



**Brown's Creek Watershed District Regulatory Review:
Draft Report and Recommendations**

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Purpose Statement

The purpose of the Brown's Creek Watershed District (BCWD) regulatory review and facilitated partner meeting was to gain feedback on the current BCWD regulatory program and recommendations for the BCWD Board of Managers to consider when developing the updated (2026-2035) Watershed Management Plan and future initiatives of the regulatory program. Participants were asked to consider the three components of the regulatory program: rules, processes, and outreach and information.

Summary

The purposes of watershed districts are to conserve the natural resources of the state by land use planning, flood control, and conservation projects by using sound scientific principles for the protection of the public health and welfare and the use of the natural resources. BCWD has rules required by Minnesota Statute to conserve the natural resources of the State and Watershed. The regulatory program addresses stormwater management, erosion and sediment control, buffers, shoreline alterations, water crossings, and flood control.

A facilitated partner meeting was held November 21, 2024, as part of the BCWD regulatory review. BCWD staff put a great deal of planning and effort to ensure attendance and participation at the meeting. They worked with a facilitator for planning and hosting the meeting and reporting to the Board.

Partner meetings benefit from a facilitator who ensures balanced participation, guides discussions and activities, manages the group and conflicts, improves communication and collaboration, and provides non-biased recommendations for problem solving. It builds trust in a process, allows staff and Board members to listen, and increases the likelihood of achieving the desired outcomes.

Staff developed the invitation list based on local and regional partners, individuals and companies with a history of participating in the permitting process, individuals who have interacted with the watershed district in the past, and through an additional equitable partner engagement review. A survey was conducted to select the date of the meeting, invitations were emailed with multiple reminders, and staff reached out directly through email and phone calls to improve attendance.

Thirty-nine individuals attended the meeting; this was 33% of the 118 invited. Participants represented residents, homeowner's associations (HOAs), permittees, developers, BCWD communities, Washington County, state agency partners, other watershed districts, and members of the Citizen Advisory Committee and Board of Managers. It was noted during the meeting that many of the engineers that were invited weren't in attendance. This is noteworthy because engineers often work with clients during the permitting process, and their feedback would have been valuable. Recommendations related to this audience are included later in the report.

The meeting included introductions, an icebreaker, an overview of the current BCWD regulatory program, and multiple facilitated large and small group discussions. Multiple techniques were used so participants would interact with different people throughout the morning. In addition to BCWD capturing feedback, it was important that participants also heard the perspectives of the others in the room.

To ensure transparency and accountability, staff sent the initial draft of meeting feedback to all participants and invitees with a request that they provide any additional clarification or feedback and to provide those that had not attended an opportunity to give feedback. Appendix One is the BCWD Regulatory Review: Amended Partner Meeting Feedback Summary, and it contains the initial feedback summary plus the additional comments received.

Appendix Two is a review of the icebreaker activity, “Defining Simple,” which was designed to encourage participants to focus on providing detailed feedback with specific strategies.

The recommendations included in this report are based on specific feedback, identification of themes in the feedback, and an interpretation of the information received from partners. BCWD will likely require additional staff to support the recommendations related to the rules review, changes to processes, and improved outreach. It’s notable that BCWD is already allocated additional resources and staff to support and improve delivery of its programs.

The participants represented diverse audiences with often differing priorities. This diversity was essential to get a full range of feedback. It also provided an opportunity to gather feedback from partners that may not have the same ability or opportunity to communicate with the watershed district but still have a perspective that should not be overlooked.

This information will be presented to the BCWD Board of Managers at the January 8, 2025, Board Meeting. **The Board will have the opportunity to review the feedback and recommendations, discuss and identify priorities, provide direction for obtaining additional clarification from partners, and ultimately incorporate selected priority activities into the watershed management plan and BCWD work plans.** Another partner meeting will be held to get any follow-up requested by the Board and to communicate outcomes.

Recommendations

Participants were asked multiple questions during the facilitated exercise and frequently reminded to consider the three components of the regulatory program: rules, processes, and outreach and information.

Participants provided detailed feedback and specific strategies for improving the BCWD regulatory program. However, *participants also consistently complimented current BCWD staff, BCWD efforts to protect water resources and provide good service, and this process.* This is a good foundation for building the next stage of BCWD efforts.

All comments were recorded and reviewed. Several themes emerged during the meeting and the synthesis of the feedback:

- **Theme 1:** The BCWD regulatory program should be transparent, efficient, equitable, consistent, and not unduly complicated.
- **Theme 2:** The BCWD regulatory program should protect and improve the resources and properties in the District, and there should be accountability.
- **Theme 3:** Communication is critical, should be consistent, and should lead to improved engagement and understanding with the public, partners, permittees, and other specific audiences including engineers representing permittees and the business community.

