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Land & Water Partnership Initiative

Technical Advisory Committee Meeting #7 Summary

April 27, 2023 | 1:00 – 3:00 PM

Agenda and Overview:

- MCWD Policy Planning Manager, Becky Christopher, outlined the agenda for the meeting and reminded the TAC of its workplan, which includes vetting the Land & Water Partnership Program, optimizing the MCWD Permitting experience, and building systems for better coordination. Meeting 7 is divided into two parts, the first section focuses on review and discussion of MCWD's Compliance Framework, and the second portion expands upon previous conversations exploring potential channels for coordination.
- Christopher also reminded TAC members of upcoming due dates for input forms and surveys. The deadline for the survey to provide feedback on the compliance framework is May 5th. TAC Meeting 8 will be the final meeting of the Technical Advisory Committee process, at which point MCWD will share key takeaways and outputs with the TAC, and share next steps for the initiative.

Review and Discussion of the Compliance Framework:

- MCWD Permitting Technician, Trey Jonas, framed MCWD's permitting alignment scope of work including rule revisions, Municipal Partnership Framework, and Compliance Framework. In Meeting 6, the TAC expressed interest in reviewing the Compliance Framework, so it was added to the TAC schedule.
- The Compliance Framework seeks to improve and formalize how the Permitting Program addresses compliance procedures for prioritizing field inspections, escalating enforcement measures, and coordinating with partners across the watershed. The framework has three policies: inspection and site prioritization policy, enforcement policy, and financial assurance policy. Jonas walked through each policy before inviting discussion.
- Inspection and Site Prioritization Policy:
 - This policy helps prioritize sites according to water resource risk and includes a scoring system to drive consistency. A consistent scoring process will also help MCWD collaborate more efficiently with partners. The scoring criteria were included in the packet for [TAC Meeting 7](#). The scoring system will help determine permitting inspection cycles and MCWD will use staff discretion for determining inspection frequencies after major rain events and when it receives complaints. MCWD will test this scoring system during a trial period in 2023 to inform any refinements. Jonas invited TAC input on the inspection and site prioritization policy.
 - A few TAC members also suggested adding criteria to address permitting compliance history and highlight 'repeat offenders' that should be prioritized for inspection.
 - TAC members asked about the feasibility of inspecting sites at the proposed frequency given the number of permits MCWD processes and highlighted the potential to reduce duplication and work with partners to address this challenge. TAC members suggested that sharing the score for

each site could support potential coordination by allowing partners to determine where MCWD sees greatest water resource risk. An integrated permitting map tool was discussed as a method to promote data sharing, which would facilitate greater coordination between MCWD and partners on permitting inspections, but TAC members also recognized that each city takes a unique approach to documenting their inspection processes.

- Enforcement and Financial Assurance Policies
 - Jonas explained the enforcement policy clarifies MCWD's process for taking enforcement actions. The policy aims to increase MCWD's efficiency and build reliability as a partner. MCWD's graduated enforcement process starts with requesting voluntary compliance from the permittee. At this stage, MCWD may seek support from a partner city that could issue a Stop-Work Order or use other tools to promote compliance. Following that step, MCWD staff may issue a compliance order, which comes through the District Administrator. If the permittee is still not in compliance, the MCWD Board may issue a compliance order, at which point the permittee may attend a public hearing to dispute the facts. During this process, MCWD may also take steps to leverage its financial assurances to correct issues on site. The final step in MCWD's graduated enforcement process is court action.
 - Jonas explained MCWD's financial assurance policy, which requires a cash escrow or letter of credit for certain activities. MCWD uses financial assurances to incentivize compliance, or in some cases, draws on the money to resolve compliance issues. The financial assurance policy is intended to clarify when to use financial assurances, update costs, establish a cost evaluation schedule, and formalize the return process. Jonas invited input from the TAC on the enforcement and financial assurance policies and methods to reduce duplication of efforts.
 - TAC members suggested that MCWD work with cities who can use Stop-Work Orders or assess fees. Other suggestions included taking fees for repeat inspections out of the financial assurance or pulling the permit as part of the escalation process. In addition, a TAC member flagged that the MPCA or DNR may also become involved in high-risk compliance issues.
 - TAC members asked how often MCWD uses financial assurances. MCWD shared that financial assurances are rarely used, and only in high-risk situations. Members suggested that it is likely easier for cities to take corrective actions on sites when needed. A TAC member shared that some permittees are concerned that the city and MCWD both take financial assurances for the same issues, and suggested consideration of joint financial assurances. However, TAC members also noted that this would require city involvement in the release process, which may be a challenge in some cases.
- MCWD is working on a Municipal Partnership Framework with template agreements and options for standardizing coordination on regulation, inspections, and enforcement between MCWD and its cities. MCWD will continue these conversations with cities who are interested in formalizing these partnerships.

