

RULE 1. INTRODUCTION AND DEFINITIONS

Page	Comments	CRWD Response	Comment Source
1.3	<i>Drainage Facilities and Drain Tile Systems:</i> Its unclear why these two terms have been removed from the definitions.	Not applicable- This comment reflects to our previous rules revision in 2015. These definitions were removed because they weren't being used anywhere in the revised rules.	BWSR
1.5	<i>Water Control Structure:</i> USDA-NRCS defines Water Control Structure as "a structure in a Water Management System that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation." BWSR suggests the Cedar River Watershed District review this definition to determine if it would also meet your needs in an effort to be consistent with another generally recognized definition.	Changed as suggested	BWSR

RULE 3. PERMIT REQUIREMENTS

Rule #	Comments	CRWD Response	Comment Source
3.1	With the limited budget that most government agencies face, I think the SWCD would be missing an opportunity for funding by not pursuing a fee structure for reimbursement of man hours spent on activities. The community members that utilize the services should also pay for the services, even if it is not a full reimbursement and is subsidized by your agency.	CRWD has changed proposed rules to eliminate the fee charge. However we have adjusted for projects that take extensive time to be charged for that time.	CAC
3.1	<i>Application (c.)</i> Recommend inserting the word "be" so that the final sentence reads: "These services will be set by the Board of Managers and approved as part of a fee schedule."	Changed as suggested	BWSR

RULE 4. STORMWATER

Page	Comments	CRWD Response	Comment Source
4.1	No change but a good idea to keep language. The power and scope of other agencies can be diluted and you may need authority in the future.	No changes made to Stormwater section	CAC
4.1	Have MPCA send notice to CRWD	Will consider in future discussions with MPCA when discussing communication and coordination.	CAC
4.1	Citizen commented that salt distribution around town is directly impacting the streams. We could be doing more to address the issue.	Acknowledged that we are not actively engaged in salt and sand removing process. We don't currently include that as part of the CRWD program. May be able to work with City in future	Citizen

RULE 5. DRAINAGE

Page	Comments	CRWD Response	Comment Source
5.1	<i>Purpose:</i> Suggest the section include a brief summary of what the water retention goals of the District are after the sentence... "This is accomplished through permit tracking and communication along with water flow standards that promote the water retention goals of the District."	Included the following: "The district has established a long term goal of reducing flows throughout the watershed by 20%, on a 100 year or 1% event."	BWSR
5.2	Do not require downstream signatures. Send notifications instead	Rules no longer require downstream signatures. Instead we will send notification.	CAC
5.2	<i>Standards (a).</i> Suggest the following wording for clarity: "If the Drainage Project is a Repair, the applicant must demonstrate that the project will not adversely affect downstream soil stability or infrastructure subject to flooding."	Changed as suggested	BWSR

5.1	Do not eliminate Subd. 3 paragraph a. that states there shall be no net increase in peak discharge rates.	Explained to CAC that adverse effect language is more relevant than “no net peak flow increase.” Flow considerations near the source of the stream are different than those at the headwaters. The district may allow for high flows to flush through the system early in a storm as a means of moving it on rather than holding it for increased water volume late in a storm event. Location and timing of flows will be considered in future permits. Not just the peak flow.	CAC
5.2	Discussion in email chain and in person regarding the 16.5’ Buffer. Summarizing; The buffer provides significant value to the treatment of the ditch systems. Almost 50% of the sediment can be filtered through a buffer. We have impairments in the Cedar River that need to be addressed. How are we going to do this effectively if we do not have buffers in place. Suggested we off-set the requirement with a programmatic approach to the rules.	-Suggested verbally and in email that the district is concerned about the legal ramifications of a rule that our attorney is not comfortable defending. -Provided feedback that an incentive program may be considered by the board.	Citizen
5.2	I also think that Subd. 3 paragraph e. should be kept in light of the current push for buffer strips. Let it be challenged before elimination.	Board has elected to follow legal counsel and not challenge the buffer strip width. Section was eliminated from proposed rule change	CAC

