

Commenting entity/resident	Section and page number	Comment	Response
Minnesota Department of Transportation	Page 13, Erosion and Sediment Control Standards, section 5.4.1.1.e and page 21, section 7.3.4	Update the date of the NPDES permit to August 1, 2018	The Draft Rules have been updated to contain the correct information.
Minnesota Department of Transportation	Page 20, Stormwater Management Temperature Controls, section 7.3.2.2	Last paragraph in this section - can filtration technologies be changed from "may be an acceptable alternative for type C and D soils" to "are an acceptable alternative for type C and D soils and other sites where infiltration is infeasible"?	We modified draft Rules page 4-3, line 23 as requested.
Minnesota Department of Transportation	Page 21, section 7.3.2.3.3.c	Rather than requiring infiltration up to the 2-year, 24-hour precipitation event, could this language be removed and say drawdown in 24 hours and allow a combination of infiltration and other means to accommodate the requirements? Can filtration with drawdown in 24 hours be added?	We will maintain the Temperature Control requirement as presented in the draft Rules. However, alternative actions or activities that result in equivalent outcomes will be considered..
Minnesota Department of Transportation	Page 25, section 9.4	Last sentence in this section - can lined filtration basins and lined wet ponds be constructed in the steep slopes overlay districts provided the design is certified by a Minnesota professional engineer?	This would be an acceptable practice if a professional engineer registered in the state of Minnesota will certify that the placement of these lined structures will not adversely affect the steep slopes as per the draft's Steep Slopes Rule, Section 6.4.1.
Minnesota Department of Transportation	HVRA	Please Provide a link to or copies of the shapefiles for the High Value Resource Area Overlay and Steep Slopes Overlay Districts.	Shapefiles were provided as requested. Please let us know if you need anything else.

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Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	Prior to distribution of the draft Rules for public comment and review, additional time is needed to allow city staff to meet with the District to better understand what LMRWD expectations are for cities. For these reasons, we request that an additional TAC meeting be convened by the LMRWD in the near future to discuss the items of concern. Once this meeting is held we will be better able to understand the proposed Rules and "General District Permit" program and thus, provide more thoughtful comments and feedback.	No problem. We will convene a TAC meeting from 1:00 p.m. to 3:00 p.m., Tuesday, August 13, 2019, at the Shakopee Library, 235 Lewis Street South, Shakopee, Minnesota, 55379.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	It is unclear why LMRWD is now proposing Rules for the cities in addition to their adopted Watershed Management Plan (WMP) requirements. LMRWD adopted their latest WMP on October 24, 2018. Following this, LGUs were given until May 21, 2020 to submit plans showing how each city plans to meet the requirements established in the WMP. This process is similar to most other Watershed Districts/ Watershed Management Organizations that we work with. Throughout the Plan development and review process, LMRWD staff and their consultants stressed their willingness to work with the cities to address community specific issues. This is traditionally done through review and approval of each city's Local Water Management Plan (LWMP). This process allows incorporation of alternatives to address unique circumstances that each city may have. We need additional time to better understand and review the potential implications to our individual cities of the Rules versus the WMP.	We understand and have given LGUs an additional month (May,2020, instead of April,2020) to submit LWPs, capital improvement projects, and official controls that show compliance with the District's Plan. We are adopting the Rules to comply with Minnesota Statute 103D.341, which requires the District to adopt the Rules.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The proposed Rules have expanded beyond what the cities understood would be developed. During the TAC process, LMRWD indicated the only reason for any future Rules would be to allow the District to have leverage to implement the WMP in unincorporated areas and over MNDOT. Up until now, LGU responsibilities with respect to the LMRWD was to ensure that an applicant addressed the District's WMP requirements when providing their permit application to a city. There were no regulations in relation to LMRWD permitting responsibilities for LGUs. However, during the May 14, 2019 TAC meeting, Mr. Kolb stated that there were reasons that the LMRWD was undertaking the step of developing Rules. This included giving the District the authority to obtain municipal compliance with their new plan, providing a mechanism to verify that local ordinances comply with the standards of the WMP, and providing a mechanism for the District to conduct compliance audits.	See the general background section above.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	Incorporation of voluntary requirements for adoption of a permitting program on behalf of the District is not included in the Rules. The ability to keep permitting responsibility with the District or to adopt only portions of the Rules that fit in the role cities traditionally provide for our development or permit review process should be included. Many of the cities do not have the capabilities or software required to implement all of the Rule requirements for modeling, etc. This was the first time these ideas were brought to the TAC.	Municipalities can opt in or out of implementing all or a part of the draft Rules. Using the attached draft municipal permit application, municipalities are asked to let us know which rule(s) they will implement and how. If a municipality cannot implement the rules, we simply ask for an explanation.