Coordination:

- Public Engagement:
 - MCWD Engagement Coordinator, Samantha Maul, introduced the second portion of the meeting dedicated to improving systems of coordination. Maul suggested that there are opportunities for MCWD to coordinate with cities and other public agencies on delivering engagement to residents in the watershed. Maul explained the MCWD's Outreach strategy,

which prioritizes building relationships with decision makers in the land use community. As MCWD focused outreach efforts on supporting other staff who engage with policy makers, public development staff, and private developers, MCWD reduced its presence in the sphere of residential programming. To refocus outreach resources and energy, MCWD discontinued financial support for residential cost-share programming, Minnesota Water Stewards, and a contract to support the management and formation of lake associations.

- MCWD now positions itself as a broker to connect residents with high-quality engagement resources provided by other organizations. MCWD continues to explore opportunities to leverage and support Minnesota Water Stewards, Lake Associations, and residents in ways that maintain strategic alignment. TAC members were then invited to share their organization's posture on this type of programming and identify opportunities for coordination with the following questions.
 - What is your approach for engaging residents who are interested in getting involved in water resources?
 - Does your organization provide residential cost-share programming for clean water best practices (rain gardens, native plants, etc.)?
 - How does your organization support or engage Lake Associations as part of water resource strategy/planning?
 - How does your organization support or utilize Minnesota Water Stewards?
- Some TAC members responded that their organizations focus on engaging residents who are not already interested in getting involved in water resources, by working with community organizations to organize events that reach diverse audiences. TAC members suggested that this type of engagement might be an effective opportunity to utilize water stewards. One TAC member noted that their organization has a cost-share program that reaches many residents in the community. Another TAC member shared that their agency requires the formation of lake association for requesting specific water resource services. Other TAC members were not aware of whether their organization administered specific programming.
- Ongoing Coordination Channels:
 - Becky Christopher introduced another topic of TAC discussion related to coordination. In past TAC meetings, MCWD has gathered input on how to build effective systems of coordination, and annual meetings were suggested by many TAC members as an option to ensure regular coordination. Christopher presented a few questions for TAC discussion:
 - How can we make the most effective use of regular coordination meetings?
 - What additional processes or channels could improve coordination between MCWD and our public partners?
 - TAC members suggested that the meeting cadence will need to be tailored to the city or public agency. Biannual meetings may be appropriate for some cities, but not all. Some members were interested in using these meetings to discuss policies, programs, and project partnerships, while others would be more focused on permitting coordination.
 - TAC members see value in MCWD attending city council and/or planning commission meetings every term cycle to orient new members to MCWD's role and opportunities for collaboration. This could also be supported by a "watershed 101" handout for new members.

Wrap up and Next Steps

- Christopher wrapped up the meeting and thanked the TAC for their feedback on MCWD's Compliance Framework and systems of coordination. MCWD will analyze TAC feedback and implement it into the Compliance Framework before formally adopting the policies. The survey on the Municipal Partnership Framework is open until May 5th, and TAC members are encouraged to share their input. MCWD will provide a summary of key takeaways and outputs related to the rule revisions, permitting program improvements, and Land & Water Partnership program at Meeting 8, which will be the final meeting of the TAC process.

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Land & Water Partnership Initiative

TAC Meeting #7

Purpose of the Land & Water Partnership Initiative

Create systems to support partnership and integration of land use and water planning



TAC Work Plan



Vetting the new Land & Water Partnership Program



Optimizing the Permitting Experience



Building Sustainable Connections for Ongoing Collaboration

Agenda

- Overview and Recap
- Compliance Framework Review and Discussion
 - Inspection & Site Prioritization
 - Enforcement
 - Financial Assurances
- Break
- Coordination Discussions
 - Public engagement
 - Annual meetings/coordination channels
- Wrap-up and Next Steps



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Compliance Framework

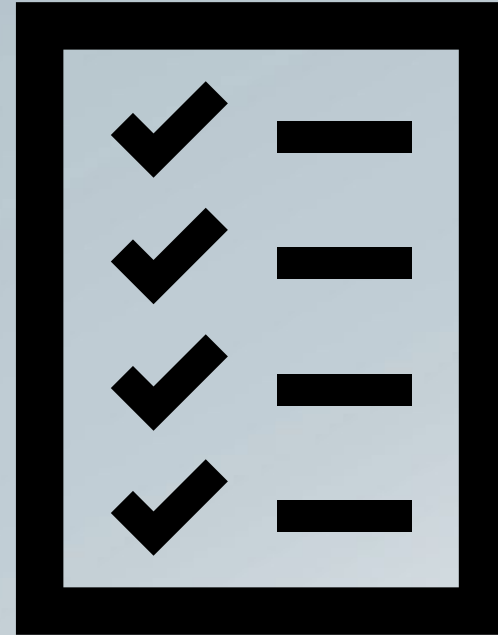
Permitting Alignment

- Rule Revisions
- Municipal Partnership Framework
- Compliance Framework



Regulatory Context

- Watersheds and cities regulate for water resource protection
- Greater collaboration is desired to reduce redundancy



