



Browns Creek Watershed District Regulatory Review: Report and Recommendations

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Browns Creek Watershed District Regulatory Review: Report and Recommendations

Purpose Statement

The purpose of the Brown's Creek Watershed District (BCWD) regulatory review and facilitated partner meetings 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.

The BCWD regulatory review process included a facilitated partner meeting held November 21, 2024; a presentation and discussion of initial recommendations with the Board on January 8, 2025; and a second facilitated partner meeting on April 4, 2025. Thirty-nine individuals attended the November meeting, and 19 individuals attended the April meeting. Recommendations in this report are based on feedback from all three sessions. While not all-encompassing, the feedback from the Board and 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.

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 partner meetings 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.

Appendix One provides an overview of the planning process. Appendix Two is the BCWD Regulatory Review: Amended Partner Meeting Feedback Summary, and it contains the initial feedback summary from the first partner meeting, additional comments received after the first partner meeting, and the feedback from the second partner meeting. It has been updated from earlier draft versions of the report to include all comments from the second partner meeting in April 2025. Appendix Three 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.

Recommendations with Board Direction

Participants were asked multiple questions during the facilitated exercises at the November and April meetings and were 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 from both sessions were recorded and reviewed. Three themes emerged during the first 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 resource 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.

A fourth theme emerged after the second partner meeting:

- **Theme 4:** BCWD should collaborate with other entities including neighboring watershed districts, cities, counties, and private partners to improve its programs.

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.

Board Direction: Direct staff to begin implementing

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Website	<p>Review the General Permitting Info page of the website and identify opportunities for improvement</p> <p>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</p> <p>Complete FAQs</p> <p>Continuously look for opportunities to increase readability, plain speak, and user experience on the website</p>		Outreach & Information	1,3
Annual Reports & Newsletters	<p>Include information on regulatory program in newsletters and annual reports</p> <p>Mission and purpose – why is there a regulatory program?</p> <p>Improve transparency and perspective on the program by including a statement of how many applications, permits, projects, pre-application meetings, how the program is paid for, and estimated costs</p>		Processes	3

Board Direction: Direct staff to explore issue and get more information (cost, time commitment, consequences, limitations)

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Develop and implement a process for follow-up on closed projects, additional inspections, and enforcement			Processes	2
Assess the viability of an application portal and electronic payment process	<p>Complete a cost-benefit analysis to determine feasibility</p> <p>Consider fixed <i>and</i> variable costs, number of applications, risks, and opportunities – <i>there were 20 permit approvals in 2023</i></p> <p>Identify other practices to communicate permit status to applicants (or to improve current communication)</p>	<p>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</p> <p>If you choose not to develop an application portal or electronic payment process, be transparent and communicate “why.” Return on investment (ROI)?</p>	Processes	1

Board Direction: Take the recommendation into the WMP process for more consideration

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
HOAs – identify and implement strategies to improve “hand-off” from developers and HOAs	Require a meeting with a checklist with HOA obligations Improve HOA guidance on website to include more information on obligations, processes, and resources	Board direction included a desire to identify some additional ideas / information that could be considered during the WMP process	Processes, Outreach & Information	2, 3, 4
Develop guidance documents for permittees and potential permittees	Rules guidance document Videos / vlogs to provide guidance / instruction Flow charts to explain permitting requirements and/or process		Outreach & Information	1, 3

Board Direction: Take the recommendation into the WMP process and future rules revisions

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Review permit fee structure to ensure they are clearly communicated and equitable	<p>Consider caps on fees and other requirements for single family projects</p> <p>Identify opportunities to increase transparency, full-cost accounting, and standardized fees</p> <p>Determine who should bear the weight of the regulatory program and permits</p>	Can't make money on the regulatory program; permit fees have to match the level of review required	Processes	1, 4

Board Direction: Direct staff to explore and prepare for future rule revisions

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Prepare for future rule revisions	<p>Review the specific rules that were identified by participants at partner meeting – are there opportunities to make changes?</p> <p>Create an inventory of rules that could be considered during a formal rules update</p> <p>Complete a comparison of rules to those of nearby and/or similar watersheds – look for opportunities to align, ideas for clarity</p> <p>Identify opportunities to clarify rules or allow for increased flexibility in meeting the rules</p>	<p>Review the specific rules that some partners identified for change during the engagement process</p> <p>This would include things that staff have noted or were noted by partners</p>	Rules	1, 2, 3, 4
Begin rule revision process after the watershed management plan is completed, selected process/ outreach strategies have been implemented, and additional partner meetings have been held <i>and</i> only if specific rules have been identified		<p>Estimated timeline: 2026 – 2029</p> <ul style="list-style-type: none"> • This work requires a commitment from partners • Continue engagement & outreach to see how this improves and/or addresses some concerns • When and how do partners want to give time, meet, or do this shared work? <i>See comments from 2nd meeting</i> 	Rules	1, 2, 3