The Board will ultimately decide the degree to which these can be implemented. For example, it may not be possible to have rules that are in plain language and can be understood at or below the standard 7th grade comprehension standard for public documents. Instead, the Board may consider guidance documents and allocate staff support for some applicants to ensure better understanding of the rules.

The Board may determine that additional clarity or detail is needed from partners and request that staff ask follow-up questions at the next partner meeting.

While not all-encompassing, the feedback from partners was accompanied by a review of the website and existing processes of the District. This was to improve and provide context to the recommendations.

The review and interpretation of some of the partner feedback resulted in recommendations that may include strategies BCWD is already implementing. In these cases, it will be important to clarify with partners if the District’s activities are still inadequate in these areas or if the District needs to improve communication and outreach in that area. The first opportunity for this will be at the follow-up partner meeting.

Rules	Recommendation	Theme(s)
	Prepare for future rule revisions <ul style="list-style-type: none"> • Review the specific rules that were identified by participants of the partner meeting <ul style="list-style-type: none"> ○ Are there opportunities to make changes? • Create an inventory of rules that could be considered during a formal rules update • Complete a comparison of rules to those of nearby and/or similar watersheds <ul style="list-style-type: none"> ○ Look for opportunities to align, ideas for clarity • Identify opportunities to clarify rules or allow for increased flexibility in meeting the rules 	1,2,3
	Identify opportunities in the rules to increase administrator / Board’s ability to provide flexibility without increasing the number of variances <ul style="list-style-type: none"> • Identify opportunities to engage additional feedback from partners / permittees • May include some process opportunities 	1,3
	Begin rule revision process after watershed management plan is completed, selected process / outreach strategies have been implemented, and additional partner meetings have been held and only if specific rules have been identified <ul style="list-style-type: none"> • Estimated timeline: 2026 – 2029 	1,2,3

	<p>Allow regional solutions – <i>rules, processes, & outreach</i></p> <ul style="list-style-type: none"> • Review how other watershed districts (and State partners) support regional solutions and identify opportunities for BCWD – <i>this may require a rules change</i> • Note: BCWD does offer opportunities for regional solutions / treatments; utilize outreach / information strategies to communicate this and including this in future partner meetings <ul style="list-style-type: none"> ○ Monitor future feedback on this to determine if rules or process changes are needed 	1,2,3
Processes		
	Develop and implement a process for follow-up on closed projects, additional inspections, and enforcement	2
	<p>HOAs – identify and implement strategies to improve “hand-off” from developers and HOAs – <i>this also requires implementation of improved outreach and information strategies</i></p> <ul style="list-style-type: none"> • Require a meeting with a checklist with HOA obligations • Improve HOA Guidance on website to include more information on obligations, processes, and resources 	2,3
	<p>Allow regional solutions – <i>rules, processes, & outreach</i></p> <ul style="list-style-type: none"> • Review how other watershed districts (and State partners) support regional solutions and identify opportunities for BCWD – <i>this may require a rules change</i> • Note: BCWD does offer opportunities for regional solutions / treatments; utilize outreach / information strategies to communicate this and including this in future partner meetings <ul style="list-style-type: none"> ○ Monitor future feedback on this to determine if rules or process changes are needed 	1,2,3
	<p>Assess the viability of an application portal and electronic payment process</p> <ul style="list-style-type: none"> • Complete a cost-benefit analysis to determine feasibility • Consider fixed <i>and</i> variable costs, number of applications, risks, and opportunities – <i>there were 20 permit approvals in 2023</i> • Identify other practices to communicate permit status to applicants (or to improve current communication) • Improve transparency and perspective on the program by communicating on the number of applications, permits, projects, and pre-app meetings; how the program is paid for; and estimated costs 	1