Compliance Framework Purpose

- Improve and formalize
 - Field inspections
 - Enforcement process
 - Coordination with partners
- Water resources protection





Inspection and Site Prioritization Policy

- Prioritize based on water resource risk
- MS4 Compliance



Enforcement Policy

- Graduated enforcement
- Coordination with municipal partners



Financial Assurance Usage Policy

- Updated financial assurance schedule to reflect modern costs

Inspection & Site Prioritization



Purpose - Inspection & Site Prioritization

- Prioritize sites based on water resource risk
- Inspection efficiency
- Coordination with partners



Proposed Score Overview

| 1 Point | 2 Points | 3 Points |
|---|--|--|
| Each rule triggered not including erosion control | N/A | N/A |
| Waterbody onsite or adjacent | Work in a waterbody with temporary impacts | Work in a waterbody with permanent impacts |
| Disturbance between 1 and 5 acres | Disturbance between 5 and 10 acres | Disturbance > 10 acres |
| Slopes > 3:1 | N/A | N/A |

Proposed Inspection Frequencies Based on Score



0-1 Inspection at staff discretion



1-3 Quarterly/once based on staff discretion



4-6 Monthly



7-10 Biweekly

Example #1



Example #2



Example #3



Discussion

- What considerations or revisions would improve the clarity or implementation of the site prioritization point system?

Discussion

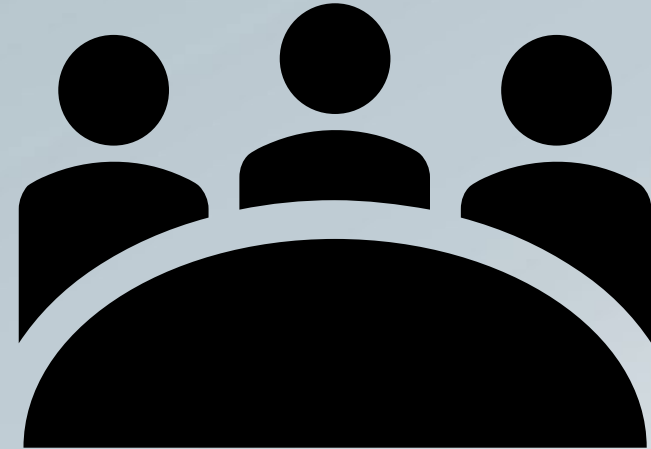
- What ideas do you have for increasing field presence and reducing duplication on inspections between MCWD and member cities?
 - How does your organization prioritize sites?
 - How could we overcome barriers to coordinating?
 - How might formalization support these efforts?

A photograph showing a concrete drainage ditch or culvert. A black tarp is draped over the top of the ditch, extending from the left side towards the center. The ditch is surrounded by green grass and reeds. To the right, there is a body of water reflecting the sky. The text "Enforcement Policy" is overlaid in white on the concrete surface.

Enforcement Policy

Purpose - Enforcement Policy

- Clarify our process
- Improve efficiency
- Improve coordination with our municipal partners



Graduated Enforcement

- Request for voluntary compliance
 - Explore using financial assurance to incentivize compliance
 - Coordination with cities – stop work order
- Staff Enforcement Action
- Board Enforcement Action
- Court Action

Financial Assurance & Usage Policy

- District requires financial assurance when certain rules are triggered
- Cash escrow or letter of credit
- Can be leveraged to correct compliance issues

Purpose - Financial Assurance & Usage Policy

- Solidify when to use the Financial assurance
- Update the documents to reflect modern costs
- Establish a cost evaluation schedule
- Formalize the return process

Proposed Financial Assurance Usage Policy



Financial Assurance Requirement



Financial Assurance Schedule



Periodic Adjustments



Return Process

Financial Assurance Changes

- Made language more user-friendly
- Add floodplain alteration assurance

Discussion

- What considerations or revisions would improve the clarity or implementation of the enforcement and financial assurance usage policy?

Discussion

- How might MCWD and cities coordinate on enforcement action to improve compliance?
 - Would your organization be open to using its compliance tools or incentives to promote compliance with MCWD permitting rules and policies?
 - How could we overcome barriers to coordinating?
 - How might we formalize this coordination?