Board Direction: Request additional information or clarification from partners

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Identify opportunities in the rules to increase administrator / Board's ability to provide flexibility without increasing the number of variances	Identify opportunities to engage additional feedback from partners / permittees	<p>*Offering "regional" solutions was recommended in feedback. BCWD currently offers regional solutions. QUESTION: is the flexibility we offer good, and people just don't know OR is there a different flexibility wanted? What does flexibility mean to you?</p> <p>Examples / demonstrate where BCWD offers, but ask if there is more wanted from partners and get specific examples</p>	Rules, Processes	1,3,4
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>There is not appeals process.</p> <p>What do partners want to appeal, when, and why? What needs to be fixed?</p>	Rules	1,3,4

Synthesis of Feedback from 2nd Partner Meeting - Flexibility

Partners spent a significant amount of time discussing “flexibility” and providing specific ideas for consideration in the regulatory program at BCWD. There was also significant overlap with the discussion on “regional solutions.” Full responses are included in the appendixes.

- Variances – review variances and identify trends
 - Determine if a rule change should be considered
- Communication – use existing and improving communication strategies to present, promote, and explain the District’s flexible solutions and opportunities to meet rules
 - Guidance documents and explanations for specific rules, options for erosion control, showcasing standards and examples of *how* rules could be met, coordinate language (and possibly approach) with other watershed districts and local government units (LGUs)
- Determine if administrator approval can be expanded
- Determine if there are alternatives or lesser requirements for applications that can demonstrate protection of the resource, clear stormwater disconnect, etc
 - Consider reduced fees or credit when a project results in improved habitat, restoration, or other resource benefit
- Review MIDs and MIDs+ for potential expanded flexibility

Synthesis of Feedback from 2nd Partner Meeting - Appeals

Some participants encouraged the District to look to other LGUs for possible appeals processes. However, there was significant consensus that addressing other recommendations from the regulatory review and the following ideas would be a possible alternative to address “what needs to be fixed” instead of a formal appeals process:

- Improved communication
 - Promotion of timelines and processes
 - Options for coordination, discussion, and the pre-application process
 - Identifying processes for how to address disagreements on the interpretation of rules and how to meet them

Board Direction: Request additional information or clarification from partners and have staff explore issue and get more information (cost, time commitment, etc.)

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Allow regional solutions	Review how other watershed districts (and State partners) support regional solutions and identify opportunities for BCWD – <i>this may require a rules change</i>	<p>*BCWD does offer opportunities for regional solutions / treatments; utilize outreach / information strategies to communicate this and including this in future partner meetings</p> <ul style="list-style-type: none"> • Regional solutions is tied to flexibility. Are the regional solutions / flexibility we offer good, and people just don't know about it OR is there a different flexibility / regional solution wanted? • Monitor future feedback on this to determine if rules or process changes are needed • What regional solutions are you looking for? Wetland banking? Larger stormwater management facilities? 	Rules, Processes, and Outreach & Information	1, 2, 3, 4

Synthesis of Feedback from 2nd Partner Meeting – Regional Solutions

Partners spent a significant amount of time discussing “regional solutions” and providing specific ideas for consideration in the regulatory program at BCWD. There was also significant overlap with the discussion on “flexibility.” Full responses are included in the appendixes.