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Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	There is no mechanism provided to allow cities to adopt language in their City Code that requires applicants to follow the standards established in the District's WMP. The requirements for development of our LWMP require that our rules provide a mechanism to ensure an applicant follows the standards established in the WMP. As a result, this is a mechanism that many cities currently use to ensure that permit applicants have reviewed and agree to comply with these requirements.	We don't fully understand the issue and will add it to the TAC meeting agenda to be discussed.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The amount of new review and documentation requirements appear to be beyond what is traditionally required for cities under WD or WMO rules. There are new and extensive mandates for cities that will require a significant increase in paperwork, inspections, and monitoring. The regulations are so extensive that the expectation for cities to implement the Rules as written would be overly burdensome.	We are not seeing where the burden lies for cities. There are significant needs for information for nonmunicipal regulated parties, but minimal documentation needed from cities. Cities are being asked to complete an application letting us know which Rules they will implement. For the rules that will be implemented by the cities, we're looking to formally document the specific ordinances, project application form, policy documents, design guidance, etc., that show how the rules will be implemented.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The new requirements within the proposed Rules are extensive and leave many areas open to interpretation with no mechanism provided to address what happens when there is a difference in interpretation between the cities and LMRWD.	The District wants to make sure this process is as straightforward as possible. Areas where there may be confusion should be highlighted and provided so that the process may move forward in such a way that the cities and District are working together in a cooperative manner.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	There appear to be significant differences between the requirements and standards established in the WMP and the proposed Rules. It would be very helpful for the LMRWD to provide a comparison so that it is possible for the affected cities to know the differences in requirements and standards that they would be expected to enforce.	Please review and compare the draft rules to Appendix K of Plan, which contains the standards established during the watershed management plan development process.

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Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The Rules as written force the cities to adopt ordinances without regard to Stormwater Management, Shoreland and/or FEMA Floodplain ordinances already in effect (and approved by MPCA, DNR or FEMA). Advice from LMRWD consultants at the May 14, 2018 TAC meeting was that when standards are different between the WMP and local ordinance, the more restrictive standard would be required, whether it is LMRWD or the another agency. This provision has the potential to be in direct conflict with LGU ordinances already approved by other agencies for these requirements. As municipalities, we need to investigate the impacts of the proposed Rules with respect to their application to locally adopted ordinances as well as what processes may need to be undertaken to resolve them. The amount of time required to enter into these processes would likely be time consuming and extensive.	During the Plan amendment process, all of the commenting municipalities were provided with the standards to evaluate its effect on their standard operations. Understanding that municipalities need time to implement the requirements outlined in the Plan, we have given LGUs an additional month (May,2020, instead of April,2020) to submit LWPs, capital improvement projects, and official controls that illustrate compliance with the District's Plan. Also, the District coordinated updates to the Floodplain and Drainage Alteration Section with the DNR, and, subsequently, developed the attached LMRWD Floodplain and Drainage Alteration Standard White Paper. We encourage you to review it for guidance on potential any impacts and coordinate directly with the DNR and other state agencies.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The Rules will require submittal of a "General District Permit" however, this permit has not been created or provided for review. The language indicates that cities will have until February 7, 2020 to submit an application packet to the LMRWD. It is impossible for us to know specifically what may be required to meet this deadline. In addition, it is impossible to know what the exact requirements are and how they have the potential to affect how we process development applications and land alteration or building permits.	The draft municipal permit and application are attached for your consideration.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The amount of time to develop and provide the documentation required is unknown at this time making it difficult to determine if enough time is available to complete a "General District Permit" for submittal to the District. The process the "General District Permit" would have to go through for review and approval is unknown.	The draft municipal application and permit are attached for your consideration. We are estimating a four- to six-week data verification and coordination process with cities after receiving the requested information. Once everything has been received and verified, the permit and accompanying resolution will be placed on the Board agenda for action.
Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	The proposed Rules have the same effect as state statutes and there is very little flexibility once they are adopted. The proposed Rules have a punitive stance toward cities rather than spirit of cooperation to work together to accomplish mutually beneficial environmental objectives.	The draft rules are not intended to be punitive. As mentioned in the background, these rules are being developed because they are required. They provide the legal basis for the District to regulate projects not regulated by municipalities and to streamline the compliance process of aligning LWMP, CIP, and official controls with the Plan.

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Bloomington, Burnsville, Carver, Chanhassen, Chaska, Eagen, Eden Prairie, Lilydale, Mendota, Mendota Heights, Savage, Shakopee	General Comment	We request the District to schedule a meeting with city representatives to provide further information and clarification about the proposed Rules and to discuss questions and concerns.	As noted above, we will convene a TAC meeting in two weeks to discuss municipal questions.
City of Bloomington	General Comment	The City of Bloomington requested the LMRWD to convene another TAC meeting to address the concerns and uncertainties surrounding the proposed rules.	No problem. The District will convene a TAC meeting from 1:00 p.m. to 3:00 p.m., Tuesday, August 13, 2019, at the Shakopee Library, 235 Lewis Street South, Shakopee, MN 55379.
City of Bloomington	General Comment	The City requests additional time to review the proposed rules following the TAC meeting to allow us time to review the rules and their impact on established City processes and staffing.	We can do this. The District will extend the review period three weeks following the TAC meeting before the draft rules are officially submitted to the state. This extension would not affect the May 2020 deadline for updating the City's LWMP, CIP, and official controls with the Plan.
City of Bloomington	General Comment	The LMRWD covers a large, diverse watershed area with different challenges throughout. The District should be working with communities who have the most knowledge of their specific areas to help implement the District's standards. The proposed rules document as distributed works against the partnership needed to effectively implement the District's standards.	We value the partnership the LMRWD has forged with the municipalities and understand how the draft rule may have been construed as a step back. However, we have invested a lot of time and effort to craft a narrow, complementary approach to managing select high value resources that transcend individual municipal borders. We look forward to the upcoming TAC meeting and hope to clarify this intent with you.
City of Bloomington	General Comment	The proposed rules illustrate a significant administrative burden. The City requests the District to provide cities the ability to implement the standards in Watershed Management Plan without extensive mandates requiring substantial administrative burden that only takes away time, resources, and effort needed to focus on work that actually results in water quality improvements and positive environmental outcomes.	We're not seeing where the burden lies for cities. There are significant needs for information for nonmunicipal regulated parties, but minimal documentation needed from cities. During drafting of the District's Plan, the City submitted documentation regarding how it would likely implement those standards. With the passage of time and approval of the Plan, we're now looking to formally document the specific ordinances, project application forms, policy documents, and design guidance that show how the standards will be implemented.

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City of Bloomington	General Comment	The City requests the District wait until there is a full Board of Managers prior to moving forward with any additional rule making activity.	We're interested in hearing the logic for this request at the TAC meeting. We have a statutorily functioning board, and it must meet its obligations and responsibilities even if it is at less than a full complement of managers. Dakota and Carver Counties are responsible for appointing board members to vacant positions.