	<p>Review permit fee structures to ensure they are clearly communicated and equitable</p> <ul style="list-style-type: none"> • Consider caps on fees (and other requirements) for single family projects • Identify opportunities to increase transparency, full-cost accounting, and standardized fees • Determine who should bear the weight of the regulatory program and permits 	1
	<p>Review the current appeals process and assess opportunities to improve the process, timeline, and communication; ensure that applicants are provided with information on the appeals process</p>	1,3
Outreach & Information		
	<p>Host ongoing engineering workshop / meeting</p> <ul style="list-style-type: none"> • Initial facilitated conversation • Ongoing discussions / training 	1,3
	<p>Increase outreach opportunities</p> <ul style="list-style-type: none"> • Inventory where touchpoints are and look for opportunities to share BCWD info (city billing inserts, realtor communications) • Create information cards or standard language (for documents / websites) for other permitting LGUs to provide to applicants • Schedule consistent meetings with partners <ul style="list-style-type: none"> ○ City-county partner meetings; city coordination meetings; partner meetings – determine a schedule that is do-able and set an expectation ○ Identify opportunities to collaborate with regional groups – county, neighbor watersheds, etc. ○ Opportunities for developers and/or contractors to meet staff and learn about rules, processes, expectations, obligations, and opportunities <ul style="list-style-type: none"> ▪ Lunch and learns, virtual sessions, breakfasts ▪ Incentivize their participation ▪ Ex: A city with two watersheds within its borders co-hosts a developer / contractor breakfast with both watersheds; rules presentation highlighting requirements 	1,3
	<p>Develop guidance documents for permittees and potential permittees</p> <ul style="list-style-type: none"> • Rules guidance document • Videos / vlogs to provide guidance / instruction 	1,3

	<p>Website</p> <ul style="list-style-type: none"> • Review the General Permitting Info page of the website and identify opportunities for improvement <ul style="list-style-type: none"> ○ Improve transparency on the program by including a statement of how many applications, permits, projects, pre-app meetings, how the program is paid for, and estimated costs • Complete FAQs • Continuously look for opportunities to increase readability, plain speak, and user experience on the website 	<p>1,3</p>
	<p>Annual Reports and Newsletters</p> <ul style="list-style-type: none"> • Include information on regulatory program in newsletters and annual reports <ul style="list-style-type: none"> ○ Mission and purpose focus – why is there a regulatory program? ○ Improve transparency and perspective on the program by including a statement of how many applications, permits, projects, pre-app meetings, how the program is paid for, and estimated costs 	<p>3</p>
	<p>Committee membership</p> <ul style="list-style-type: none"> • Provide opportunities for developers, contractors, and the regulatory audience to participate in the District. <ul style="list-style-type: none"> ○ This could include Board, CAC, and/or TAC appointments, inviting them to information sessions with members of the Board, CAC, and/or TAC, and staff providing presentations at meetings where business leaders will be present. ○ Provide opportunity for this group to identify ways that they want to participate at follow-up meeting(s). 	<p>1,2,3</p>

Appendix 1

BCWD Regulatory Review: Amended Partner Meeting Feedback Summary

The original Partner Meeting Feedback Summary has been amended to include comments received by email in the extended comment period from December 6, 2024, through December 13, 2024.

Meeting Overview

A partner meeting was held November 21, 2024, to gain feedback on the current Brown's Creek Watershed District (BCWD / the District) regulatory program and recommendations for future activities for the BCWD Board of Managers to consider when developing the updated (2026 – 2035) Watershed Management Plan.

The meeting included an overview of the current BCWD regulatory program including information on its regulatory authority, past updates, current processes and rules, and accomplishments due in part to the District's regulatory program.

There were 118 individuals invited and 39 individuals, or 33% of those invited, in attendance with participants representing residents, homeowner associations, permittees, developers, BCWD communities, Washington County, state agency partners, other watershed districts, and members of the Citizen Advisory Committee and Board of Managers. Participants were asked to introduce themselves, who they represent, and how they interact with BCWD. Several participants noted that there weren't many engineers at this meeting. It's important to note that engineers were invited, and staff are continuing to develop and implement strategies to engage this critical audience.

An icebreaker was led to create a definition for the word "simple." Simple and its variations are frequently used to provide direction for what the BCWD rules and regulatory program should be. Seventy-eight responses were offered with many of these unique. It was established that "simple" would not be a word used in the day's feedback, and participants would focus on providing specific strategies and detailed feedback.

Participants were asked to consider the BCWD regulatory program as its rules, processes, and outreach and information. Activities focused on getting feedback around these three components. Multiple facilitation approaches were used to increase engagement, encourage participants to interact with different people, allow participants to hear multiple perspectives, and for everyone to share their ideas in multiple conversations.

There were three facilitated discussions. The first was done with the whole group, the second was completed in small groups, and the third had participants moving around the room in changing small groups (a variation of a known facilitation technique called World Café). Participants were asked to respond to multiple questions or prompts. After each activity, participants reported back to the entire group and shared ideas. The meeting ended with a brief wrap-up discussion, and participants were asked if they felt anything was missed in the questions asked or the conversation. Individuals were asked to share something they heard another participant say that was a new perspective for them.

Questions & Response Summary

A summary of the questions and a generalization of the responses follow. A complete list of all answers is included in this report and were used to inform recommendations.

Who and what benefits from the regulatory program?

