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## 1. History of watershed districts

Mr. Wisker began by examining why the state legislature created a watershed management framework. Given that water runs across the landscape before entering surface waters, he stated, changes on the land affect hydrologic processes and water quality. For this reason, land-use is extremely important in managing watershed issues. In addition, water does not follow political boundaries, so the effects of land-use on water in one city will be felt downstream in another city.

Furthermore, the legislature recognized that city governments have an inherent conflict of interest concerning water management. While cities exert land-use control and have an interest in resource protection, they are also concerned with economic development, investment in infrastructure, tax base enhancement, and not disappointing voters interested in maximizing economic activity on the land.

For these reasons, the legislature passed the Watershed Act of 1955 to insulate water from land-use conflict of interest and manage on a hydrologic basis across political boundaries. Mr. Wisker read from MN Statute Ch. 103D.201: “Watershed District Purposes: To conserve the natural resources of the state by land-use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare...”. Mr. Wisker stated that, while a great deal of good work has been accomplished under this framework to protect and improve water resources, it also created some challenges.

## 2. Pitfalls of the MN watershed management framework

Mr. Wisker noted that when dividing government into separate units, the mission and authority ought to be divided without creating inefficiencies, coordination costs, conflict, or duplication of efforts. It is also critical that the government units retain the means to integrate their work so as not to create “silos”. He stated that, while watershed districts were created for good reasons, this teasing apart of land-use and water management left only weak connections between the two. He noted that State legislation called for integration, but did not provide the means or a framework by which to do so.

Mr. Wisker stated that this disconnect between land-use and water planning has been called out as an issue in multiple studies over the past decade:

- 2007 – The Office of the Legislative Auditor released Evaluation Report on Watershed Management, asserting that water resource condition is driven by land-use. The report found that efforts to manage water quality are most effective when coordinated with land-use planning.
- 2009 – The Minnesota Environmental Initiative completed the Land and Water Policy Project, which found that land-use and water planning are compartmentalized at all levels, residing under separate bodies of jurisdiction and regulation.

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- 2011 – A Hennepin County Water Governance Project concluded that the interaction between technically based watershed management and the political world of the built environment was complicated, requiring significant effort to coordinate.

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- 2013 – The Minnesota Pollution Control Agency published a report to the legislature, Water Regulation and Governance Evaluation, which found that “opportunities to address water-land-use connections have waned in recent decades,” and that state water management goals can only be achieved with strong links to land-use. Moreover, watershed district plans were criticized for their “focus on engineering solutions, rather than land-use driven issues or trends”.

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Mr. Wisker then highlighted a few key reasons why integration between land-use and water planning has been lacking:

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A. Desynchronized Planning

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B. Cultural Differences

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C. Reliance on Regulation

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A. Desynchronized Planning

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First, Mr. Wisker stated that the planning framework laid out in MN Rule 8410 is based on a 10-year cycle. He listed the required steps under this 10-year model as follows:

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- Gather data
- Diagnose issues
- Set goals
- Engage public
- Plan action
- Adopt plan
- Implement

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Mr. Wisker added that while the 10-year plans of watershed districts are being written and carried out, land-use is changing constantly; and as the landscape evolves, the plan becomes increasingly obsolete. He explained that this mechanistic, static planning structure results in a fundamental lack of synchronization between land-use change and watershed plans. Mr. Wisker asserted that in order to be successful in this setting, watershed districts must be responsive. This requires knowledge of the local landscape and strategies to adapt and respond in real time to development.

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B. Cultural Differences

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Mr. Wisker attributed another reason for the historic disconnect between planning spheres to cultural differences. He presented Scott Campbell’s “Planner’s Triangle” diagram, illustrating the differences and conflicts that exist between economic, environmental, and

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136 social justice planning spheres. He noted that Campbell and others recognized that these  
137 planning spheres and their respective organizations have different rules, procedures, norms,  
138 knowledge and language. Given the institutional inertia this creates, he noted that Planners  
139 tend to stay in their silos.

140  
141 C. Reliance on Regulation

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143 Finally, Mr. Wisker noted that these weak linkages to land-use planning and the inability to  
144 respond in real time has led to reliance on regulation as a safety net to protect against  
145 development. This has reinforced the cultural typecast of watershed staff as technicians and  
146 regulators acting as a barrier to development. He stated that, while a regulatory approach to  
147 water resource management is critical to establish baseline standards and thresholds,  
148 regulation typically only serves to minimize degradation and impact. Therefore strict  
149 reliance on regulation will result in missed opportunities for environmental improvement that  
150 could be achieved through truly integrating the planning of these various systems.

