

#### Memorandum Providing Background on and an Explanation of the March 2020 Amendments to Brown's Creek Watershed District Rule 2.0 – Stormwater Management

March 11, 2020

### I. BACKGROUND

#### Introduction

This memo presents a summary and explanation of changes made in early 2020 to Brown's Creek Watershed District's Rule 2.0 – Stormwater Management. With this rule amendment, BCWD established a unique set of stormwater-management standards that apply only to landaltering activities undertaken on properties in the subwatershed draining to the Diversion Structure (located approximately 600 feet west of Neal Avenue on the south side of the Brown's Creek State Trail in Stillwater and shown on page 2 of Appendix A to this memo).<sup>1</sup> Since the installation of the Diversion Structure in 2003, stormwater flow from the Long Lake drainage area has been diverted from Brown's Creek into McKusick Lake. The project has successfully reduced flow of warm water degrading Brown's Creek as trout habitat. Within the Diversion Structure subwatershed, BCWD has adopted a regulatory framework adapted from the Minimal Impact Design Standards, which were developed by a team of professionals from various public and private organizations operating under the auspices of the Minnesota Pollution Control Agency, which now provides web-based background information and MIDS-implementation resources: <u>MIDS</u>.

This memo provides information to support and explain the BCWD Board of Managers' decision to significantly and substantively amend the rule. The update followed changes adopted in early 2018 as part of the implementation of BCWD's 2016 watershed management plan. The extensive hydrological and analytical basis for the 2018 rule is referenced in the memorandum issued in support of that update, which is available on the BCWD website under the "permitting" drop-down menu: <u>www.bcwd.org</u>.

The 2018 revision did not substantially change the rate-control, volume-retention or waterquality standards BCWD applied to land-altering activities. But it did make the standards applicable to smaller redevelopment projects than had been subject to the rule in the past. In addition, the rule standards – which were designed and first implemented in 2000 to protect one of the last remaining trout streams in the metro area – remained different from those imposed by other watershed organizations in Washington County. These two aspects of the

<sup>&</sup>lt;sup>1</sup> As noted in the rule, there is a small portion of the City of Grant that drains to the Diversion Structure but is <u>not</u> included within the Diversion Structure subwatershed for purposes of the BCWD rules. However, the Trunk Highway 36 right-of-way within Brown's Creek watershed drains to and is entirely within the subwatershed.

rules were cited by watershed stakeholders as constituting an unreasonable regulatory burden on watershed property owners seeking a permit from BCWD. At the same time, BCWD had experienced the challenges facing property owners whose sites were not conducive to infiltration because of high groundwater or concerns about the negative impact infiltrated stormwater may have on drinking-water supplies; it was very difficult for property owners to meet BCWD's volume standard at such locations through other means of retention – e.g., stormwater reuse.

These factors prompted BCWD's relatively quick turn to changing its rule. A year-long stakeholder engagement process, accompanied by consultation and work sessions with staff at other watershed organizations and cities in Brown's Creek watershed, led to the rule amendments, which were adopted in March 2020.

This memorandum supports and explains the BCWD Board of Managers' determination that the proposed changes to the rule will improve the efficiency and cost-effectiveness of its efforts to protect water resources and mitigate the risk of flooding. It describes the basis for BCWD's determination that BCWD has multiple tools it can utilize to protect Brown's Creek and other water bodies such as can be used to make up for the protection that will be lost by making the stormwater-management standards less stringent in one distinct subwatershed.

BCWD's decision to adopt a rule with different stormwater-management standards for different parts of the watershed was made to provide near-term regulatory relief to property owners in a portion of the watershed in which infiltration is particularly difficult. It rests, critically, on the results of analysis by the BCWD engineer showing that because of existing agreements limiting infiltration and/or difficulties in providing infiltration due to poor soils or proximity to drinking water wells in Oak Park Heights and Stillwater, the imposition of MIDS in the Diversion Structure subwatershed produces resource protection as good or better than would result from requiring the established BCWD volume-retention standard in the subwatershed. BCWD did not reach a similar conclusion with regard to shifting from the present standard for rate-control (no increase from presettlement rates) to a standard requiring no-increase from existing rates. That is, maintaining rate of discharge of stormwater only to existing rates as a property is redeveloped creates risk of continued erosion and sedimentation to downgradient resources. But BCWD has identified several locations within the Division Structure subwatershed that - with the support, engagement and assistance of the cities of Stillwater and Oak Park Heights - could host retrofit best-management practices constructed by BCWD that would offset the loss of protection from loosening the rate-control standard. These locations provide an advantage in that they can be targeted and designed to provide cost-effective resource enhancement rather than waiting for redevelopment to occur, as is necessary in a regulatory context.