The answers reflected the group's shared beliefs that the community, property owners, and the resources benefited from this program. Half of all responses identified individuals (in the community or property owners) as beneficiaries as a result of a healthy resource or protection from harm (flooding, etc). Of nearly 100 responses given, only five identified engineers, consultants, and watershed staff as the beneficiaries of the regulatory program.

What are the most important factors or components of a successful regulatory program?

Themes that were present in the answers focused on consistency and fairness; flexibility; efficiency; clarity; value and cost; public engagement, awareness, and communication; effectiveness and enforcement; the process; and a focus on the resource.

There was broad agreement that a successful regulatory program has sound and clearly communicated processes that are applied fairly and consistently while also valuing flexibility, cost-effectiveness, and efficiency. Public engagement and informational materials should be used to increase knowledge and understanding of the regulatory program and the applicable rules. Enforcement was identified in addition to a number of process suggestions.

What are improvements or changes that you would like to see in the regulatory program?

A significant amount of feedback focused on changes in communication, outreach materials, administrative efforts, and fees. There was less focus on the specific topics identified for possible rule changes; however, one individual provided a list of items for consideration.

What would those improvements or changes result in?

Responses could be categorized into improved communication and engagement, efficiency and expense, administration, and the resource and water quality. They identified outcomes for resident and permit applicant experiences, processes or activities of the watershed district, and the effect on the resource.

What is working in the current BCWD regulatory program?

Participant responses identified current success with resource protection and improvement; administrative practices and staff; current flexibility; and communication and engagement. Many of these were implemented after the last facilitated effort around the regulatory program. All of the things identified serve as a strong foundation for the regulatory program and future changes.

Provide specific suggestions and strategies for BCWD rules, processes, and outreach and information.

There were many similarities between what participants wanted to keep or build upon and aspects of the regulatory program that were identified as "working."

Suggestions for the District's rules encouraged flexibility and innovation; consistency; and some specific rules that could be reviewed.

Suggestions for the District's processes focused on steps to improve communication and transparency; cost-effectiveness; efficiencies; and permittee resources.

Suggestions for the District's outreach and information efforts included the continuation of partner meetings and community engagement; ideas for what and how to share the BCWD story and requirements; and identification of audiences.

Questions and All Responses

Large Group Facilitated Discussion: Idea Pools

Large Group Question One: *Who and what benefits from the regulatory program?*

Topic Areas	Specific Comments
COMMUNITY	<ul style="list-style-type: none"> • Community – 2 <ul style="list-style-type: none"> ○ Reduced flooding • Individuals in the watershed – 2 <ul style="list-style-type: none"> ○ Users in the watershed district • Individuals downstream • Residents - 6 <ul style="list-style-type: none"> ○ Current residents ○ All residents within the District • Future <ul style="list-style-type: none"> ○ Property owners ○ Generations – 2 ○ Future residents • Citizens - 4 <ul style="list-style-type: none"> ○ Of state, watershed, etc. ○ “Citizens should” • The public (in general) - 2 • People near the water • Those who use the resource <ul style="list-style-type: none"> ○ Recreationists - 2 • Anyone drinking water • Public health
PROPERTY OWNERS	<ul style="list-style-type: none"> • Homeowners • Property owners - 3 <ul style="list-style-type: none"> ○ Flooding • Landowners - 2 <ul style="list-style-type: none"> ○ Downstream landowners • Old homesites that were built before planning for runoff • Taxpayer <ul style="list-style-type: none"> ○ Property values - 2 ○ Resource quality • Business owners
OTHER PEOPLE	<ul style="list-style-type: none"> • The watershed district employees, staff, engineers <ul style="list-style-type: none"> ○ Watershed district employees • Consultants – 2 <ul style="list-style-type: none"> ○ Consultants / engineers currently benefit ○ Engineers and their firms • Economics

<p>THE RESOURCE</p>	<ul style="list-style-type: none"> • Resources – 3 <ul style="list-style-type: none"> ○ The resource ○ Shared resources ○ Natural resources – 2 <ul style="list-style-type: none"> ▪ Natural resources should • Water <ul style="list-style-type: none"> ○ Water resources – 4 <ul style="list-style-type: none"> ▪ Lakes, streams, wetlands, groundwater ▪ Lakes ○ Brown’s Creek Water Quality <ul style="list-style-type: none"> ▪ Brown’s Creek ○ Water quality - 2 ○ Groundwater – 2 ○ Surface water • Lakes, rivers, streams, wetland • Ecosystems <ul style="list-style-type: none"> ○ Ecosystem health • The environment - 8 • Habitat – 2 • Aquatic environment • Aquatic life <ul style="list-style-type: none"> ○ Trout ○ Animals near the water ○ Fish, bugs, plants • Wildlife • Nature
<p>Additional comments and questions</p>	<ul style="list-style-type: none"> • Recreation • Who suffers if not enforced? • How do the rules account for climate change? • Rules not enforced versus when rules are enforced <ul style="list-style-type: none"> ○ Benefit: environment, landowners, future residents