City of Bloomington	General Comment	The proposed rules mention a permit application packet, a general district permit, and fee schedules are available on the District's website. However, the documents are not currently available for review. The City requests that these documents be developed and distributed for review prior to moving forward with additional TAC meetings.	Municipalities can opt in or out of implementing all or a part of the draft Rules. Using the attached draft municipal permit application, municipalities are asked to let us know which rule(s) they will implement and how. If a municipality cannot implement the rules, we simply ask for an explanation.
City of Bloomington	General Comment	The District's updated Watershed Management Plan was adopted by the District in October, 2018. As a result Municipalities have not had the required amount of time to update processes in order to enforce the recently adopted standards. The City requests the District address why the District has determined there is a need to enforce standards through the creation of rules and a permitting program with the TAC.	We understand and have given LGUs an additional month (May,2020, instead of April,2020) to submit LWPs, capital improvement projects, and official controls that show compliance with the District's Plan. We are adopting the Rules to comply with Minnesota Statute 103D.341, which requires the District to adopt the Rules.
City of Bloomington	Shoreline and Streambank Alteration Rule	The proposed rules have an impact on the City's adopted shoreland and floodplain ordinances that were previously approved by DNR. The City requests the opportunity for the TAC to hear from the DNR how the District's proposed rules will impact established local ordinances	As we developed the Plan, we coordinated updates to the Floodplain and Drainage Alteration Section with the DNR and subsequently developed the attached LMRWD Floodplain and Drainage Alteration Standard White Paper. We encourage you to review it for guidance on potential impacts, if any, and coordinate directly with the DNR.

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City of Bloomington	Steep Slopes Rule	<p>The District's steep slope standard results in this isolated area (Heritage Hills Areas) of the city being subject to the District's standard. In our work to amend our official controls related to the steep slope standard this area continues to be problematic with how to regulate the isolated area, transparency of land use regulations and simply seems out of place. We did map the District's steep slope standard across the city in an effort to tie this area with other steep slope areas, but results indicated that was not a reasonable approach.</p> <p>The water bodies within the Heritage Hills Area include Ancel Glen Pond and Heritage Hills Pond. Both of these water bodies are part of the city's storm sewer system with storm sewer inlets and controlled outlets. These ponds outflow to Southglen Pond which has a pumped outlet through nearly 1.5 miles of storm pipe to Overlook Lake. From Overlook Lake water is discharge through an outlet control structure into 700 feet of welded HDPE storm pipe that was replaced in 2014 to the bottom of the bluff and into Coleman Lake resulting in little risk of bluff erosion.</p> <p>Based on the updated watershed management plan it is clear the District's overarching goal of the steep slopes standard is to protect the Minnesota River Bluff and through the comment process we ended up with the steep slope standard. The steep slope areas within the Heritage Hills Area are well away from the MN River Bluff, were developed in the mid to late 1960's and have existed for more than 50 years without known erosion issues. Further should a slope failure occur in this area impacts of the sediment would not pose significant threat to the MN River due to the city's storm sewer network of pipes and ponds and could be recovered from the pond.</p>	We agree. Staff will work with the managers to have the Heritage Hills Area removed from the steep slopes overlay district.

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City of Bloomington	Steep Slopes Rule	In working through the areas [steep slopes overlay district] the City has determined that it would be much more beneficial to include the portion of the Nine Mile Creek Watershed District that is adjacent to the MN River valley up to 106th Street into the standards. This area is not required to be included by the LMRWD, but by adding the standards to this area the city is more than offsetting the area potentially lost at Heritage Hills. I have attached a map that shows both the Heritage Hills area the city is requesting be removed from the LMRWD steep slope standards and the Nine Mile Creek Watershed District area proposed to be included in the steep slope standard.	Thanks for the thoughtful suggestion. We appreciate the City's effort to look at areas outside of the District that could benefit from steep slopes protection as you look to update your official controls.