BCWD does not lightly incur the complexity associated with the bifurcation of the watershed into areas with separate, different stormwater-management regulatory requirements. But the need to protect Brown's Creek and the engineer's 2017 analysis showing that MIDS does <u>not</u> provide sufficient protection elsewhere in the watershed preclude the ready adoption of a MIDS framework throughout the watershed. BCWD will examine the need to and basis for general revision of the stormwater rule (as well as other BCWD rules) and may soon propose additional changes. But the need to timely respond to stakeholders, coupled with the analytical basis for adopting MIDS in the Diversion Structure Subwatershed led to the creation of the wo-zone regulatory framework adopted in March 2020.

## Stakeholder input

The comments received during the statutory comment period<sup>2</sup> and BCWD's responses are captured in the attached table (Appendix B).

Prior to the formal comment period, the following meetings were held with stakeholders (see Appendix C) regarding BCWD's stormwater-management requirements.

Meeting	Date	Meeting Objectives	Report (if applicable)
December 12, 2018	Stakeholder meeting #1	To identify issues/concerns with the BCWD's rules and regulatory program	<u>Report</u>
July 2, 2019	Presentation to Stillwater City Council	Update council and receive input	<u>Minutes</u>
September 3, 2019	Presentation to Grant City Council	Update council and receive input	
September 10, 2019	Presentation to Oak Park Heights City Council	Update council and receive input	
July 24, 2019	Meeting with member communities and adjacent watershed districts #1	Review MIDS Evaluation and discuss impacts to existing regulatory framework	<u>MIDS</u> <u>Evaluation</u> <u>Report</u> <u>Meeting</u> <u>Summary</u>
August 14, 2019	Meeting with member communities and adjacent watershed districts #2	Review other stormwater management requirements to identify areas of consistency and/or inconsistency	Rate Control Evaluation
August 28, 2019	Meeting with member communities and adjacent watershed	Continue to review other stormwater management requirements to	<u>Meeting</u> <u>Summary</u>

<sup>2</sup> Minn. Stat. § 103D.341, subd. 2(b).

3

	districts #3	identify areas of consistency and/or inconsistency	
September 26, 2019	Meeting with adjacent watershed districts	Review wetland management rules to identify opportunities to make the rule language and requirements more consistent	
October 9, 2019	Meeting with member communities and adjacent watershed districts #3	Discuss rate control standard and opportunities for a fee-in-lieu program	
December 2, 2019	Stakeholder meeting #2	To review what BCWD accomplished in 2019 and discuss potential rule revisions for the drainage area to the Diversion Structure	

## Rule 2.0 - Stormwater Management

The changes to the BCWD stormwater rule create a separate set of triggers and criteria that apply exclusively in the Diversion Structure Subwatershed. The only exceptions to this characterization are the shift for work within a surface water contributing area of a groundwater-dependent natural resource from 5,000 square feet to 6,000, matching similar triggers in neighboring watersheds and the change to the verb in "Required Exhibits" from "must" to "may" in response to a comment from the Minnesota Department of Transportation (as discussed in the Appendix B matrix). Other changes in the rule are mechanical/typographical corrections (in subsections 2.7 and 2.9), and the addition of a new policy statement that reflects the drivers for this revision and, perhaps, further revisions down the road: 2.1.6 states BCWD's interest in creating "regulatory consistency to the greatest extent possible with neighboring watershed organizations and cities within the Brown's Creek watershed."

To support engagement of stakeholders – especially the Division Structure Subwatershed cities of Stillwater and Oak Park Heights – BCWD created a table comparing the operation of its present stormwater rule to the proposed revision. The table – an updated version of which is attached here as Appendix A – describes the differences between the former rule requirements,

and the new triggers and standards. The table also provides explanation of why the triggers and standards were revised, and as noted above includes a map showing the subwatershed. <u>The triggers and standards for land-altering activities outside the Diversion Structure Subwatershed were not changed</u>. That is, outside the subwatershed, the rule continues to apply and operate as it has since early 2018.