Large Group Question Two: *What are the most important factors or components of a successful regulatory program?*

Topic Areas	Specific Comments
CONSISTENCY	<ul style="list-style-type: none"> • Consistent – 3 <ul style="list-style-type: none"> ○ Consistency - 2 • Predictable • Implemented consistently
FAIRNESS	<ul style="list-style-type: none"> • Fair – 6 <ul style="list-style-type: none"> ○ Applied Consistently • Fairness • Fair implementation • Fair application • Implemented equally • Equitable
FLEXIBILITY	<ul style="list-style-type: none"> • Flexibility <ul style="list-style-type: none"> ○ Flexibility for landowners • Nimble / flexible – 2
EFFICIENT	<ul style="list-style-type: none"> • Efficient – 4 <ul style="list-style-type: none"> ○ Efficient for BCWD, applicant, municipality ○ Efficient to administer • Timely - 3 • Timeliness
COST / VALUE	<ul style="list-style-type: none"> • Cost-effective • Pre-determined fees <ul style="list-style-type: none"> ○ Fees that do not require calculations ○ 1 garden = \$100 • Demonstrated value to stakeholders • Minimum cost for the most value • Technical assistance at low cost • Area wide fees and developer fees
UNDERSTANDABLE	<ul style="list-style-type: none"> • Clear <ul style="list-style-type: none"> ○ Clear rules • Clarity • Straightforward • Decipherable • Understandable • Easy to understand <ul style="list-style-type: none"> ○ Easily understandable by all ○ Easy to understand by all parties ○ Easy ○ Easy to accomplish ○ Step by step notice • Easy to implement

PUBLIC ENGAGEMENT & AWARENESS	<ul style="list-style-type: none"> • Shared understanding of long-term maintenance / limitations (stormwater BMPs + buffers) • Buy-in by watershed residents <ul style="list-style-type: none"> ○ Buy-in ○ Buy-in from both the regulator and the regulated • Awareness of rules that can be followed • Community involvement • Value to stakeholders • Educated public • Participation by all parties – with clear responsibilities <ul style="list-style-type: none"> ○ BCWD ○ Applicant • Municipality
COMMUNICATION	<ul style="list-style-type: none"> • Communication • Open communication of permittee and regulator • Clear communication between staff and applicant • Well-communicated and clear rules that applicants can understand • Clear guidance materials (contributes to streamlined processes)
ENFORCEMENT & FOLLOW-UP	<ul style="list-style-type: none"> • Enforced • Enforcement with leverage and a process • Follow-up and reporting – w/out lose benefit of project / plan • Ensuring permit requirements are enforced both short and long term • Way to establish accountability for maintenance and potential negative impacts
EFFECTIVENESS	<ul style="list-style-type: none"> • Effective <ul style="list-style-type: none"> ○ Permits issued, permits closed • Regulations are effective <ul style="list-style-type: none"> ○ Ex: when applied they protect the resource they are meant to • Provides intended results • Successful best management practices <ul style="list-style-type: none"> ○ Ensure solutions are / can be perpetual • Implementable • Does it actually produce the desired result and at what cost – accountability
PROCESS	<ul style="list-style-type: none"> • Process • Shared regulatory authority • Local government participation and involvement <ul style="list-style-type: none"> ○ Local / county involvement • LGU implemented • A succinct end point with a clear punch list • Data driven • Streamlined process • Everyone knows their role • Everyone involved understands the process • Workshop with the engineering community to see what they need; what formulas to use; what steps to take; it's not clear to them • Good plan (BMPs)

	<ul style="list-style-type: none"> • One online access portal for permits • Accountability - 2 • Appeals Processes <ul style="list-style-type: none"> ○ Ease of appeals
RESOURCE	<ul style="list-style-type: none"> • Protective of resource <ul style="list-style-type: none"> ○ Protect / improve the resources • Adequate protection of water resources (quantity / quality) for future generations • Objective resource protection
OTHER	<ul style="list-style-type: none"> • Purposeful • Supported • Appropriate rules • Comprehensive and well thought out rules • Not unduly burdensome – 2 • Projects able to occur without harming the environment • The program is forward thinking (looking ahead for changes in population, climate, etc)

Small Group Facilitated Discussion

Small Group Question One: *What are improvements or changes that you would like to see in the regulatory program? Think rules, processes, and outreach / information.*

