

**Minnehaha Creek Watershed District
Land & Water Partnership Initiative
Technical Advisory Committee**

Meeting #8
June 2, 2023
10am - Noon

MCWD Office – 15320 Minnetonka Blvd, Minnetonka
Board Room - Lower Level

Agenda

- 10:00-10:05 **Welcome and Agenda Overview**
- 10:05-11:15 **Summary of Land & Water Partnership Initiative Outcomes and Next Steps**
- 11:15-11:25 **Break**
- 11:25-11:55 **Climate Planning Preview**
- 11:55-Noon **Wrap-up and Next Steps**
-

Attachments:

- Meeting 8 Pre-Read Memo
 - Meeting 7 Summary
-

***Optional:* Please come join us for a MCWD TAC Celebration Lunch!**

Noon-1:30 Station Pizzeria (13008 Minnetonka Blvd, Minnetonka)



Title: TAC Meeting 8 Pre-Read

Prepared by: Becky Christopher, MCWD Policy Planning Manager

Meeting Purpose:

The final Land & Water Partnership Initiative (LWPI) Technical Advisory Committee (TAC) meeting will cover:

- Key takeaways and next steps from the TAC process; and
- Overview of upcoming climate engagement and planning process with partners.

Land & Water Partnership Initiative:

Overview

The [Land & Water Partnership Initiative](#) is centered on strengthening partnerships that support the Minnehaha Creek Watershed District's (MCWD) focus on impactful, collaborative projects that benefit the watershed and our communities. In August 2022, the TAC was appointed by the MCWD Board of Managers and includes representatives from partner agencies, including cities, counties, soil and water conservation districts, and regional and park agencies from across the watershed.

Since October 2022, MCWD and the TAC have explored and discussed how to improve systems that support a partnership approach. The TAC reviewed and provided input on three key areas of the LWPI over seven meetings:

- Identifying and building sustainable connections for ongoing coordination (coordination framework).
- Vetting the proposed Land & Water Partnership (LWP) program to support partner-led projects through technical and financial assistance.
- Advising on improvements to MCWD's permitting program to streamline process and promote early coordination, including revisions to MCWD's rules.

TAC Process

The MCWD provided a meeting packet, including a memo and supporting documents, prior to each meeting. Feedback from the TAC was collected at each meeting and shared in post meeting summaries. As MCWD focused on each LWPI content area of coordination, LWP program, and permitting improvements, the TAC provided additional feedback outside of the TAC meetings through online surveys and comment forms. As additional details or feedback was needed, MCWD staff connected with individual TAC members to further understand and collect input. Below is the summary of each meeting topic area(s), methods of feedback collected, and links to materials.

- **[Meeting 1:](#)** Introduced the LWPI purpose and goals, and proposed LWP program.
 - [Summary:](#) In-meeting feedback and survey
- **[Meeting 2:](#)** Reviewed, discussed, and provided feedback on the proposed LWP program's scope and process.
 - [Summary:](#) In-meeting feedback and survey
 - Offline survey on LWP program's eligibility, schedule, evaluation criteria, and submittal requirements
- **[Meeting 3:](#)** Introduction to the scope of proposed Permitting Program improvements, including proposed rule revisions.
 - [Summary:](#) In-meeting feedback and survey
 - Offline materials and survey for rule revisions
- **[Meeting 4:](#)** Reviewed and discussed (1) four MCWD Rules (Erosion Control, Shoreline and Streambank Stabilization, Dredging, and Waterbody Crossing sand Structures); and (2) the Municipal Partnership Framework.