The table below explains the operation of and reasoning for the changes. The following are offered to further clarify:

- In the first instance, an applicant for a permit for land-altering activity within the subwatershed must meet the criteria in 2.4.1(b) (for development, redevelopment and subdivision projects) or 2.4.2(b) (for linear projects). <u>If</u>, however, the applicant can demonstrate that infiltration is not reasonably feasible onsite, review of the application proceeds under section 2.4.3 the Flexible Treatment Options. Importantly, the Flexible Treatment Options are prioritized, so an applicant can comply with the rule by meeting 2.4.3(b) <u>only</u> if the applicant first demonstrates that it cannot meet 2.4.3(a) on its site.
- Redevelopment projects <u>throughout the watershed</u> must provide stormwater management only for as much of the applicant's property as is subject to the rule under subsection 2.2(b). So the stormwater-treatment requirements apply only the portion of the property that is disturbed and paved or repaved <u>if</u> less than 50 percent of the existing impervious is disturbed and the total amount of imperviousness is proposed to increase by less than 50 percent.
- Where a linear project within the Diversion Structure Subwatershed cannot meet the larger of the two measures in 2.4.2(b)(i) and (ii), the applicant can utilize the Flexible Treatment Options.

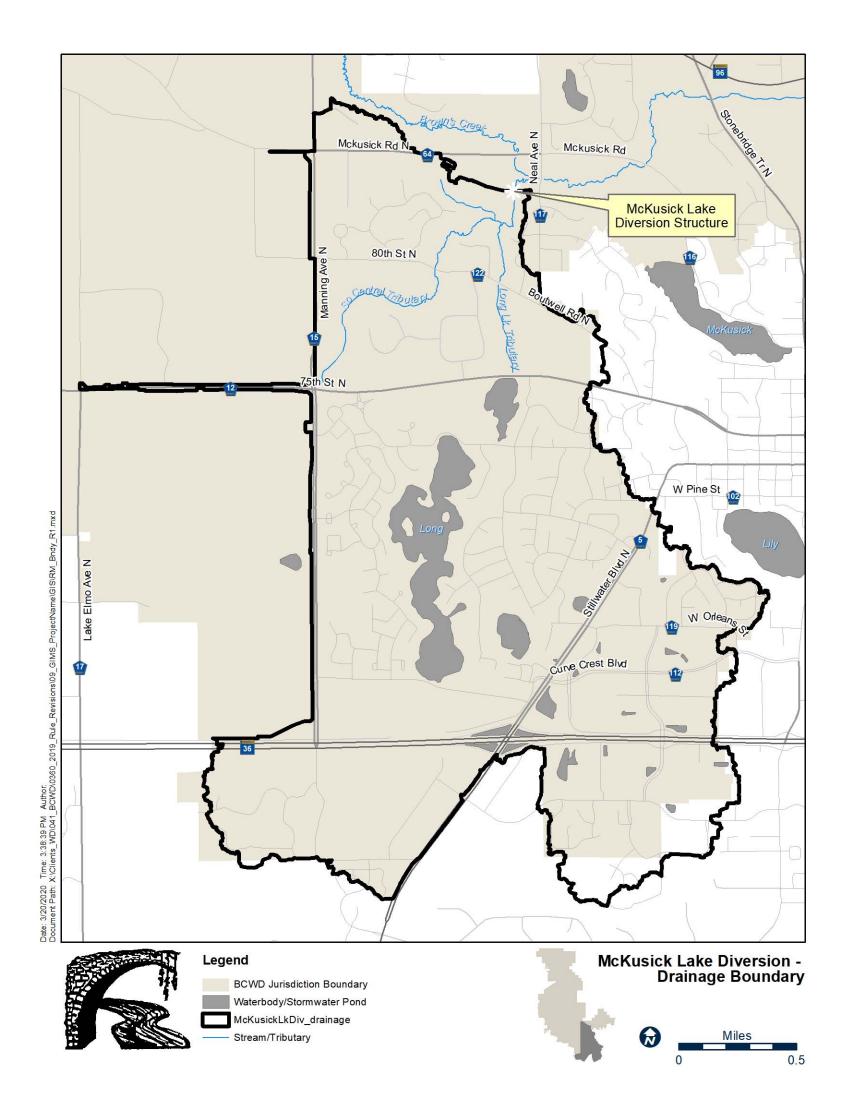


## Appendix A: Summary of Proposed Changes to BCWD Rule 2.0 Stormwater Management

Stakeholder Input Meeting – December 2, 2019

FROM	то	WHY
Rule Applicability: BCWD Rule 2.0 Stormwater Management applies uniformly throughout watershed	Rule Applicability: BCWD Rule 2.0 calls out the <b>Diversion Structure</b> <b>Subwatershed</b> to apply a unique set of stormwater requirements	The Diversion Structure Subwatershed (Figure 1) is unique in BCWD. It is the area of the most dense development and redevelopment. The existing diversion structure takes drainage from Long Lake and three tributaries, providing protection to Brown's Creek up to the 1.5 year storm. The area encompasses portions of the cities of Stillwater and Oak Park Heights, both of which have recently adopted MIDS.
Rate Control in Diversion Structure Subwatershed: 2.4.1 Management Standards (a) Land-altering activity will not increase peak stormwater flow from the site, as compared with the <b>pre-settlement condition</b> , for a 24-hour precipitation event with a return frequency of 2, 10, or 100 years for all points where discharge leaves a site.	Rate Control in Diversion Structure Subwatershed: (a) No increase in the <b>existing</b> peak stormwater flow rates from the site for a 24-hour precipitation event with a return frequency of 2, 10, or 100 years for all points where discharge leaves a site;	After discussions with the cities of Stillwater and Oak Park Heights and the neighboring watershed districts, BCWD is proposing to match the existing rate control standards of its member communities (i.e., match existing peak flow rates) in the Diversion Structure Subwatershed. Recognizing that there are hydrology-related stressors in the drainage area, the BCWD Board of Managers is proposing to explore options for regional stormwater management retrofits to address these hydrologic changes.