Topic Areas	Specific Comments
COMMUNICATION / INFORMATION / OUTREACH / RESOURCES	<ul style="list-style-type: none"> • Better targeting • Better guidance / expectation setting <ul style="list-style-type: none"> ○ Communicate expectations ○ Increased communication for buyers who are responsible for maintenance of stormwater / sediment control structures • Conciseness of rules • Ease of access to rules • Better follow-up • Portal – submit permits; monitor status • Engineering <ul style="list-style-type: none"> ○ Clear calculations for engineers ○ Better engineer information • Resources online for permittee <ul style="list-style-type: none"> ○ Link to well index, watershed health assessment tool, etc.
ADMINISTRATIVE / FEES / FLEXIBILITY / EFFICIENCY	<ul style="list-style-type: none"> • More pre-permit coordination • More administrative approvals • 30 day staff review instead of 60 day • Appeals <ul style="list-style-type: none"> ○ Clearly defined appeals process • Fee structure – easy to calculate • Create rules that place high value on alternative improvement efforts • Flexibility • Regional ponding • Efficiency • LGU implementation of WMO rules w/ WMO support (or WMO does if LGU prefers) • Consistency among watershed districts
DEFINITIONS	<ul style="list-style-type: none"> • Rule 7 defined • Re-use calculator defined
DEVELOPMENT	<ul style="list-style-type: none"> • Should not be in charge of land use planning – leave to townships / cities • Hold developers responsible for their part in stormwater structure maintenance and protection of features during construction
OTHER RULE REVISION SPECIFIC TOPICS	<ul style="list-style-type: none"> • Site specific analysis – setback review on a cliff but not near a creek • Change “steep slope” criteria • Remove “landlocked versus not” rules difference • Enable farming to remain <ul style="list-style-type: none"> ○ How to permit / address? • Reduce setbacks by 25 – 50% • More stormwater controls for shoreland development (single lots) • MID – watershed wide (higher standard for / if trout & flooding)

- SINGLE FAMILY and SMALL PROJECTS
 - Less rigorous process for small individual projects (homes)
 - Very expensive
- WCA
 - Support WCA plus
 - Local mitigation priority sequence
 - Higher replacement ratio for high quality wetlands
- DRINKING WATER, GROUNDWATER, PRIVATE WELLS
 - Drinking water protection
 - More rules tied to drinking water / private wells (SWSMA)
 - Limitations of infiltration near wells or in SWSMA
 - Floodplain & well considerations

An individual provided this feedback during the process:

- Consultant fees
 - Create transparency of fees collected
- Create a quick appeal process when consultants disagree
- Endeavor to appoint at least one manager with a background in real estate
- Limit requirements of declarations and extractions
- Buffers in excess of 20'
- Any rule prohibiting buffer averaging
- Allow reasonable activities in buffer zones
- Requirement to mimic pre-settlement conditions
- Allow variances based on practical difficulties
- Eliminate landowners obligation to demonstrate that landowner facilities will not have an adverse impact – very subjective standard
- Release financial assurances and eliminate need for posting LOL and then paying fees

Small Group Question Two: *What would those improvements or changes result in?*

Topic Areas	Specific Comments
COMMUNICATION / ENGAGEMENT	<ul style="list-style-type: none"> • Communicated expectations • Clearer communication – the HOA receives outlining the rules when they assume responsibility from the developer / seller / title • Acceptance of enforcement
EFFICIENCY / TIME / COST / EXPENSE / FEES	<ul style="list-style-type: none"> • Faster / shorter review timeline will reduce \$ for waiting and eventually obtaining permits • Less rigorous program for small projects would save time and money <ul style="list-style-type: none"> ○ Also might get more protection with “un-engineered” solutions • Less costs - 3 <ul style="list-style-type: none"> ○ Less upfront costs ○ Predetermined fees / precalculated • Efficiency • Simplification / consolidation of rules <ul style="list-style-type: none"> ○ Watershed district wide rule would result in increased regulations but simplification • Increased complexity
ADMINISTRATION	<ul style="list-style-type: none"> • More staff (needed to speed up processes) • Faster approval process • Faster timelines • A more fair and equitable system • Less variances required • On-line portal <ul style="list-style-type: none"> ○ Permit & submission ○ Follow-up in portal ○ Appeal application • Appeal process <ul style="list-style-type: none"> ○ Ability to appeal a permit decision in a reasonable time • More cities as LGU • More direct involvement of the Board in rule making <ul style="list-style-type: none"> ○ Less engineer and legal review / comments
RESOURCE	<ul style="list-style-type: none"> • Better follow up keeps integrity of projects / plan • Increased / regulated <ul style="list-style-type: none"> ○ Protection of groundwater <ul style="list-style-type: none"> ▪ Increased costs ▪ Increased water quality of groundwater • Limit potential contamination / liability of drinking water