- [Summary](#): In-meeting feedback and survey
- Offline materials and survey for rule revisions
- **Meeting 5**: Reviewed and discussed (1) two MCWD Rules (Wetland Protection, Variances and Exceptions); and (2) how MCWD and partners can improve on-going coordination.
 - [Summary](#): In-meeting feedback
 - Offline materials and survey on MCWD's rule revisions
- **Meeting 6**: Reviewed and discussed (1) two MCWD Rules (Floodplain Alternation, Stormwater Management); and (2) draft LWP Program Guidance.
 - [Summary](#): In-meeting feedback
 - Offline [Extended Feedback Form](#) for rule revisions
 - Offline survey on LWP Program Guidance draft
- **Meeting 7**: Reviewed and provided feedback on (1) the MCWD's Draft Compliance Framework and opportunities to improve coordination on regulatory inspection and enforcement; (2) explored potential areas for coordination on public engagement; and (3) discussed additional ideas to improve ongoing coordination through annual meetings and other channels.
 - [Summary](#): In-meeting feedback
 - Offline survey on Municipal Partnership Framework

TAC Meeting 8 Description:

At the final TAC (Meeting 8), MCWD staff will recap the purpose and goals of the LWPI, summarize the key areas of TAC input collected throughout the process, and discuss the proposed next steps for MCWD and partners. Comments from the TAC were grouped and synthesized into the following three areas:

- Coordination Framework (Attachment 1)
- Land & Water Partnership Program (Attachment 2)
- Permitting Program Improvements, including MCWD's Rule Revisions (Attachment 3)

MCWD staff will review each of these areas at Meeting 8. Please come ready to discuss the following questions:

- How have we made progress on the goals of the initiative?
- How well do the attached summaries capture the key takeaways from the TAC process? Is there any key information that is missing?
- How should MCWD measure the success of this initiative moving forward? What would success look like in five years?

The final TAC meeting will conclude with an overview of MCWD's upcoming climate planning initiative and proposed engagement process with partners.

Attachments:

Attachment 1: Summary of TAC input and next steps for the Coordination Framework

Attachment 2: Summary of TAC input and next steps for the Land & Water Partnership Program

Attachment 3: Summary of TAC input and next steps for the Permitting Program Improvements

Coordination Framework

Purpose

The Land & Water Partnership Initiative is focused on strengthening partnerships that support MCWD's emphasis on impactful, collaborative projects that benefit the watershed and its communities. One of the topic areas for the TAC was focused on building sustainable connections for ongoing collaboration. This included discussions on how MCWD and its partners can build systems to improve coordination and support the identification of partnership opportunities for both public and private projects.

Key Areas of TAC Input

Partnership Benefits and Keys to Success

- TAC members see value in partnering with MCWD on projects, including potential benefits such as increased capacity, funding and technical assistance, new ideas and creative solutions, reducing barriers, sharing expertise, increased credibility, support for conflict resolution, and better projects/results.
- Members identified that successful partnerships require early coordination, shared priorities, flexibility, regular communication, time and effort, and relationship/trust building.

Coordination on Private Development Review

- TAC members see value in early coordination between cities, applicants, and MCWD on private development projects as it can provide the applicant with an understanding of the rules and potential implications for project design upfront and can help expedite the process. It can also be a way to identify partnership opportunities if engaged in the early stages.
- Planning staff are a key conduit for identifying opportunities for partnership on private development since they are typically the first to learn about development activity.
- Cities expressed willingness to engage MCWD early during the concept or sketch plan stage. Some noted that they currently share all sketch plans/applications and would value guidance from MCWD on priority areas or project types so that this coordination can be more targeted.

Identifying Opportunity Areas

- TAC members recommend that MCWD identify areas of opportunity for water resource improvement (e.g. water quality, flood storage) and work with city planners and planning commissions to integrate them into comprehensive plans so they can be factored into city zoning and development requirements. While it will take more foresight and planning, this approach is expected to be more effective than reacting to, and trying to influence, development proposals.
- Coordination on land use planning and identification of priority areas could also support the development of regional projects and banking/credit systems rather than having requirements met on each individual property.

Regular Coordination Meetings

- The TAC expressed strong interest in the more consistent use of annual coordination meetings, which are a good venue for reviewing plans and priorities and identifying partnership opportunities, as well as building/maintaining relationships.
- 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.

Interest in Climate Action Planning/Regional Flood Management

- During both the discussions of the Land & Water Partnership program and the rule revisions, TAC members expressed concerns about increased precipitation and flooding and interest in discussing MCWD's role and strategy for regional flood management.

Next Steps

Coordination on Public Projects

- MCWD asks that public partners engage the District early (concept stage) in planning for projects that may present opportunities for water resource improvement and qualify for funding and technical support through the Land & Water Partnership program.