- Collaborate and coordinate
 - Work with land use authorities, the county, LGUs, developers to plan, identify, and promote regional solutions; consider agreed upon priorities or methodology

- Mapping
 - Map existing regional solutions and potential locations
- Communication
 - Promote regional solutions and awareness of the options, coordination, share success stories
- Consider the feasibility of the watershed district purchasing properties to become a regional system / solution – evaluate pros and cons

Board Direction: Request additional information or clarification from partners and then include in WMP process

Recommendation	Strategies	Notes	Rules, Processes, or Outreach & Information	Theme
Host ongoing engineering workshops / meetings	Initial facilitated conversation / focus group Ongoing discussions / training	Additional ideas: Continuing ED? Opportunities to meet staff and learn about rules, processes, expectations, obligations, and opportunities <i>and provide feedback – could this be done regionally (EMWREP)</i> Lunch and learns, virtual sessions, breakfasts Incentivize their participation	Outreach & Information	1,3, 4
Increase outreach opportunities	Inventory where touchpoints are and look for opportunities to share BWCD info - city billing inserts, realtor communication Create information cards or standard language (for documents / websites) for other permitting LGUs to provide to applicants Schedule consistent meetings with partners – city-county partner meetings, city coordination meetings, partner meetings – determine a schedule that is do-able and set expectation	Incentivize participation	Outreach & Information	1, 3, 4

Increase outreach opportunities – cont.	Opportunities for developers and/or contractors to meet staff and learn about rules, processes, expectations, obligations, opportunities – lunch and learns, virtual sessions, breakfasts			
Committee membership	<p>Provide opportunities for developers, contractors, and the regulatory audience to participate in the District</p> <p>This could include Board, CAC, and/or TAC appointments, inviting them to information sessions with members of the above groups, and staff presenting at meetings where business leaders are present</p> <p>Provide opportunity for this group to identify ways they want to participate</p>	Integrate them and don't leave them on an island.	Outreach & Information	1, 2, 3, 4

Synthesis of Feedback from 2nd Partner Meeting – Combined Feedback on Increased Participation by Engineers and All Partners

- Host ongoing engineering workshops / meetings
- Increase outreach opportunities
- Committee membership

The feedback from these questions is best summarized together. This is in part due to the limitation of time for discussion in the second partner meeting and the overlap of ideas. Also, there were no engineers in attendance at the second partner meeting; this presented a challenge to determine what would be most successful from their perspective.

- Continue to consistently engage and strengthen relationships
 - Follow best practices for meetings including consistently held meetings, varying meeting times, alternative participation options, and expanded invitations (consider public notice)
 - Attend partner meetings (ex: staff or Board members attend city council meetings)
 - Invite participation at “change moments” (rule making, plan development)
 - Resource: IAP2 (International Association for Public Participation – www.iaps.org)

- Collaborate with other organizations including the county and other watershed districts to reduce the separate asks on cities, developers, and engineers
 - Identify and use existing partnerships like Water Consortium to convene communities around watershed topics
 - Work with multiple partners to co-deliver events for specific audiences (engineers, developers)
 - Co-host meetings, events, trainings
 - Co-create outreach materials (general watershed, specific solutions, fact sheets, videos)
- Continue to seek feedback from multiple audiences
 - Use tools like surveys to get feedback from permit applicants after the permitting process or to get information from individuals that did not attend facilitated partner meetings

Initial Recommendations reviewed by the BCWD Board of Managers:

Rules	Recommendation	Theme(s)
	<p>Prepare for future rule revisions</p> <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
	<p>Identify opportunities in the rules to increase administrator / Board's ability to provide flexibility without increasing the number of variances</p> <ul style="list-style-type: none"> • Identify opportunities to engage additional feedback from partners / permittees • May include some process opportunities 	1,3
	<p>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</p> <ul style="list-style-type: none"> • Estimated timeline: 2026 – 2029 	1,2,3

	<p>Allow regional solutions – rules, processes, & outreach</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 – rules, processes, & outreach</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) 	1

	<ul style="list-style-type: none"> • 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 	
	<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
	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	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 	1,3
	<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 	3
	<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). 	1,2,3

Appendix 1

Process

For the November partner meeting, 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. The same process was followed for the April meeting.

Thirty-nine individuals attended the November meeting; this was 33% of the 118 invited. Participants represented 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. 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 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.

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.

The feedback from the first partner meeting with recommendations was presented to the BCWD Board of Managers at the January 8, 2025, Board Meeting. **The Board had 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 was always planned to present Board direction on the recommendations. However, the Board requested additional partner feedback on several recommendations, and this was integrated into the April meeting.

Nineteen individuals attended the April meeting with less representation of the partner groups than the first. This was noted with participants and ideas for engagement of different audiences was discussed. The meeting included an overview of the process to date, a review of Board direction for the initial recommendations, and small group discussions on recommendations where the Board had asked for additional partner feedback.

After the April meeting, staff met with the facilitator again to review the partner feedback and a final report was prepared.

