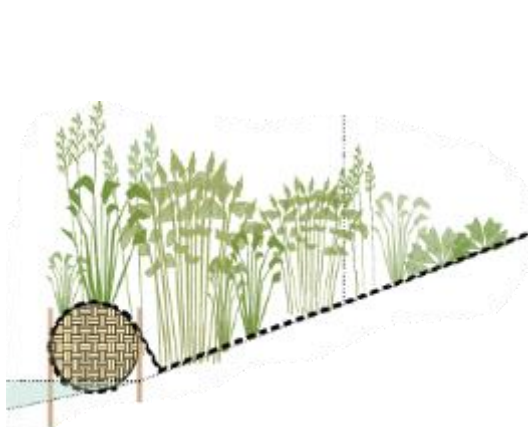
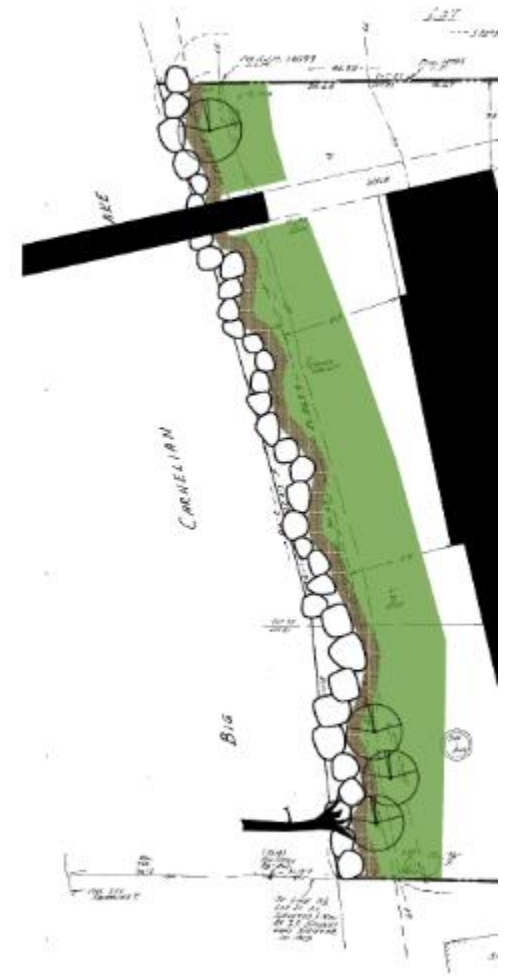
4. Rule 5 is applicable to the project if a 'Yes' is checked to any of the following:

- Yes. The project is seeking to fix a small issue.  
Examples: remove ice heave, clear dead tree, in-kind replacement of steps
- Yes. The project is seeking to perform a moderate project.  
Examples: remove living vegetation, installing a beach, rocking a shoreline or bank
- Yes. The project is seeking to perform a large project.  
Examples: adding patio, shed, or porch, excavating or grading with heavy equipment.
- Yes. The project is disturbing, adding, or removing soils along or adjacent to the shoreline or streambank.
- Yes. The project is disturbing or removing vegetation along or adjacent to the shoreline or streambank.

If Rule 5 is applicable to the project, ask District staff about possible assistance with the project such as:

- Free streambank or shoreline design planning assistance.
- Cost share programs and if they apply to the project.

Next, proceed to review Rules 6, 7, & 8 for project applicability.



# Are Rules 6 (Watercourse & Basin Crossing), 7 (Floodplain & Drainage Alterations), or 8 (Wetland Management) applicable to the project?

5. Rules 6, 7, and/or 8 may be applicable to the project if a 'Yes' is checked to any of the following:

- Yes. The project is seeking to cross a stream or water feature.
- Yes. The project is seeking to fill in, excavate, or alter a floodplain or flood prone area.
- Yes. The project is seeking to fill in, excavate, or alter a wetland or 'low spot'.
  - Many wetlands aren't wet for very long during the growing season and may be easily overlooked without a trained eye.
- Yes. I'm not sure and am uncertain if these apply.
  - Concerned about the potential of Rules 6, 7, or 8? Reach out to Staff for review assistance.

Next, proceed to review Rule 3 for project applicability.



# Is Rule 3 (Erosion & Sediment Control) applicable to my project? ^

6. Rule 3 is applicable to the project if a 'Yes' is checked to any of the following:

- Yes. I have checked 'Yes' to another watershed rule.
- Yes. I am disturbing at least 1 acre of land.
- Yes. I am disturbing at least ¼ acre of land within the tan- shaded area of Figure 1.

Next, proceed to Common Applicable Rule Review.



^ Rule 3 is listed out of order for due to 'Yes' statements.