Coordination on Private Development Review

- MCWD asks that cities engage MCWD early during the concept or sketch plan stage by sharing application information and/or inviting MCWD to pre-application meetings for larger scale projects.

Identifying Opportunity Areas

- To support identification of partnership opportunities, MCWD will explore the development of a shared GIS mapping tool that integrates partners' land use planning and CIP data with MCWD water resource data and priority/opportunity areas.
- As part of the development of the MCWD's 2027 Watershed Management Plan, the District will work to identify areas of opportunity for regional water quality improvement and flood management so they can be integrated into city comprehensive plans and used to identify partnership opportunities.

Regular Coordination Meetings

- MCWD commits to consistently initiating annual coordination meetings with cities. These meetings will be used to discuss progress on the Land & Water Partnership Initiative next steps, review CIPs and development activity, and discuss potential partnership opportunities. Generally, these will be scheduled for winter unless a different time is requested. MCWD also welcomes more frequent coordination meetings, as desired, for cities with a higher volume of projects and development activity.
- MCWD will also work toward developing a more consistent cycle for engaging city councils and planning commissions, particularly when there are new members.

Engagement Process for Climate Action Planning

- In spring 2024, MCWD will initiate a stakeholder engagement process for climate action planning and the development of its 2027 Watershed Management Plan. This is anticipated to include establishment of a Technical Advisory Committee and a Policy Advisory Committee. An overview of this process will be provided at Meeting 8.

Land & Water Partnership Program

Purpose

MCWD recognizes that the protection and improvement of water resources is best achieved through close coordination and partnership with its public and private partners acting on the landscape. For this reason, MCWD has created the Land & Water Partnership (LWP) program to provide technical and financial support for partner-led projects that provide significant water resource benefits. The proposed program supports integrated land use and water resource planning by creating a clear process for early coordination and collaborative project development. Through this approach, MCWD and its partners can align goals and priorities, and identify opportunities for shared investment to provide greater benefit to the region.

The TAC provided input on the proposed LWP program's purpose and goals, scope, evaluation criteria, schedule, and submittal requirements. The feedback informed the development of a draft LWP Program Guidance document and will help ensure the program aligns with partners' planning processes and provides value to partners.

Key Areas of TAC Input

Program Purpose and Scope

- TAC members see value in the proposed LWP program seeking to take a watershed-wide partnership approach to provide resources to well-coordinated, high-impact projects that align with MCWD's goals and priorities.
- TAC members expressed general comfort with the proposed program and respective guidance document as it moves toward implementation in 2024.
- The TAC recommended on-going program refinement based on findings during the pilot phase and beyond.

Program Eligibility and Services

- TAC members provided feedback on the program's eligibility to improve clarity, and MCWD incorporated additional information on key terms, scale of benefit, and example project types.
- The TAC expressed comfort with the eligible public and private partner-led projects with the understanding of unique differences between public and private led projects' schedules and coordination needs.
- TAC members highlighted the challenge and need for the program to provide service to communities of different sizes and land use types. The TAC sees value in providing funding and technical assistance at the project concept and feasibility phases to support smaller communities with limited regional opportunities and also reduce risk and uncertainty before partners move forward with project implementation.

Evaluation Criteria and Determination of Level of Support

- The TAC helped identify areas of improvement to increase transparency in the program's evaluation criteria and scoring approach for each category. MCWD integrated additional information within the

draft guidance, and the TAC found this improved transparency in MCWD's considerations and scoring approach to support meaningful project comparison through the four criteria categories.

- TAC members flagged the need for more clarity on the percentage of project funding and potential scale of funding under the LWP program. MCWD integrated this feedback into the program guidance, and the TAC expressed general comfort with the program evaluating opportunities as part of the MCWD annual budget and CIP development process instead of setting a program funding cap.

Schedule and Submittals

- The TAC expressed comfort with the proposed schedule and submittals for public partners as it aligns well with their respective CIP/budget processes and project development. TAC members flagged the need for a more flexible schedule to minimize missing key opportunities from private development within communities.

Next Steps

Continue Pilot Program

- MCWD will continue to run the LWP program in a pilot phase through December 31, 2023.