City of Bloomington	HVRA	Trout buffer: Clarification about Standards regarding trout waters buffer: a. In the Watershed Management Plan (section 7.3.2.3.2), the trout waters buffer might be read as a standalone standard. b. In the Draft Rules (section 4.4.3.b.ii), the trout waters buffer is nested under 4.4.3.b – which can be interpreted to mean that it only applies if new impervious areas greater than 10,000 sq ft in the HVRA are created. Please clarify the intended application of the trout waters buffer provision.	Trout waters buffer requirements are only applicable within the High Value Resource Area Overlay District.
City of Bloomington	General Comment	In some cases the rules say a "district permit," and other instances specify a type of permit such as "steep slopes permit". The original understanding was that there is only one kind of permit, but this makes it seem like multiple. It's not clear that if the city obtained a District permit, then an additional "steep slopes permit" would not be needed. Please clarify.	We apologize for the confusion. There is only one permit. The attached draft Rules have been updated to address the confusion.
City of Bloomington	HVRA	The trout waters tributary location shown in the Ikes Creek HVRA is different from what was mapped by DNR fisheries staff in 2016. Additionally Ikes Creek is not officially designated by DNR as a trout stream, however language on the District's HVRA map illustrates the stream as a trout stream. Special management waters, such as trout streams or trout waters, are waters that meet a specific set of criteria consistent with MN Statute 97C.005 - Special Management Waters. Designation of special management waters is the responsibility of the DNR commissioner. The city continues to question the authority of the District to designate Ikes Creek as a trout stream or trout water. a. While it continues to be the city's preference for the District to remove Ikes Creek HVRA from the Watershed Management Plan, at a minimum the city requests the District modify the Ikes Creek tributary within the HVRA to be consistent with previous DNR mapping. For your convenience, I have enclosed the GIS mapping data the city received from the DNR in 2016 regarding stream and tributary location as well as DNR's original map, and LiDAR image. Additionally I have also attached a PDF highlighting the tributary difference between DNR mapping and the District's HVRA map.	We understand that one of the reasons the DNR concluded that "A trout designation would not materially add to the protections for this stream" was its understanding that, in addition to the City's protections, the District would also apply its stormwater, sediment control, and other standards in the area. Designation of Ikes Creek as a high-value resource complements the City's protection, and, if the City's protections are as have been described, the standards proposed with the Ikes Creek HVRA would likely not significantly increase requirements.

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City of Eagan	General Comment	In late April, the Lower Minnesota River Watershed District (LMRWD) first notified cities it had developed draft rules. These regulations would give the LMRWD authority to obtain municipal compliance with its watershed management plan, to provide a mechanism to verify compliance of local ordinances with LMRWD standards, and to provide compliance audits. Two weeks later, the LMRWD met with city representatives to present and discuss the draft rules and to convey plans for a formal public review through the Board of Water and Soil Resources (BWSR) at the end of July/early August. City of Eagan staff was unable to attend this meeting. Then, the LMRWD requested review and comments on the draft rules, first within a week (by June 7) and then by June 28, after several cities requested more time to understand fully the potential impacts of the draft rules. Concerns, questions, and uncertainties remained about the draft rules' potential impacts after several conversations among cities. Representatives wanted more time to review and discuss the draft rules within their communities. Last evening, the Eagan City Council unanimously approved a request for a 90-day extension to review and understand fully the potential impacts of the draft rules.	We understand and have given LGUs an additional month (May 2020 instead of April 2020) to submit LWPs, capital improvement projects, and official controls that show compliance with the District's Plan. We will also extend the preliminary review period three weeks following the Tuesday, August 13, TAC meeting before the draft rules are officially submitted to the state. Note, this extension would not affect the May 2020 deadline for updating the City's LWMP, CIP, and official controls.