5.2	Subd. 3 paragraph j. there is an exemption for paragraph f if it is under 500 lineal feet. I think a lot of damage can be done in less than 500 foot and this exemption should be eliminated. For all projects minimum erosion control standards should be established with the understanding that more effective measures may be required.	We eliminated I, which allowed permit applicants that had repairs between 250' and 500' an exemption for existing condition and as-built surveys. By eliminating I, we require surveys on all repair permits. Projects under 250' do not require a permit or a survey. By making this change, the board is actually requiring more thorough documentation of repair activity than before.	CAC
5.2	I would like to state that the professionalism and dedication of the staff is remarkable. With the quality personnel on staff, I feel the SWCD staff would be perfect for tile permitting and inspection. I find it hard to believe that the major means of water elimination is not controlled except in flood plain and wetlands. This is an area that needs addressing and should be included in the Cedar River Watershed District Rules.	Tile permit discussion was vetted out at an extensive level when the WD was formed. The board did not believe a tiling permit program would fit into the current mission and targeted issues that it would address. Tiling in CRWD is currently at 90% (or more). The impact of a permit program would have less to do with water resource impacts. The bigger impact would be on neighbor relations. To that end, the board did not see fit to be involved in tile permits.	CAC
5.3	<i>Standards (g)</i> . Recommend replacing the word "obligatory" with "required". Also recommend inserting the word "time" so that the following sentence reads "The applicant must allow time for the District to notify the downstream landowner(s) of proposed activities."	Obligatory Removed "Time" inserted as Suggested	BWSR
5.3	<i>Standards (h)</i> . Recommend inserting the word "time" so that the following sentence reads "The applicant must allow time for the District to notify the downstream landowner(s) of proposed activities."	Standard "h" refers to As-Built standards and process. It is not applicable to downstream landowner communication or time.	BWSR

RULE 6. FLOODPLAIN

Page	Comments	CRWD Response	Comment Source
7.1	Do not eliminate Subd. 2 paragraph b. or Subd. 4. Retain control in flood plains so if conflicting interests arise you have some control. Mitigation plan should developed with the idea that flood plains should not be developed. Millions of dollars have been spent removing development and should not be filled or redeveloped.	We are going to mitigate on a site by site and application basis. Mitigation plans should be pursued to keep further development out of the new or old floodplains that are vulnerable to infrastructure issues.	CAC
7.1	Consider flood gates in the Cedar, Dobbins, Turtle to control stormwater	Austin has flood gates and lift stations on wall related projects	CAC
7.2	Concern over the awareness of impacts of snow storage in floodplain. Comments on Social Media regarding the lack of progressive action for snow storage in floodplain. Staff have also received informal comments in office from another individual requesting action on floodplain storage.	CRWD staff continue dialogue with City of Austin regarding BMP effectiveness on MOU agreement.	Citizen

RULE 7. WATERBODY ALTERATIONS

Page	Comments	CRWD Response	Comment Source
7.3	<i>Page 7.3, Subd. 2. Permit and Plan Required for Waterbody Alteration (c)</i> Recommend the District more specifically define the 12 digit Hydrologic Units by referencing or including a Watershed District map with the hydrologic units delineated.	Hydrologic units are defined in the watershed. However a map will be helpful to the public and better define those boundaries.	BWSR

RULE 8. EROSION CONTROL

Page	Comments	CRWD Response	Comment Source
8.1	With the rain events becoming stronger and of longer duration, my opinion is that this is a very important rule for both land disturbing activities and agriculture soil erosion. State wide initiatives could take years to develop and implement. In that time irreparable damage could be done to soils and streams. I think a keen eye should be kept on this problem and not ignored.	Consideration was given to taking this out as it was duplicative. Based on citizen response, this section is still proposed to remain as part of the rules.	CAC

8.1	Educate the public on cover crops	The CRWD is actively engaged in an array of cover crop programming and education to promote and accelerate the implementation and adoption of cover crops and other Soil Health Practices.	CAC
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RULE 9. ENFORCEMENT

Page	Comments	CRWD Response	Comment Source
9.1	I agree with the SWCD staff that cooperation with the public is the best approach and should always be first, but to have rules with strong enforcement and penalties to back them up for those that refuse to comply.	Rules have been changed extensively in the Enforcement section and the new rules foster cooperation with applicants rather than strict enforcement actions.	CAC
9.1	Use drone and picture technology and GIS to monitor and enforce non compliant areas. Assess violations on next years taxes and cooperate with county on enforcement.	CRWD has access to drone. Will consider expanding use. Currently the district only uses the drone for educational purposes.	CAC