Appendix 2

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. An additional amendment to feedback summary was made in May 2025 to include comments received during the second partner meeting on April 4, 2025.

Meeting Overview

A partner meeting was held November 21, 2024, to gain feedback on the current Browns 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 <p>Economics</p>
THE RESOURCE	<ul style="list-style-type: none"> • Resources – 3 <ul style="list-style-type: none"> ○ The resource

	<ul style="list-style-type: none"> ○ 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 ○ Browns Creek Water Quality <ul style="list-style-type: none"> ▪ Browns 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
Additional comments and questions	<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) • One online access portal for permits

	<ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> ○ Less rigorous process for small individual projects (homes) <ul style="list-style-type: none"> ▪ Very expensive • WCA <ul style="list-style-type: none"> ○ Support WCA plus ○ Local mitigation priority sequence ○ Higher replacement ratio for high quality wetlands • DRINKING WATER, GROUNDWATER, PRIVATE WELLS <ul style="list-style-type: none"> • Drinking water protection • More rules tied to drinking water / private wells (SWSMA) <ul style="list-style-type: none"> ○ Limitations of infiltration near wells or in SWSMA ○ Floodplain & well considerations <p>An individual provided this feedback during the process:</p> <ul style="list-style-type: none"> • Consultant fees <ul style="list-style-type: none"> ○ 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
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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 Browns 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"> ◦ WCDs ◦ 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
PROCESSES	<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
OUTREACH & INFORMATION	<ul style="list-style-type: none"> • Keep partnership meetings – 2 • Keep attending project-specific public project meetings • Keep pre-meetings (free) – 2

	<ul style="list-style-type: none"> • 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
RULES	<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 • 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

All comments received during April 4, 2025, partner meeting:

Request Clarification from Partners:

1. Regarding Recommendation:

Identify opportunities in the rules to increase administrator / Board's ability to provide flexibility without increasing the number of variances

Strategy:

- Identify opportunities to engage additional feedback from partners / permittees

*Offering "regional" solutions was recommended in feedback. BCWD currently offers regional solutions. QUESTION: is the flexibility we offer good, and people just don't know OR is there a different flexibility wanted?

What does flexibility mean to you?

- Flexible treatment options *
- Flexibility opportunities must be based on data / habitat protection
 - Not political desires / protest or developers ROI
- Examine buffer rules; allow more averaging
- Put process costs towards other solutions (ex: native prairie)
- Create process to allow credit for creating restored areas
 - Native habitat
 - Restoration = volume control credit
 - Adding computation credit system for open space
- Review variances – what are the most common variances? Variance review- what is common?
Rule change necessary?
 - Review variance request for common challenges – how did the Board approve or deny
 - Variance request – how did the board approve or deny; work that into the rule
- Record instances of previous variances to use as references of precedence
- Loosen variance needs
- Instead of a variance process --- a *mitigation* process
- Ongoing Communications Improvement
 - Guidance document or website section on flexibility
 - Providing / directing applicants to information on approaches that they can use to meet regulations
 - Eg: people may not know they could do 6 – 10 things to meet their permit requirements
 - Clear communication of FTOs (Field Testing Operations) for stormwater
 - Communicating other options for erosion control
 - Clear curve number definitions & assumptions (to avoid hydrocad games)
 - Include the "why" for the individual standard requirements for the developer and resident to understand
 - Simplified explanation of each specific rule that is understood by regular people
 - Include indicators that these standards are working
- For education/outreach: What flexibility do we have in rules
 - Also have buffer averaging