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152 3. The District's evolution in policy and planning

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154 Mr. Wisker highlighted a few policy milestones from recent MCWD history that have moved the  
155 organization toward improved integration:

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- 157 • October 2009 – The Board of Managers directed staff to create a partnership framework  
158 modeled after Hennepin Community Works which acknowledged the ability of natural  
159 systems to underpin a local sense of identity, creating economic and social value. The  
160 Hennepin County model utilized the power of convening public and private sector  
161 partners by “building bridges for effective planning and implementation” to align  
162 investment around planned improvements to generate broad community value.
  - 163  
164 • 2010 and 2011 – Louis Smith presented his white paper *Watershed Partnerships*,  
165 commissioned by the MCWD and others, highlighting the value and strategy behind  
166 partnerships to advance watershed initiatives through collaborative and integrated  
167 planning.
  - 168  
169 • May 2013 – At the Board retreat, the Managers requested that a policy framework be  
170 developed to “institutionalize” the District’s goal of, “integrating our work into the plans  
171 and work of others” by “expressing a commitment to complement the efforts of cities and  
172 private development,” and by “moving away from regulatory focused relationships.”
  - 173  
174 • September 2013 – The Planning and Policy Committee discussed again the value of  
175 partnerships, and that while partnerships had been enjoyed under the 2007 Plan, it had  
176 been structured as a TMDL for local municipalities and was immediately followed by  
177 four years of rulemaking, solidifying the District’s reputation as a regulatory agency. The  
178 Committee discussed that bolstering the philosophy of partnerships and integration with  
179 land-use may establish a central theme for the 2017 Plan, also citing the power of

180 convening multi-jurisdictional partnerships within focused geographies to align authority,  
181 mission and investment for large-scale implementation and community benefit.  
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- 183 • March 2014 – The Board adopted the *Balanced Urban Ecology* policy as “a statement of  
184 the MCWD’s fundamental philosophy and way of doing business,” to “guide the  
185 development of the District’s update to its Comprehensive Plan,” and to operationalize  
186 the policy in the District’s “planning processes”. The policy emphasized the  
187 interdependence of the natural and built environments, the need for integrated planning,  
188 the value of disciplined focus, and the importance of flexibility and bold, creative  
189 thinking.  
190

191 Mr. Wisker restated that the central theme of the District’s Plan was to improve the District’s  
192 ability to integrate its work with its partners. He asserted that the District does not want to be  
193 viewed as regulator, grant agency, or capital funding source, but as a valued partner. Mr. Wisker  
194 noted that when involved early in planning processes, the District has a proven track record of  
195 adding economic, social, and environmental benefit. He concluded by adding that the District is  
196 seeking the help of the advisory committee members to find new ways to be involved in  
197 partnership with their work.  
198

199 Ms. Acomb stated that because cities are responsible for managing more than just natural  
200 resources, more frequent communication by the District with city councils would be helpful in  
201 fostering collaboration. She suggested that the District present a report of its work and goals to  
202 councils annually.  
203

204 Ms. Whalen asked how the Board of Water and Soil Resources (BWSR) has received the idea of  
205 a shorter-term Capital Improvement Plan (CIP) to allow the District to be more flexible and  
206 responsive. Ms. Christopher responded that BWSR approved a plan amendment for the  
207 Minnehaha Creek Subwatershed that provided the type of flexibility the District is seeking, so  
208 they are confident they will be able to satisfy the requirements. Ms. Whalen added that she liked  
209 the District’s approach of integrating with its partners, noting that such an approach could serve  
210 as an effective model for other watershed districts.  
211

212 Ms. McMillan stated that she thought the direction the District is heading – towards integrated  
213 planning – is a great direction. She referred to her time on the District’s Citizen Advisory  
214 Committee, recalling the difficulty of developing and implementing a CIP. She suggested a  
215 template of questions the District could send out to city staff annually concerning activity that  
216 the District may be interested in collaborating in. Ms. McMillan noted that, through such a  
217 scheduled process, city staff can consult with their respective city council before responding to  
218 District staff.  
219

220 Mr. Wisker noted that the District does distribute its CIP to cities and other partners annually,  
221 with a request for comment. Ms. Christopher also referenced the meetings that the District  
222 conducts with city staff as part of the annual reporting process adding that the District is hoping  
223 to make sure these existing annual connections are more meaningful and that the connection is