Volume Control in Diversion Structure Subwatershed: 2.4.1 Management Standards (b) Land-altering activity will not increase stormwater flow volume from all points where discharge leaves a site, as compared with the <b>pre-</b> <b>settlement condition</b> , for a 24- hour precipitation event with a return frequency of two years, or five years within a landlocked basin or a subwatershed draining to a landlocked basin.	Volume Control in Diversion Structure Subwatershed:: Change to <b>MIDS Standard</b> : (b) <b>Retention onsite of 1.1 inches</b> of stormwater volume from the regulated impervious surface, except where section 2.4.3 – Flexible Treatment Options applies;	To address concerns expressed during the December 2018 Stakeholder Meeting and to bring the BCWD's rules into alignment with its member communities in this portion of the watershed. This decision was supported by an evaluation by the BCWD engineer which found that MIDS provided similar resource protection (volume control and water quality treatment) in the drainage area to the Diversion Structure, which is subject to the Trout Stream Mitigation Project Agreement (which limits application of BCWD's volume-control standard) and is located in a high-vulnerability Drinking Water Supply Management Area. These factors both reduce the infiltration capacity of the area and support BCWD's integration of Flexible Treatment Options into the stormwater- management criteria.
Water Quality in Diversion Structure Subwatershed: (c) At the downgradient property boundary or to an onsite receiving waterbody or wetland, increase annual phosphorus loading as compared with the	Water Quality in Diversion Structure Subwatershed: Provided by volume-control management.	MIDS provides water quality treatment through the retention of 1.1 inches of stormwater volume. As a result, the stand- alone water quality rule is absent from the requirements in the drainage area to the Diversion Structure.
pre-development condition. NEW addition to the rules	<ul> <li>Flexible Treatment Options. Where BCWD concurs that an applicant has demonstrated that retention of 1.1 inches of stormwater volume onsite is not reasonably feasible because of soil conditions and/or is reasonable likely to cause or exacerbate migration of underground contaminants or create risk to drinking water, the applicant must provide management of volume and water quality from the regulated impervious surface in accordance with the following priority sequence: <ul> <li>(a) Retention onsite of 0.55 inches of runoff and removal of 75 percent of the annual total phosphorous loading;</li> <li>(b) Retention onsite of stormwater volume to the maximum extent practicable and removal of 60 percent of the annual total phosphorous loading.</li> </ul> </li> <li>Concurrence by BCWD in a determination that it is not reasonably feasible to meet the stormwater retention standard necessarily involves a demonstration that the applicant has assessed relocation of project elements to</li> </ul>	To address concerns expressed during the December 2018 Stakeholder Meeting and to bring the BCWD's rules into alignment with its member communities in this portion of the watershed. Flexible Treatment Options allow a permit applicant to meet reduced volume-control requirements where site conditions preclude or substantially limit infiltration. Note: Because less volume control is required under the Flexible Treatment Options, MIDS articulates a corresponding water quality treatment needed for each scenario.
NEW addition to the rules	address varying soil conditions. Appendix 2.2 Figure of the drainage area to the Diversion Structure	Figure provided in the rules to clearly identify where the new Rule 2.4.1B Management Standards apply. See Figure 1

