

## **Rule A – Procedural Requirements**

### **1 Policy**

- Any person undertaking an activity for which a permit is required by these rules must obtain the required permit prior to commencing the activity that is regulated by the District.
- The District rules will be interpreted and permit decisions will be made consistently with watershed district purposes articulated in the Minnesota Statutes section 103B.201 and 103D.201.

### **2 Application**

- 2.1 An application must be submitted to the District to obtain a permit under these rules. Applicants are encouraged to contact the District and/or submit preliminary plans early in the project development process for nonbinding informal review for conformity with District policies and rules.
- 2.2 Each substantive District rule includes application and exhibit specifications that, along with this rule, apply to the submission of applications to the District and will be utilized to make determinations of completeness under this rule.
- 2.3 The District will not act on an incomplete permit application. A complete permit application includes all required information, exhibits and fees and must be authorized by all property owners. The District will notify an applicant if his or her application is incomplete within fifteen (15) business days of receipt of the application. Required information includes, but is not limited to:
  - a the name, address, and telephone number(s) of all property owners;
  - b the name, address and telephone number(s) for all contractors, if known, undertaking land-disturbing activities as part of the proposed project; and
  - c a statement granting the District and its authorized representatives access to the site for inspection purposes.
- 2.4 Application forms and guidance materials may be obtained from the District office or downloaded from the District web site at [www.rpbcd.org](http://www.rpbcd.org).
- 2.5 Emergency activity undertaken by a public entity immediately necessary to protect life or prevent substantial physical harm to persons or property may be the subject of an application submitted within 30 days of commencement of such work. Emergency activity must be timely brought into conformance with all applicable District standards and criteria.

### **3 Conditional approval**

The District may conditionally approve an application, but the permit will not be issued until all conditions to the approval are satisfied. All conditions must be satisfied within 12 months of the date of conditional approval, and approval will expire if conditions are not timely satisfied.

#### **4 Reconsideration**

An applicant aggrieved by a condition or conditions on approval of an application or the specific grounds for denial of an application may suspend the District's decision on the application by filing a notice of reconsideration with the District.

- 4.1 Notice of reconsideration must be filed with the District within 10 business days of the decision and at least one day before the date by which a decision on the application must be issued to comply with Minnesota Statutes section 15.99. The notice must be submitted on a form provided by the District that includes the applicant's concurrence in an extension of the time for District permit action under section 15.99 and must include a statement of the specific conditions and findings to be reconsidered.
- 4.2 The District will schedule reconsideration of the matter by the Board of Managers and provide notice of the date of reconsideration to the applicant at least 30 days in advance.
- 4.3 No later than 15 days prior to the date of reconsideration, the applicant may supplement the established permit-review record with any additional exhibits, documentation or legal arguments the applicant wishes to submit.
- 4.4 In accordance with Minnesota Statutes section 103D.345, subdivision 2, an applicant will be responsible for the analytical costs incurred by the District for purposes of the reconsideration, except no costs will be recovered for reconsideration of a decision made on an application made by a local, state or federal governmental body.
- 4.5 Upon the applicant's filing of a notice of reconsideration, the underlying permit decision will be suspended until the District renders a determination on the reconsideration and the activities that are the subject of the application may not be undertaken before the District renders a final decision on reconsideration.
- 4.6 Absent the timely filing of a notice of reconsideration of a condition or the grounds for denial, the District's decision on the application is final at issuance. A decision on reconsideration will constitute the District's final decision on the application.

#### **5 Permit assignment and renewal**

A permit is valid for one year from the date the permit is approved, with or without conditions, unless specified otherwise by the District on approval or the permit is suspended or revoked. To renew or transfer a permit or conditional approval of a permit, the permittee must notify the District in writing prior to the permit expiration date and provide an explanation for the renewal or transfer request. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances, except that on the first renewal, a permit will not be subject to additional or different requirements solely because of a change in District rules. New or revised rule requirements will not be imposed on renewal of a permit where the permittee has made substantial progress toward completion of the permitted work. If the activities subject to the permit have not substantially commenced, no more

than one renewal may be granted. An applicant wishing to continue to pursue a project for which permit approval has expired must reapply for a permit from the District and pay applicable fees.

A permittee may assign a permit to another party only upon approval of the District, which will be granted if:

- 5.1 the proposed assignee agrees in writing to assume responsibility for compliance with all terms, conditions and obligations of the permit as issued;
- 5.2 there are no pending violations of the permit or conditions of approval; and
- 5.3 the proposed assignee has provided any required financial assurance necessary to secure performance of the permit.

The District may impose different or additional conditions on the transfer of a permit or deny the transfer if it finds that the proposed transferee has not demonstrated the ability to perform the work under the terms of the permit as issued. Permit transfer does not extend the permit term.

**6 Suspension or revocation**

The District may suspend or revoke a permit issued under these rules wherever the permit is issued on the basis of incorrect or erroneous information supplied to the District by the applicant, or if the preliminary and final subdivision approval received from a municipality or county is not consistent with the conditions of the permit.