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A Coordinated Strategy for Public Engagement

Outreach Realignment

- 2019 Outreach Strategic Direction
- Pivoted away from broad-based communication
- Refocus on targeted, strategic engagement with key stakeholders

Programmatic Changes

- Support strategic outreach efforts with key audiences across the District through “relationship managers”
- Develop targeted outreach campaigns for key initiatives, including capital projects and policy change
- Create District-wide communications materials, both digital and printed
- Maintain situational awareness and keep pulse on government relations
- Manage MCWD’s Citizens Advisory Committee

- Discontinue residential cost-share programs
- Pause training of new Minnesota Water Stewards and reevaluate opportunities for engagement
- Discontinue contract for creation Lake Associations and reevaluate opportunities for engagement

Discussion Questions

- What is your approach for engaging residents who are interested in getting involved in water resources?
 - Does your organization provide residential cost-share programming for clean water best practices (rain gardens, native plants, etc.)?
 - How does your organization support or engage Lake Associations as part of water resource strategy/planning?
 - How does your organization support or utilize Minnesota Water Stewards?

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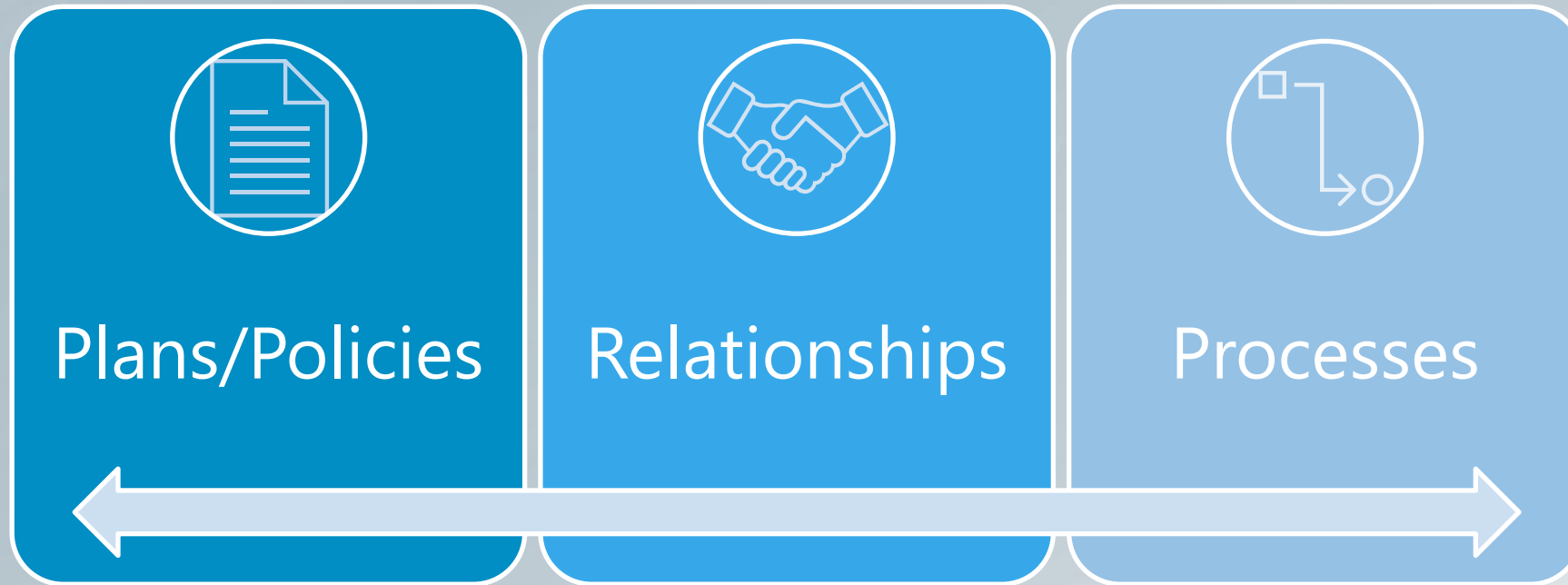
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Ongoing Coordination Channels

How do we improve coordination?



Discussion Questions

- How can we make the most effective use of regular coordination meetings?
 - Who needs to be involved? How frequently? What topics?
 - What has/hasn't worked in the past?
- What additional processes or channels could improve coordination between MCWD and our public partners?
 - Pre-app/sketch plan coordination, Planning commission engagement, standing TAC, project-palooza

Next Steps

- Compliance Framework
 - Incorporate TAC feedback
 - Trial period
 - Board approval
- Municipal Partnership Framework
 - Survey due May 5th
 - Evaluate and follow up
 - Develop template agreement
- Meeting 8 – May 18
 - Summary of TAC process - key takeaways, direction, and next steps

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Thank you!