224 being made with the correct people – namely land-use planners and council members. She  
225 explained that these meetings are typically attended by city water resource staff or engineers and  
226 that she would welcome ideas on how to involve land-use decision makers in this process.  
227

228 Mr. Stewart noted that the District was likely the thought leader for watershed practices in  
229 Minnesota. With this in mind, he asked if the District was looking for good examples on a  
230 national scale. Mr. Wisker replied that Minnesota is unique in that there are no other states with  
231 the same model of watershed management. Nevertheless, he continued, the District was looking  
232 for positive and innovative examples of water planning and management at a national level.  
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### 234 Two-Track Approach

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236 Ms. Christopher began to outline the context and philosophy behind the District’s two-track  
237 approach. She reiterated the challenges of implementing the District’s 2007 Comprehensive Plan  
238 in that it was overly prescriptive, static, and it spread District resources too thin by trying to give  
239 equal attention to all parts of the watershed. In contrast to this model, Ms. Christopher described  
240 how the District began to take a new approach with its work in the Minnehaha Creek Greenway.  
241 The District found success in this area by developing a deeper understanding of the goals and  
242 plans of the cities, private businesses, and other entities and integrating its work in ways that  
243 complement and support those goals. One thing that made this approach possible was focus. By  
244 dedicated sustained and concentrated effort in the area, the District was able to more effectively  
245 develop relationships and learn about needs and opportunities on the landscape. Another key to  
246 the District’s success was the flexibility and creativity of the Board and staff working in the area.  
247 She noted that the philosophy behind the successes of this approach was memorialized in the  
248 District’s *Balanced Urban Ecology* policy in early 2014.  
249

250 Ms. Christopher explained that the model for the “focus” track of the two-track approach was  
251 informed by the District’s success in the Greenway. Through sustained focus of resources and  
252 staff time, the District is able to meaningfully engage its partners, integrating the District’s work  
253 with theirs. She stated that the “focus” track would be utilized in high-need areas of the  
254 watershed where the issues to be addressed are complex and require heightened collaboration. In  
255 these “focal geographies,” Ms. Christopher explained, the District plans to act as the convener,  
256 bringing together cities, businesses, and other agencies to coordinate investment and  
257 implementation.  
258

259 She then explained that, in addition to playing the role of convener in these focal areas, the  
260 District seeks to improve integration with land-use planning watershed-wide through the  
261 “responsive” track. By developing processes and strategies to improve coordination with cities  
262 and the development community, the District aims to remain responsive to needs and  
263 opportunities as they arise. Ms. Christopher noted that there are a number of ways in which  
264 partners can leverage the District’s resources including capital project implementation, cost share  
265 grants, technical assistance, and program support in areas such as education and permitting.  
266

267 Ms. Christopher stated that the District is already largely operating under this two-track approach  
268 and the goal is to structure the new Plan in a way that supports and continues to improve on this

269 model. She then introduced Sean Walther with the City of St. Louis Park and Michael Schroder  
270 with the Minneapolis Park and Recreation Board who came to provide examples of how the  
271 approach is currently working.  
272

273 Mr. Walther then offered the perspective of St. Louis Park in the District's focal geography of  
274 the Minnehaha Creek Greenway. He described the District's work with the cities of St. Louis  
275 Park and Hopkins, Japs-Olson Company, Knollwood Mall, Park Methodist Hospital, and  
276 Southwest Light Rail Transit. Mr. Walther noted that the benefits of the projects satisfied desires  
277 for the City, District, private businesses, and area residents. He added that the District helped the  
278 City to see Minnehaha Creek as an amenity instead of a barrier to development and expansion.  
279 Mr. Walther stated through their work together, the City has grown to appreciate the District as a  
280 valuable partner.

281  
282 Ms. McMillan expressed that she was impressed with the District's creativity as shown in Mr.  
283 Walther's presentation.  
284

285 Mr. Schroeder then presented a summary of the partnership between the Minneapolis Parks and  
286 Recreation Board (MPRB) and the District concerning Meadowbrook Golf Course. He stated  
287 that the District helped the MPRB to understand the boundaries and opportunities of repairing  
288 the flood damage to the course. Mr. Schroeder noted that the creek, currently an unattractive  
289 ditch cutting through the course, would be restored to become a valuable amenity thanks to the  
290 District's involvement in restructuring the course. Mr. Schroeder concluded saying that the  
291 District has been a collaborative partner to the MPRB, rather than a reactive regulator.  
292