Memo: Background for and Explanation of Proposed Amendments to Brown's Creek Watershed District Rules



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There is a very small portion of the City of Grant that drains to the Diversion Structure but is not included within the Diversion Structure subwatershed for purposes of the BCWD rules

7

Memo Providing Background for and Explanation of March 2020 Amendments to Brown's Creek Watershed District Rules

## Appendix B: Comment-Response Matrix

# **Brown's Creek Watershed District**

March 2020 rulemaking -- comments & responses

]	<b>Rule Provision</b>	Name	Organization	Comment	Response
1	Section 2.2	Beth D.	Minnesota	Page 3, Section 2.2 Applicability, part b	1. BCWD will continue to provide the
	Applicability, parts	Neuendorf, PE	Department of	and c, refer to the contributing area of	inventory of groundwater-dependent natur
	b and c	,	Transportation	a groundwater dependent natural	resources it has already compiled. But
	5 and c		multiportation	resource. 1. Are these directly	because the information is not the result of a
				draining to or indirectly draining to	comprehensive assessment, BCWD needs to
					-
				the groundwater dependent natural	require applicant assessments (which in mo
				resources? 2. When would the 6,000	cases will not require substantial research of
				square feet apply? 3. Please include the	analysis). (Note that this comment and the
				reference to the map in Appendix A:67	response address rule language and operati
				of the BCWD Watershed Management	that have not been revised.) 2. The
				Plan as well.	impervious-surface threshold applies on a
					project-by-project basis. 3. The map referred
					to is not a part of the rule, but will be
					provided in guidance.
2	Section 2.4.2	Beth D.	Minnesota	Page 5, Section 2.4.2 Management	As stated in the rules support memo, analy
-		Neuendorf, PE		Standards, Linear Projects: The	in 2017 "showing that MIDS does not provi
	Management	ineuenuori, rE	Department of		
	Standards, Linear		Transportation	proposed MIDs standards and meeting	sufficient protection elsewhere in the
	Projects			existing rates rather than presettlement	watershed preclude[s] the ready adoption
				rates for the area within the Diversion	MIDS framework throughout the watershe
				Structure Subwatershed should be	BCWD [intends to] examine the need to an
				applied to the entire watershed for	basis for general revision of the stormwate
				consistency within the watershed.	rule (as well as other BCWD rules) and ma
				Meeting presettlement rates and	soon propose additional changes." BCWD
				volume control for the 2 year, 24 hour	will consider providing flexible treatment
				event is not possible along the narrow	options district-wide in the next phase of r
				TH 96 right-of-way.	revision.
	Section 2.4.3 Flexible	Beth D.	Minnesota		BCWD agrees that the lack of adequate
				Page 6, Section 2.4.3 Flexible	
	Treatment Options	Neuendorf, PE	Department of	Treatment Options Within the	separation from groundwater is a reasonal
	Within the		Transportation	Diversion Structure Subwatershed:	basis for application of the Flexible Treatm
	<b>Diversion Structure</b>			Apply the flexible treatment options to	Options in 2.4.3. To provide for consideration
	Subwatershed			the entire Brown's Creek Watershed	of such inherent site conditions, BCWD has
				District. Add lack of 3' separation to	revised the text of the rule to broaden the
				the groundwater table in addition to	scope of conditions and characteristics that
				the soil conditions as a reason that	can support BCWD concurrence in a findir
				onsite retention is not reasonably	that retention of stormwater volume onsite
				feasible. Meeting presettlement rates	not reasonably feasible.
				and volume control for the 2 year, 24	not reasonably reasible.
				hour event is not possible along the	
				narrow TH 96 right-of-way. There	
				should be alternate compliance	
				sequencing in the Rules when	
				compliance cannot be met.	
	Section 2.5.3 Basin in	Beth D.	Minnesota	Page 7, Section 2.5.3 Basin in	Please see the response to comment 1. Also
	Contributing Area	Neuendorf, PE	Department of	Contributing Area to Groundwater	the standard stated in section 2.5.3 applies
	to Groundwater		Transportation	Dependent Natural Resource: This	design of a practice within the <u>surface</u>
	Dependent Natural			section says to infiltrate the volume	contributing area to a groundwater natura
	Resource			generated by a 2 year, 24 hour event	resource, and while the watershed general
				within the surface contributing area to	drains to Brown's Creek, only certain surfa
				a groundwater dependent natural	areas drain directly to the creek (or anothe
				resource. A map of the groundwater	GDNR). Also, the requirement in 2.5.3 doe
				dependent natural resources is in	become operable for a particular project if
				Appendix A:67 of the BCWD	applicant has shown that volume retentior
				Watershed Management Plan. Some	not reasonably feasible, so there is no
				groundwater dependent natural	contradiction; both provisions can be given
				resources are within the Diversion	effect.
				Structure Subwatershed, so this section	
				is contradictory to the proposed Rules.	
				Brown's Creek is a groundwater	
				dependent natural resource, which	
				-	
1		1		everything in the watershed drains to,	1