- Regional treatment
- MIDS in diversion drainage
- HOW you meet (various ways like decompaction, erosion control types are not all same expense)
- Consistency – coordinate language and approach with neighboring watersheds and cities
- Consider what benefits the rule has for the resource and if that protection is there for a lesser requirement
- More stringent than state standard – prove benefit to the resource or allow more flexibility
 - Meet full rule versus less than but adequate
- Need to be aware of setting precedents
- Allow staff / engineers to provide flexibility in certain circumstances without variance
 - Interpretation flexibility – process to allow consensus *
 - Stormwater / engineering rules that allow benefit to the resources breaking down overly prescribed / prescriptive rules *
- Higher level of engineering review? Frequency? Could add complexity
- MIDS (like VBWD) – Staff availability + staff authority + District wide connecting
 - MIDS in general and MIDS+ for sensitive features (addressing need may require greater than 1.1 inch)
 - Treatment flex per MIDS – watershed district wide (alt treatment standard for trout stream and landlocked)
- Staff availability and authority (private & public) collaboration on higher level of watershed*
- Communicate and potentially expand Admin approval
- Additional things / processes that go through a quicker review
- Review other watershed district rules for flexibility options
- Flexibility between different watersheds
- Cost flexibility for different types of projects for permits
 - Cost flexibility – less expensive for certain types of projects
- Interpretation flexibility if the engineers don't agree on the interpretation of rules; is there a process that can be implemented to facilitate healthy solutions
- Easier permitting for sites that can demonstrate clear stormwater disconnect
- Clear demonstration of stormwater; topography does not make it to resource
- Reduction in fees if treatment exceeds a certain threshold
- Permit threshold review fees in lieu
- Rate of water flow; taking a higher overview of water from a larger perspective
 - De minimis (a legal doctrine by which a court refuses to consider trifling matters)*
- For sites that drain in multiple directions, apply rate control & water quality protection to the overall site not necessarily on a subdrainage drainage basis. Particularly if overall discharge is less post development and dnst (?) properties are not impacted
- Justification of changes in real time versus designed plans *
- Evaluating old design capacity and creating projects to incorporate new design capacity
- *When getting rule comparison data...also ask what flexibility others feel they have in rules, how many permits they issue per year, what variances they have given in past x years, what regional treatment options...looking at cities/county appeal process (Jay says cities have to appeals process)*

*identified as priorities in group

Request additional information or clarification from partners and have staff explore issue and get more information (cost, time commitment, etc)

1. Regarding Recommendation:

Allow regional solutions

Strategies:

- Review how other watershed districts (and State partners) support regional solutions and identify opportunities for BCWD – *this may require a rules change*

Tied into “what does flexibility mean to you?”

*BCWD does offer opportunities for regional solutions / treatments; utilize outreach / information strategies to communicate this and including this in future partner meetings

- Is the flexibility we offer good, and people just don’t know about it OR is there a different flexibility / regional solution wanted?
- Monitor future feedback on this to determine if rules or process changes are needed

What regional solutions are you looking for? Wetland banking? Larger stormwater management facilities?

- Regional solutions summit / planning with LGUs
- Survey developers for ideas
- Work with local land use authorities
- Collaborative effort – how can planning be accomplished together; looking into broader area
- Chicken and egg game – how to streamline the process so all who should be involved are?
- City or township has a plan; approved by watershed district
 - Watershed district encouraging and support
- Task Washington County to build master plan for watershed subareas – then developers can work into prelim plan
- Map existing regional solutions
- Increase cohesiveness of previously approved regional solutions
 - Website
 - Signage
- Stillwater Milbrook Development has been a great success –
 - “I’ve found no overflow to Browns Creek or Carnelian Watershed District”
- Review historic experience of Cub / Walmart development
 - 1st class como after rigid rules failed politically
- Map out and protect / predefine lands for regional solutions
 - Develop regional methodology
- Increase awareness of regional stormwater approaches
- Provide list of recommended ideas – perhaps location specific
- Allow native habitat creation as a solution to volume control
- Prepare outreach to prevent NIMBY-ism
- Not understanding how the regional solutions impact large areas
- Watershed purchase the land for the stormwater BMP (regional) in advance
- Future of planning based upon 50 year
 - Buying land before; capital project; area needs bond; imminent domain, already in place
- Folks do cash in lieu to pay in for areas already on a regional system

- This is a great option but shouldn't be used when great treatment on site exists
 - Communications issue: some people feel like that is extortion
- Prioritize and reward regional solutions - 2
- Overlay of where in the watershed regional solutions already exist
 - Storymap to click, see, pursue
- Diversion drainage
- Wetland banking –
 - Timed out; consistent regional solutions & honoring
 - Expensive – site is developable; other options for creative solutions

2. Regarding Recommendation:

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

There is not appeals process

What do you want to appeal, when, and why?

What needs to be fixed?