293 Ms. Whalen asked District staff how much the projects in the Minnehaha Creek Greenway  
294 contributed towards the load reductions required under the state TMDL for Lake Hiawatha. Mr.  
295 Wisker responded that the projects in total are estimated to achieve a third of the total reduction  
296 needed, treating around 550 acres of stormwater. He added that the District adopted a policy that  
297 was incorporated into the TMDL that provides for the distribution of load reduction credit from  
298 District projects across all cities in the subwatershed.  
299

300 Ms. Whalen suggested that the District's 2017 Plan should be goal-specific rather than project-  
301 specific. She asked District staff if having the support of cities would assist the District in  
302 proposing a goal-specific plan to BWSR. Mr. Wisker responded that city support would most  
303 certainly be helpful in advancing this approach.  
304

305 Ms. Christopher briefly highlighted a number of other recent examples of work the District has  
306 done which serve as examples of the "responsive" track. These include capital improvement  
307 projects, cost share grants, technical assistance resulting in land restoration and preservation, and  
308 programmatic support in areas of education, permitting, and aquatic invasive species  
309 management. She noted that all of the examples were things that were not specifically identified  
310 in the Comprehensive Plan but rather arose out of coordination with cities and landowners to  
311 explore opportunities.  
312

313 Mr. Wisker stated that the District is seeking the Committee's support for the spirit and concept  
314 of the approach. He added that the next step would be to work with BWSR to develop the  
315 framework and procedures to support the approach which would be brought back for Committee  
316 review.

317  
318 Ms. Whalen stated that the District should seek to be more flexible with the parties it regulates. If  
319 a city or developer, she elaborated, cannot accommodate stormwater facilities or wetland  
320 restoration onsite, the District should allow the applicant to mitigate elsewhere. Mr. Wisker  
321 concurred, and referenced the District's Regional Stormwater Treatment policy and examples  
322 where it has been used in the Minnehaha Creek Greenway.

323  
324 Ms. Musich referred back to Mr. Wisker's statement that regulation does not tend to generate  
325 improvement. Ms. Musich suggested that rules could be rewritten to require improvement of  
326 resources. Mr. Wisker responded that, generally, regulation alone will not produce the degree of  
327 improvement that is needed. He stated that the Permitting Department at the District is taking a  
328 two-pronged approach. Mr. Wisker explained that the first prong will provide baseline protection  
329 through efficient administration of the rules, and the second prong will focus on partnership  
330 development and looking for opportunities for greater resource benefit.

331  
332 Mr. Johnson offered his experience with the District's flexibility, citing recent examples where  
333 the District has made projects possible which were important to the city. He thanked District  
334 staff for their efforts.

335  
336 Ms. McMillan shared that she has found residents and developers are confused about the  
337 District's role and when the District should be involved. She has heard from her staff that the  
338 District does not wish to be involved until after preliminary plat. Mr. Wisker stated that the  
339 District does want to be involved before preliminary plat, but cannot realistically provide that  
340 level of input for every permit. In order to prioritize effectively, he continued, the District and  
341 partner cities could establish Memorandums of Understanding to set mutual goals and methods  
342 for co-planning.

343  
344 Ms. Whalen suggested that District staff have work sessions with city engineers to ensure clear  
345 understanding of the District's role. Ms. Yearwood suggested that District staff map out what  
346 applicants can and cannot do, generally, to provide clearer guidance.

347  
348 Ms. Whalen noted that District staff connection with city staff was at least as important as  
349 connection with city councils, since council members turn over more frequently than staff. Mr.  
350 Wisker concurred, noting that the Technical Advisory Committee, made up of city staff, would  
351 be instrumental in mapping out the specifics of a collaborative framework.

352  
353 Mr. Wisker noted that the Committee seemed to generally be in support of the District's  
354 approach. Ms. McMillan affirmed, highlighting the District's work on the recent Long Lake  
355 Wastewater Treatment Pond Restoration as a posterchild for the District's *Balanced Urban*  
356 *Ecology* policy. She explained that the District helped turn what was a sewage treatment pond  
357 into an amenity, through vegetation and streambank restoration and the resulting boost in

358 wildlife presence. Ms. McMillan added that she sees many residents using the trails and that they  
359 view the project as a park. Mr. Wisker stated that this project is a great example of how the  
360 District goes beyond a purely technical approach, instead coming up with innovative solutions  
361 that add value to the community and connect people with the water resources.

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363 The Committee discussed potential dates for the next meeting. The meeting adjourned at 12:05  
364 p.m.

365

366 Respectfully submitted,

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368 Matthew Cook

369 Planning Assistant

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