		so it is unclear as to how to apply this	
		part of the Rules.	

8

Memo Providing Background for and Explanation of March 2020 Amendments to Brown's Creek Watershed District Rules

Section 2.7.10 Required Exhibits	Beth D. Neuendorf, PE	Minnesota Department of Transportation	Page 8, Section 2.7.10 Required Exhibits: This section should be adjusted to match the Rules.	1. BCWD has revised the rules to reflect the fact that not every exhibit item is required for every permit. The exhibit list provides applicants with notice of the exhibits that <u>may</u> be required; BCWD does not, by the revision of the language from "must" to "may" denote that the required exhibits will be the subject of negotiation with applicants (the BCWD engineer will designate which exhibit are <u>necessary</u> for determination of a particular application). 2. Stormwater runoff rate analysis for the two-, 10-, and 100-year critical events and runoff volume for the two-year event (or five-year event for a landlocked basin) under pre-settlement and proposed conditions using Appendix 2.3 to simulate infiltration losses in designed practices "OR stormwater runoff rate analysis for the two-, 10-, and 100-year critical events under existing and proposed conditions and runoff volume for 1.1-inch generated from impervious surfaces. "
Appendix 2.2, Diversion Structure Subwatershed Map	Beth D. Neuendorf, PE	Minnesota Department of Transportation	Appendix 2.2, Diversion Structure Subwatershed Map: Please clarify that, within BCWD, TH 36 is entirely within the McKusick Lake Diversion Structure Subwatershed.	Text has been added to the footnote in the rule to clarify that the Trunk Highway 36 right-of-way within the Brown's Creek watershed is entirely within the Diversion Structure drainage area.
	Sam Paske,	Metropolitan	Council staff appreciate the difficulty	Comment noted. Thank you.
	Assistant	Council,	of balancing the goals of (re	-
	General Manager	Environmental Services Division	)development and protecting water quality within the boundaries of the BCWD. The proposed rule change is a proactive approach that addresses BCWD's stakeholder concerns of undue regulatory burden, groundwater contamination concerns, and inability to infiltrate due to soil characteristics within the watershed.	
	Sam Paske,	Metropolitan		Thank you.
	Assistant	Council,	of time and resources to undertake a	
	General	Environmental	yearlong stakeholder engagement	
	Manager	Services Division	process.	
	Sam Paske, Assistant General Manager	Metropolitan Council, Environmental Services Division	BCWD is adding complexity by having two sets of stormwater rules - one for the Diversion Structure Subwatershed and one for the remainder of the district. This may result in stakeholder confusion as development occurs within the watershed. Council staff appreciate that BCWD performed further analysis and determined that a watershed wide MIDS application would not provide sufficient protection. It is unfortunate that one rule cannot offer the water quality protections for the entire watershed.	BCWD appreciates that the changes to the rule add complexity and does not take this step lightly. BCWD will continue, after adoption of these changes, with analysis of options balancing flexibility in the rules with effective protection of the creek and other resources, with the intent of reducing complexity and increasing regulatory harmony with both municipalities in the watershed and adjacent watershed organizations.
2.4.1(b)(i)	Sam Paske, Assistant General Manager	Metropolitan Council, Environmental Services Division	The uncertainty of relying on future retrofits or best-management practices to offset this loss of protection. There are not any guarantees promising their installation and influence on rate- control within this subwatershed. However, Council staff realize that this decision was not taken lightly, and it may result in cost-effect way to introduce redevelopment, retrofits, and best-management practices to the area.	BCWD would not have started down the path that has led to the present revision of the rule without the engineer's first having determined that a MIDS framework provides protection of watershed resources. BCWD takes its responsibility to find and implement projects to offset the loss of rate control as critical to the success of the regulatory program and the organization generally. BCWD and all Minnesota watershed organizations are very experienced in using regulation, programs and projects to achieve resource protection and improvement goals. In addition, as noted in the memo supporting the revision, retrofit best management practices allow BCWD to pursue project opportunities on its schedule rather than waiting for improved protection as the subwatershed redevelops and permits are