Small Group Question Three: *What is working in the current BCWD regulatory program?*

Topic Areas	Specific Comments
RESOURCE	<ul style="list-style-type: none"> • Water quality is improving! – 2 • Protection / improvement of Brown’s Creek • Surface water quality in areas of watershed <ul style="list-style-type: none"> ○ Meeting goals – phosphorus, temperature, sediment • Volume control is being achieved • Resources are being protected <ul style="list-style-type: none"> ○ Resource protection • Phosphorus reduction and improvement of resources
ADMINISTRATIVE	<ul style="list-style-type: none"> • More administrative review – efficient • Staff wants to help you through the process • Staff is proactive, but restrictive / inflexible • Good staff that cares about the community • Staff is approachable • Application process
FLEXIBILITY	<ul style="list-style-type: none"> • Flexibility on reconstruction vs. rehabilitation (roads projects) • Board flexible but responsible
COMMUNICATION / ENGAGEMENT / OUTREACH	<ul style="list-style-type: none"> • Pre-application meetings <ul style="list-style-type: none"> ○ Initial free meeting • Collaboration <ul style="list-style-type: none"> ○ WCD ○ Cities ○ Developers • Board of managers understanding of projects / reality • Communications / connections • Listening to feedback / outreach <ul style="list-style-type: none"> ○ This type of collaboration and asking for input • Partnerships <ul style="list-style-type: none"> ○ Good with partnerships • Processes on website • Information is accessible and available • Trying to make it easy for the applicant
OTHER	<ul style="list-style-type: none"> • Consistent • Rules are good • Attentiveness to rules

Facilitated Discussion: World Café Variation

Instructions:

- Rotate through tables - provide comments - Be Specific
- What is good / important to keep? Suggest changes - don't use the word "simple"

Topic Areas	Specific Comments
<p>PROCESSES</p>	<ul style="list-style-type: none"> • Grant opportunities for BCWD priorities • Appeal process <ul style="list-style-type: none"> ○ Implement an appeal process • Portal to see where the permit is at in the process – 4 <ul style="list-style-type: none"> ○ Coon Creek has permit portal now online (as an example) • Fees <ul style="list-style-type: none"> ○ Easier fee or automated calculator ○ Fee caps as a % of total cost for single families or ?????? • Small, medium, large projects • Shorten process as much as possible • Interagency coordination of permits – 2 • Less legal review <ul style="list-style-type: none"> ○ Let engineers / admin review and approve ○ Administrative approval ○ Less attorney review by staff • Developer maintain integrity of stormwater feature during construction <ul style="list-style-type: none"> ○ District enforce • KEEP <ul style="list-style-type: none"> ○ Keep Citizen Advisory Committee – 2 (could also apply to outreach & info) ○ Admin review ○ Pre-application meetings ○ Stakeholder engagement & involvement (could also apply to outreach & info) ○ Continue these meetings with cross-education exercises (could also apply to outreach & info) • CHANGE <ul style="list-style-type: none"> ○ Landlocked basins ○ Better communication ○ Easier to figure out if it applies ○ Less rigorous process for solo single-family permits ○ Change undue hardship on variances to practical difficulty ○ Simplify appeal of technical / consultant / disputes ○ Strengthen maintenance agreements ○ Communicate expectations better ○ Make release of financial assurances easier / quicker

<p>OUTREACH & INFORMATION</p>	<ul style="list-style-type: none"> • Keep partnership meetings – 2 • Keep attending project-specific public project meetings • Keep pre-meetings (free) – 2 • Community events • Maintain Citizen Advisory Committee – 2 <ul style="list-style-type: none"> ○ More CAC outreach / communication to increase attendance at events • Share outcomes of implementation • Highlight uniqueness of BCWD • Identify conflict and highlight positives • Maintain relationship with the WCD <ul style="list-style-type: none"> ○ Utilize shared services • Improve relationships with land use authorities • Share what BCWD does with tax bill, benefits, programs • Budget process • Knowledge of needing a permit • Clear permitting authority when multiple entities have regulations • Give explanation / justifications for each role • Links to more resources like MN Well Index, watershed health assessment framework tool, etc. • Engineer list for stormwater / flood mitigation projects • Have \$\$ available • Videos - 2 <ul style="list-style-type: none"> ○ Permit application video for builders / owners ○ Target primarily homeowners / HOAs <ul style="list-style-type: none"> ▪ How-tos ▪ Overview ▪ Importance • Website works <ul style="list-style-type: none"> ○ Well laid out ○ Rules are easy to find on website
<p>RULES</p>	<ul style="list-style-type: none"> • Encourage flexibility – options - 2 <ul style="list-style-type: none"> ○ Encourage flexible options ○ Innovative practices ○ Regional ponding – 2 <ul style="list-style-type: none"> ▪ Prioritize regional ponding opportunities <ul style="list-style-type: none"> • Stormwater credits? ○ Look for multi-benefit projects / extra flexibility • More flexibility for recon projects – especially public <ul style="list-style-type: none"> ○ Keep rehab versus recon • Consistency with other watershed districts – 3 • Equitable application of rules • Reconsider decompaction – 2 • Rule 7 defined – 2 • Re-word re-use • Less engineering required for homeowners • Farm friendly rules