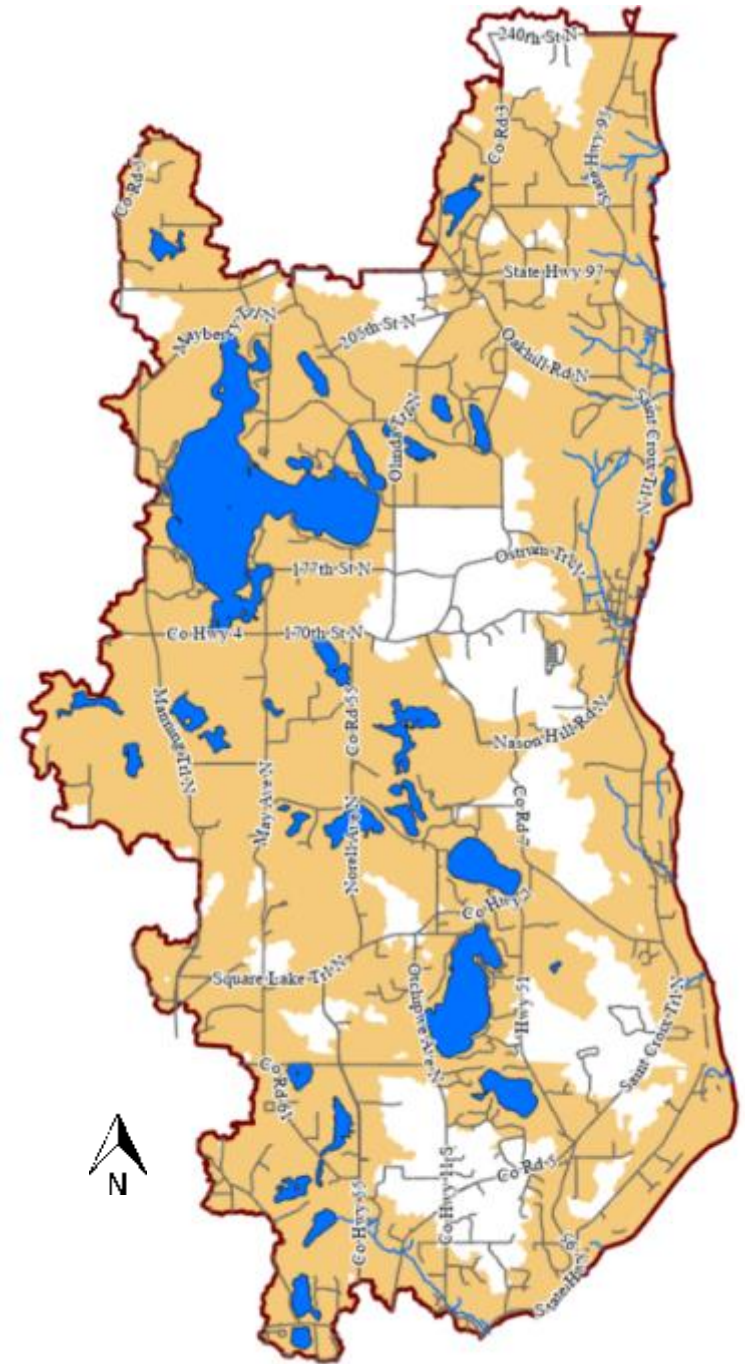


Figure 1. Shaded areas (tan color) identifies land within 1,000 ft of or in direct conveyance to a public water or groundwater dependent natural resource.

# Common Rule Applicability Review for the project:

7. Were any of common District Rules applicable to the project?

- Yes. Rule 2 (Stormwater Management)
- Yes. Rule 3 (Erosion and Sediment Control)
- Yes. Rule 4 (Buffers)
- Yes. Rule 5 (Shoreline or Streambank Alterations)
- Yes. Rules 6, 7, &/or 8 (Watercourse and Basin Crossings; Floodplain and Drainage Alterations; or Wetland Management)

A 'Yes' was checked to a District rule being applicable:

- Submit the project information through the District's "Inquire Now" button at <https://www.cmscwd.org/permits-overview>
  - If Rule 2 is applicable to the project, submitting a completed Residential Stormwater Worksheet is helpful during staff review.
  - Once a submittal has been received, Staff will review, provide an applicable rules summary, and the next steps in obtaining project approval.

A 'Yes' was not checked to any District rule.

- Staff recommend submitting the project for review.
  - Staff can only provide a "Permit Not Required" determination for projects that are submitted for review.
  - Receiving a "Permit Not Required" demonstrates compliance with watershed rules to contractors, landowners, other regulatory authorities, neighbors, & concerned citizens.

## Lakeshore Zones & Authorities within CMSCWD



Figure. Example of who we help coordinate with.

## Pre-Permit Application

- Contact Information
- Project Location
- Site Sketch & Description

Inquire Now

Figure. Look for the 'Inquire Now' button on our website.