City of Eden Prairie	General Comment	Rule Development: It is unclear why the LMRWD is proposing Rules for the Cities in addition to the Watershed Management Plan (WMP) requirements. LMRWD adopted their latest WMP on October 24, 2018. Following this, the city is required to go through a process to develop and submit a Local Water Management Plan (LWMP) to meet the requirements established in the WMP. This process is similar to other Watershed Districts that we work with and it allows each City to develop criteria and standards that may be unique to their City.	We are adopting the Rules to comply with Minnesota Statute 103D.341, which requires the District to adopt the Rules.
City of Eden Prairie	General Comment	Throughout the WMP development and review process, LMRWD staff stressed willingness to work with the Cities to address these types of community specific issues. During the TAC process, LMRWD indicated the only reason for any future Rules would be to allow the District to have the ability to implement the Plan in unincorporated areas and over MNDOT. Additional time to better understand and review the potential implications to our City due to the switch to the use of Rules versus implementation of our Plan is needed.	We understand and have given LGUs an additional month (May,2020, instead of April,2020) to submit LWPs, capital improvement projects, and official controls that show compliance with the District's Plan.
City of Eden Prairie	General Comment	Implementation of WMP Standards: Up until now, LGU responsibilities with respect to LMRWD was to ensure that an Applicant addressed the District's WMP standards when providing their permit application to the City. However, during the May 14, 2019 TAC meeting, the District Attorney (Mr. Kolb) stated that there were reasons that the LMRWD was undertaking the step of developing rules. This included giving the District more authority to obtain municipal compliance with their WMP, providing a mechanism to verify that local ordinances comply with the standards of the plan, and providing a mechanism for the District to conduct compliance audits. However, based on our understanding of the process used to develop a LWMP the District already has the authority to ensure that the City provides the standards provided in the WMP to applicants for a permit. The need for an additional layer of regulation through the General Permit process is not clearly understood.	See response to Comment #2.

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City of Eden Prairie	General Comment	Voluntary Adoption of Permit Authority: The City asks that adoption of all or part of the permit program be voluntary. The ability to keep permitting responsibility with the District or to adopt only those portions of the Rules that fit in the roles Cities traditionally provide for our development or permit review process should be included. Many of us do not have the capabilities, software or number of staff required to implement all of the rule requirements for modeling, etc. Due to the number of LGU's within LMRWD this is a role that should be implemented District-wide to ensure consistency in reviewing permit applications. This is similar to what the other Watershed Districts in our City provide in their WMPs.	Municipalities can opt in or out of implementing all or a part of the draft Rules. Using the attached draft municipal permit application, municipalities are asked to let us know which rule(s) they will implement and how. If a municipality cannot implement the rules, we simply ask for an explanation.
City of Eden Prairie	General Comment	Adoption of WMP through City Code: Currently the City provides language in our Land Alteration, Tree Preservation and Stormwater Management Regulations that requires Applicants to follow the standards established in the District's WMP. Our intent will be to update this language once the revised LWMP and NPDES MS4 Permit are completed. Many other cities also use this tool to ensure that Applicants for a permit have reviewed and agree to comply with District standards.	To the extent that the City's requirements are consistent with our rules, whether by reference or by direct inclusion, incorporation into official controls is reasonable.
City of Eden Prairie	General Comment	Review and Documentation Requirements: The new review and documentation requirements appear to be beyond what is traditionally required for Cities under WD rules. There are new and extensive mandates that will require a significant increase in paperwork, inspections, and monitoring. The regulations are so extensive that the expectations that the Cities implement the Rules as written, in our opinion, would be overly burdensome and would require additional staff. The new requirements within the proposed regulations leave many areas open to interpretation with no mechanism provided to address what happens when there is a difference in interpretation between the Cities and LMRWD.	We are not seeing where the burden lies for cities. There are significant needs for information for nonmunicipal regulated parties, but minimal documentation needed from cities. Cities are being asked to complete an application letting us know which Rules they will implement. For the rules that will be implemented by the cities, we're looking to formally document the specific ordinances, project application form, policy documents, design guidance, etc., that show how the rules will be implemented.