- Approach from a position of partnership
- Be consistent with other appeals processes of other kinds of LGUs
- Get ahead of appeals
 - Early coordination
 - Purposeful communication
 - Co-decision
- If working together, appeals aren't needed
- An appeal aims at doing something not allowed – current process is ok
- When there are clashes between attorney and/or between engineers – how do we have a conversation that isn't always “our guy is right?”
- What happens when a permit is denied? Can an applicant reapply?
- Who is being appealed to? The engineers who don't agree? The board? Attorneys? At what point in the process?
- Can a third party be brought in?
- Developers to share w/ board – more discussion
- Zoning - appeal decision – appeal meeting
 - Planning + town board
 - Discrepancy between parties
 - Made decision
 - Appeal
 - Reasoning entered into at a different meeting
 - Land use, engineers
- Staff level or board
- Watershed district – 60 days or 120 days rarely deny – disconnect between board
 - Work with applicants
- Variance requests or what process are in place

- Process/Education- discussion to board is possible if engineers don't agree on interpretation of rules or how to meet

Request additional information or clarification from partners and then include in WMP process

1. Regarding Recommendation:

Host ongoing engineering workshops / meetings

Strategies:

- Initial facilitated conversation / focus group

Ongoing discussions / training

Additional ideas:

Continuing ED? Opportunities to meet staff and learn about rules, processes, expectations, obligations, and opportunities *and provide feedback – could this be done regionally (EMWREP)*

Lunch and learns, virtual sessions, breakfasts

Incentivize their participation

Is there value in this? Do the partners support it? Someone has to pay for engineers to attend, so would the partners support sending their engineers?

- The best people to ask this question are (maybe) not in the room
- Other ideas for increasing outreach opportunities & committee membership / participation

2. Regarding Recommendation:

Increase outreach opportunities

Strategies:

- Inventory where touchpoints are and look for opportunities to share BWCD info - city billing inserts, realtor communication
- Create information cards or standard language (for documents / websites) for other permitting LGUs to provide to applicants
- Schedule consistent meetings with partners – city-county partner meetings, city coordination meetings, partner meetings – determine a schedule that is do-able and set expectation
- Opportunities for developers and/or contractors to meet staff and learn about rules, processes, expectations, obligations, opportunities – lunch and learns, virtual sessions, breakfasts

Additional ideas:

- Continuing Ed? Opportunities to meet staff and learn about rules, processes, expectations, obligations, and opportunities and provide feedback – could this be done regionally (EMWREP)?
- Lunch and learn, virtual sessions, breakfasts
- Incentivize their participation

What are you interested in? What activities are you most likely to attend?

- Participatory planning + rule making = invite us back at change moments
- Outside of BCWD
 - Met Council's subregional engagement process may be a good additional venue
- Water consortium already does this to some extent; get us back in the room again (how do you get developers' engineers in the room?)

- Flowcharts could be helpful for communication (“dichotomous key”). Flowcharts are useful, but could that end up complicating?
 - Examples:
 - Regs A, B, C
 - Reg B – Options to Achieve Pre Approval (1., 2., 3., 4., etc)
 - If not, not approved or variance required
 - Starting point questions
 - If yes, continue to (permit app or other step) ---- etc
 - If no, revisit x, y, or z ---- verify function ---- back to s

3. Regarding Recommendation:

Committee membership

Strategies:

- Provide opportunities for developers, contractors, and the regulatory audience to participate in the District
 - This could include Board, CAC, and/or TAC appointments, inviting them to information sessions with members of the above groups, and staff presenting at meetings where business leaders are present
- Provide opportunity for this group to identify ways that want to participate

Additional Note: Integrate them and don't leave them on an island

What kind of involvement are you looking for? Would you be willing and interested in participating?

What would you be willing to do?

- Committee Membership
 - Engineers – private entities; watershed district(s) to hire full time engineers, show up to meetings
 - What's the motive of each party involved
 - Public notice for all to allow time to communicate w/ Board or people
 - Boards and leaders – technical experts; generalist leaders – strategic direction; allow for more people to participate
 - When asking for more specific feedback, provide questions in advance
 - Hold meetings at different times to accommodate various schedules
- Continued Involvement / Engagement
 - People show up when they are mad about something
 - Meet w/ cities fairly often (quarterly, sometimes want less)
 - Relationship building between meetings (CLFLWD)
 - Board members to attend city/township council meetings (at least once per year)
 - Staff liaisons – help determine which meeting(s) to attend – look at agenda
 - Diversity of people in the room makes more valuable discussions
- Close the loop – build trust, build understanding
- Make collaborative efforts focused
- IAP2 – International Association for Public Participation (www.iap2.org)
- Quick survey to those who didn't attend asking why not? Would they still like to be included? Bad timing? Not applicable? Feels pointless? Invite back when change opportunities?

Appendix 3

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