	<ul style="list-style-type: none"> • Pre-settlement (?) <ul style="list-style-type: none"> ○ Pre-settlement conditions a challenge to meet; existing conditions preferred • Buffers in excess of 25' • Provide clear responsibilities for HOA stormwater facility maintenance - 2 <ul style="list-style-type: none"> ○ Include enforcement ○ City versus watershed district • Protect private / drinking wells / source not just public supplies – 2 <ul style="list-style-type: none"> ○ Both could be explicit in rule – thinking regarding stormwater & floodplain • KEEP <ul style="list-style-type: none"> ○ Permit Threshold triggers ○ Volume control – maintain standards • CHANGE <ul style="list-style-type: none"> ○ Single family home rules – 3 ○ Where statute does not define specific language, make it less technical ○ Forcing landowners to solve MNDOT runoff issues with no compensation
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Additional Feedback:

Participants and the invitee list were emailed the “Partner Meeting Feedback Summary” on December 6, 2024, and encouraged to provide comments on the summary and/or submit additional feedback on the BCWD regulatory program. The email requested that additional comments be sent by December 13, 2024; a reminder was sent on the morning of December 13, 2024. Limited feedback was received and has been considered in preparing the final report and report and recommendations.

Summary of those comments is below:

Attended	<ul style="list-style-type: none"> • Document captures the comments well • Many may support comments even if they were shared by one individual • The Board will have to determine what to focus on and in what order
Could not attend	<p>Enforcement and Follow-up</p> <ul style="list-style-type: none"> • Enforcement and follow-up are lacking • An example was provided (and has been shared with staff) • Would like to see resources and tools made available to improve enforcement
Attended	<p>Follow-up on the rules for stronger protections for groundwater and drinking water and that the specific suggestions provided during the meeting were opportunities / possibilities and not dictated expectations.</p> <ul style="list-style-type: none"> • Specific ideas were presented to staff

Appendix 2

Defining Simple

The icebreaker at the facilitated partner meeting was designed to demonstrate that using single words, like simple, to provide direction on complex issues provided very little benefit to decision makers. The activity also showed that people meant many different things even though they are using the same word. Participants were asked to share what “simple” means or what they mean when they use it.

“Simple” was the word selected for the activity, because the word and its variations are frequently used to provide direction for the BCWD rules and regulatory program. Seventy-eight responses were offered; many of the responses were unique.

During the wrap-up of the icebreaker, participants were encouraged to focus on providing detailed feedback and specific strategies they wanted the Board to consider.

Defining SIMPLE

- Easy - 4
 - Easy to perform, enact, do
 - Easily done
 - Easy to implement
 - Easy to achieve or understand
 - To explain
- Not complicated / uncomplicated- 5
- Easily understood / easy to understand / understandable- 13
 - Understandable to all -2
 - Easily understood at all knowledge levels
- Plain language
- Concise
- Not hard
- Quick – 2
 - quickest
 - Fast
- Practical
- Clear Language
 - Clear definitions
 - Clearly defined terms / rules that don't encourage discussion
- Nothing more than what is essential
- Can be described within one paragraph

- Efficient – 5
- Effective
- To the point
- Straightforward - 2
- Predictable
- General - 2
- Basic
- Minimal details
- Not specific -2
- Transparent
- Opposite of complex
- Down to essentials
- Least number of steps
 - Most direct way
 - Minimal steps
- Instinctual
- Flexible
- Conservative
- Economical
- Not targeted
- Not unduly burdensome
- Doesn't require technical expertise
- Planned, local input, qualified implementors
- MIDS; MIDS + for cold water fisheries and landlocked basins (so not totally simple...)
- Captured above, "something that is efficient and easily understood by all."
- Process
- Question someone added:
 - For who? How to serve the resource?
 - Feedback