				required. On this count, shifting from a regulatory to a project approach is likely to result in better overall protection.
	Fran Miron,	Washington County	The county commends the BCWD for	regulatory to a project approach is likely to
	Commissioner		striving for regulatory consistency with its local partners, including watershed organizations and cities.	regulatory to a project approach is likely to result in better overall protection.
		Washington County Washington County	striving for regulatory consistency with its local partners, including	regulatory to a project approach is likely to result in better overall protection.
	Appendix 2.2, Diversion Structure Subwatershed Map	Required Exhibits       Neuendorf, PE         Appendix 2.2,       Beth D.         Diversion Structure       Neuendorf, PE         Subwatershed Map       Sam Paske,         Assistant       General         Manager       Manager         Sam Paske,       Assistant         General       Manager         Sam Paske,       Assistant         General       Manager         Sam Paske,       Assistant         General       Manager         Sam Paske,       Assistant         General	Required Exhibits       Neuendorf, PE       Department of Transportation         Appendix 2.2, Diversion Structure Subwatershed Map       Beth D. Neuendorf, PE       Minnesota Department of Transportation         Sam Paske, Assistant General Manager       Sam Paske, Assistant Gouncil, Environmental Services Division       Metropolitan Council, Environmental Services Division         Sam Paske, Assistant General Manager       Sam Paske, Metropolitan Council, Environmental Services Division         Sam Paske, Assistant General Manager       Services Division         Sam Paske, Assistant General Manager       Metropolitan Council, Environmental Services Division         Sam Paske, Assistant General Manager       Metropolitan Council, Environmental Services Division         Sam Paske, Assistant General Manager       Metropolitan Council, Environmental Services Division         Sam Paske, Assistant General Manager       Metropolitan Council, Environmental Services Division	Required Exhibits         Neuendorf, PE         Department of Transportation         Exhibits: This section should be adjusted to match the Rules.           Appendix 2.2.         Beth D.         Minnesola         Appendix 2.2. Diversion Structure           Subvatershed Map         Neuendorf, PE         Department of Transportation         Appendix 2.2. Diversion Structure           Subvatershed Map         Neuendorf, PE         Department of Transportation         Subvatershed Map: Please clarify that, within BCWD, ITH 36 is entirely within the McKurk Lake Diversion Structure Subwatershed.           Sam Paske, General         Metropolitan General         Council, Environmental         Council staff approxiate the difficulty of balancing the goals of (re Jdevelopment and protecting water groatice approach that addresses BCWD's stakeholder concerns of undre regulatory burden, and inability to infiltrate due soil characteristics within the watershed.           Sam Paske, Assistant General         Metropolitan General         Council, Frivironmental         BCWD is adding complexity by having two acts of stormwater rules - one for the Diversion Structure Subwatershed and one for the remainder of the district. This may result in stakeholder confusion as development to result in stakeholder confusion as development practices to offset the JCWD performed further analysis and determined that ore rule cannot offer the watershed.           24.1(b)(i)         Sam Paske, Assistant General         Metropolitan General         The uncertainty of rolying on future retroffis or best-management practices to offset tha islos of proptication. The renot ang guarantes pr