City of Eden Prairie	General Comment	Standards in Relation to Rules: There appear to be differences between the standards established in the WMP and the proposed Rules. LMRWD should provide a comparison to highlight the differences between the existing standards and the Rules we would potentially be expected to enforce.	Please review and compare the draft rules to Appendix K of Plan, which contains the standards established during the watershed management plan development process.

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City of Eden Prairie	General Comment	Existing Rules and Regulations: The Rules as written would force the Cities to modify and adopt ordinances in many different areas, such as Stormwater Management, Shoreland and/or Floodplain management. The MPCA, DNR or FEMA have approved the existing City ordinances that are currently in effect. We would need to investigate the potential impacts of the proposed Rules with respect to their application to locally adopted ordinances as well as what processes may need to be undertaken to resolve any conflicts or required updates. This process would include review and approval by other agencies for many of these changes. The effort required to go through these processes would likely be time consuming for City staff and beyond the expectations set in the proposed Rules for timelines.	During the Plan amendment process, all of the commenting municipalities were provided with the standards to evaluate its effect on their standard operations. Understanding that municipalities need time to implement the requirements outlined in the Plan, we have given LGUs an additional month (May, 2020, instead of April, 2020) to submit LWRPs, capital improvement projects, and official controls that illustrate compliance with the District's Plan. Also, the District coordinated updates to the Floodplain and Drainage Alteration Section with the DNR, and, subsequently, developed the attached LMRWD Floodplain and Drainage Alteration Standard White Paper. We encourage you to review it for guidance on potential any impacts and coordinate directly with the DNR and other state agencies.
City of Eden Prairie	General Comment	General Permit Requirements: The Rules will require submittal of a "General District Permit"; however, this permit document has not been provided to the Cities for review. The language indicates that the Cities will have until February 7, 2020 to submit an application packet to the LMRWD. The documentation required and permit development/approval process for the City are unknown at this time. This makes it difficult to determine the amount of time that would be required to complete the General Permit for submittal to the District. In addition, it is impossible at this point to know the potential impact to how we process development applications and land alteration or building permits. Please provide a draft permit document for review and consideration so that we can determine the scope and extent of the General Permit requirements.	The draft municipal permit and application are attached for your consideration.
City of Savage	Rule A: Administrative/ General Comment	In review the Municipal (LGU) General Permit requirements it appears that applying for the MS4 general permit requires adopting these rules fully and developing official controls is an all or nothing requirement. Does this include all rules and requirements? What if there are certain portions of the proposed rules that the City would prefer to delegate to the LMRWD such as water appropriations? The city would prefer adopting a Memorandum of Understanding (MOU) vs. Municipal General Permit, etc.	Municipalities can opt in or out of implementing all or part of the draft rules. Using the attached draft municipal permit application, municipalities are asked to let us know which Rule(s) they will implement and how. If a municipality cannot implement the rules, we simply ask for an explanation.

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City of Savage	section 4.4.2	In the ordinance Section 152.539, Section G it states "G) Stormwater abstraction plan. A plan to limit the loss of pervious area, to maximize the volume of water that is infiltrated into the groundwater table and/ or transpired into the atmosphere by vegetation and, to the extent possible, to infiltrate runoff from impervious areas. The plan shall address the abstraction requirements specified in the City of Savage Water Resource Management Plan, dated June 20, 2011, or any subsequently adopted version of this Plan." The water resource management plan requires 1-inch of abstraction. Is this acceptable or will I have to bring everything from my plan into the ordinance? We would like to keep it as is, with the exception to meet your current proposed rules.	To the extent that the City's requirements are consistent with our rules, whether by reference or by direct inclusion, incorporation into official controls as presented in the comment is reasonable.