9

Memo Providing Background for and Explanation of March 2020 Amendments to Brown's Creek Watershed District Rules

			applicants to meet watershed district rule requirements.	
13	Fran Miron, Commissioner	Washington County	The county's Public Works Department would request that BCWD consider matching the rules they are implementing in the Diversion Structure Subwatershed throughout the watershed district for improved consistency.	Please see the response to comment 2.
14	Fran Miron, Commissioner	Washington County	The county commends BCWD for continuing to include protections for groundwater-dependent natural resources, including drinking water supplies. Although the rules reference groundwater-dependent natural resources the county recommends including an explanation on how the rules address and impact Drinking Water Supply Management Areas (DWSMAs).	BCWD followed up on the county's letter and received confirmation from Maureen Hoffman, Planner at Washington County Public Health and Environment, on February 27, 2020, that the revised rule provides for protection of drinking-water supplies.

Memo Providing Background for and Explanation of March 2020 Amendments to Brown's Creek Watershed District Rules

March 11, 2020

10



#### **Appendix C: Stakeholders**

Abbi Wittman, City of Stillwater Alena DeGrado, Washington County Amanda Johnson, Summit Management Ben Prchal, City of Lake Elmo Beth Neuendorf, Minnesota Department of Transportation Bill Howell, The Goodman Group Bill Voedisch, May Township Board Bob Appert, Farms of Grant LLC Brad Reifsteck, City of Grant Bryan Bear, City of Hugo Carly Johnson, Oak Park Heights City Council Cory Slagle, Washington County Daniel Parks, Westwood Professional Services Dan Fabian, Board of Water and Soil Resources Emily Javens, Minnesota Association of Watershed Districts Eric Alms, Minnesota Pollution Control Agency Eric Johnson, City of Oak Park Heights Ernest Swanson Pizza Ranch Fran Miron, Washington County Commission Frank Ticknor, Washington County Gary Kriesel, Washington County Commission Jay Riggs, Washington Conservation District Jeff Berg, Minnesota Department of Agriculture Jeff Huber, Grant City Council Jeff Risberg, Minnesota Pollution Control Agency Jenn Kader, Freshwater Jen Kostrzcwski, Metropolitan Council Jenifer Sorensen, Minnesota Department of Natural Resources Joe Radach, Carlson McCain Jon Whitcomb, Metro East Commercial John Hanson, Valley Branch Watershed District John Freitag, Minnesota Department of Health John Linc Stine, Freshwater Judy Sventek, Metropolitan Council Jyneen Thatcher, BCWD Citizen Advisory Committee Karen Richtman, BCWD Citizen Advisory Committee Kathy Schmoeckel, Stillwater Township Kevin von Riedel, Boutwell Farms LLC and Westridge LLC Kim Points, City of Grant Kirk Schultz, Madison Hospitality Group Memo: Background for and Explanation of Proposed Amendments to Brown's Creek Watershed District Rules March 11, 2020 Kristina Handt, City of Lake Elmo Larry Timmerman, BCWD Citizen Advisory Committee Lee Mann, City of Oak Park Heights Linda Tibbetts, May Township Lynn Bruns, I+S Group Mark Lambert, Summit Management Matt Downing, Middle St. Croix Watershed Management Organization Matt Woodruff, Larson Engineering Maureen Hoffman, Washington County Mike Isensee, Carnelian-Marine St. Croix Watershed District Mike Polehna, City of Stillwater Council Mike Runk, Oak Park Heights City Council Molly O'Rourke, Washington County Nathan Arnold, Washington County Paul Richtman, BCWD Citizen Advisory Committee Rachel Juba, City of Hugo Randy Neprash, League of Minnesota Cities Reabar Addullah, City of Stillwater Richard Gagne, The Ponds at Heifort Hills LLC Rick Vanzwol, BCWD Citizen Advisory Committee Shawn Sanders, City of Stillwater Sheila-Marie Untiedt, Stillwater Township Board Stephanie Souter, Washington County Sterling Black, Fairway Development LLC Steve Woods, Freshwater Society Tim Nolde, Ancho Bay Pro Todd Baumgartner, Wilkerson & Hagna Todd Erickson, Erickson Civil Site Todd Ganz, Heifort Hills Estates Trent Mayberry, Told Development Company Tyler Johnson, Stantec Vicki VanDell, Loucks Vince Driessen, The Driessen Group