City of Shakopee	Rule A: Administrative	Municipal (LGU) General Permit is a confusing name due to the NPDES General Construction Permit that everyone refers to as "General Permit". Consider changing this to just LGU Permit. Or instead of a permit, switch to a Memorandum of Understanding process for LGU to administer standards.	We have changed the name to municipal permit in the attached redlined draft Rules. And, we are adopting the Rules to comply with Minnesota Statute 103D.341, which requires the District to adopt the Rules.
City of Shakopee	Rule A: Administrative	It is the understanding of the City of Shakopee that to serve as LGU, the City has to demonstrate their official controls enforce the standards in the SWMP. For the "General Permit", Rule A 1.1.3, says "the LGU's official controls adhere to these rules". Can you clarify if this is the intent? Or is this a mistake and should read as "standards from the SWMP" instead of "rules".	This isn't a mistake. It should read as presented
City of Shakopee	General Comment	For all references/mentions of permit, clarify what permit is referenced by including "Individual", etc, at each reference of permit. Permit is used throughout the document and it is confusing if it is Individual, or General Permit, or other. Without this level of clarification, it is difficult to understand what the implications of these rules are.	We understand and have updated the attached redlined draft Rules to indicate all areas where the municipal permit applies. We can discuss additional changes in the future.
City of Shakopee	General Comment	Instead of creating a separate rules document that is very similar to the standards in the LMRWD Plan, is it possible to instead adopt the standards so LMRWD has review authority over MNDOT and unincorporated areas without creating a separate document?	We are adopting the Rules to comply with Minnesota Statute 103D.341, which requires the District to adopt the Rules.
City of Shakopee	General Comment	In general, the proposed rules are very similar to the standards in the SWMP. However, there are changes in wording/sentence order, omissions, and additions when compared. It is not clear why the rules have these differences when compared to the standards.	We don't fully understand the comment and will add it to the TAC meeting agenda scheduled for Tuesday, August 13, 2019, from 1:00 p.m. to 3:00 p.m., at the Shakopee Library, 235 Lewis Street South, Shakopee, Minnesota 55379.
City of Shakopee	General Comment	The City of Shakopee also requests clarification on and/or address the group discussion comments/concerns prior to a final review and comment from the City of Shakopee.	See the attached response to the joint letter from municipalities in the District.
City of Shakopee	General Comment	The City of Shakopee requests an additional review period after receiving a response to these comments so that review of the rules can be completed.	We can do this. The District will extend the review period three weeks following the TAC meeting before the draft rules are officially submitted to the state. This extension would not affect the May 2020 deadline for updating the City's LWMP, CIP, and official controls with the Plan.
City of Shakopee	General Comment	The City of Shakopee also requests an additional Technical Advisory Committee meeting to discuss what the purpose and need for the rules are, and to provide clarification to this review process.	We appreciate the suggestion and, as mentioned above, we have scheduled a TAC meeting.

Draft Rules Review - Comment/Response Log

Commenting entity/resident	Section and page number	Comment	Response
Scott County	General Comment	<p>Thanks for the reminder. Only comment/question that Scott County and Scott WMO staff have right now is: that we don't understand why the LMRWD is writing Rules and requiring a "General Permit." As part of Statute and Rule the WD gets to review local water plans and approve them, and as part of that process for us you already reviewed the County's Ordinances and declared them equivalent to the WD standards and approved the County Water Plan. You further have authority in the review progress on implementing local water plans and declare an LGU non-implementing. Finally the WD has the authority to do permitting, but in your previous plans you've chosen not to. Seems to us that if an LGU enters into a general permit with you and they turn out not be in conformance with it that the WD already has (without having a general permit) the permitting authority to step in and permit. So we don't see the need for a general permit or that it serves any purpose. As such this seems like redundant effort and thus poor use of public resources and poor public policy.</p>	<p>We are adopting rules to comply with Minnesota Statutes 103D.341 which requires the District to adopt rules.</p>