Finalize and Adopt Program

- MCWD is designing a final LWP Program Guidance document based on TAC feedback.
- MCWD staff will bring the LWP Program for MCWD Board of Managers' adoption in Q4 2023 and implement the program in 2024.

Outreach and Engagement

- MCWD program staff will develop marketing materials for the formal LWP program rollout, including specialized marketing for both public and private partners.
- MCWD will continue to engage public partners, including many TAC members, and private developers through annual meetings, ongoing coordination channels, and marketing of the program.

Ongoing Evaluation

- MCWD program staff are committed to assessing and evaluating needed refinements to the LWP program based on staff experience and partner feedback to ensure the program continues to meet its purpose and goals.

Permitting Program Improvements

Purpose

MCWD's Permitting program is one of the most prominent ways in which MCWD connects with the land use community. The program acts as a "front door" to individuals, municipalities, and agencies who want to alter the landscape and provides MCWD an opportunity to coordinate with partners to identify water resource improvements. MCWD identified opportunities for improvement in the program to strengthen MCWD's relationship with the land use community and leverage these relationships to increase the potential for collaborative projects that improve water resources beyond regulatory minimums. These improvements include:

- Improving MCWD rules by aligning with state MS4 standards for consistency and simplifying language to enhance clarity and create a more user-friendly experience.
- Making the program more efficient and effective by tailoring regulations and field presence to natural resource risk.
- Exploring formal partnerships with municipalities to improve coordination, reduce duplication of efforts, and leverage each other's capabilities.

MCWD believes that by creating a more efficient, streamlined, and relationship-focused Permitting program, it can show its commitment to helping partners meet their goals and deepen the trust in the organization as a whole. The TAC vetted these proposed improvements, including the revised rule drafts, and provided input on additional improvements that could be considered.

Key Areas of TAC Input

Support for Proposed Improvements

- The TAC expressed general support for the proposed improvements and direction of the program and identified relationships, process, and rule clarity as the highest priority areas for improvement. Members emphasized the importance of staff retention and continuity for building relationships.

Support for Rule Revisions Direction

- There was strong support for MCWD's efforts to streamline, simplify, and align the rules. There were several areas where the TAC suggested additional refinements and opportunities for further streamlining the process for low-risk projects. The more significant discussion items are summarized in the attached table. The TAC also requested that MCWD provide side-by-side versions of the existing and proposed rules for easier review of the changes.

Support for Compliance Framework

- The TAC expressed general support for the proposed policies and MCWD's effort to improve and formalize how the program prioritizes field inspections and escalates enforcement action. For the Inspection and Site Prioritization Policy, there was a suggestion to consider past experience with a contractor/applicant and questions about the feasibility of meeting inspection frequency targets and potential for coordinating inspections with cities to reduce duplication.

Interest in Formalizing Regulatory Partnerships

- TAC members expressed interest in formalizing partnerships in the areas of water resource regulation, permit administration, and enforcement to reduce redundancy, improve coordination

and role clarity, and improve water resource protection. It was discussed that different cities have different needs and capacity, so these partnerships will need to be somewhat customizable.

Potential for Data Sharing

- The TAC also discussed the idea of using IT improvements, such as a shared GIS map, to share information on active permits and inspections to support coordination between MCWD and cities.

Next Steps

Relationship Building:

- The MCWD is committed to strengthening relationships between MCWD and city staff. MCWD is prioritizing the training of staff to build relationships and identify partnership opportunities. MCWD is also engaging in a comprehensive compensation evaluation to maintain competitiveness and improve retention within the program. Permitting staff will also consider assigning dedicated staff members to specific cities so there is a clear contact for each municipality.

Finalize and Adopt Revised Rules:

- MCWD is working to incorporate TAC recommendations into the draft rules and drafting side-by-side versions for review during the formal comment period. MCWD is also working to complete its responses to the full list of TAC comments in the [Extended Feedback Form](#). Once complete, MCWD will invite TAC members to follow up on the District's responses ahead of the formal comment period.
- The revised rules will be vetted by the MCWD Board in July-August, and the 45-day public comment period is anticipated to begin in September with final rules adopted by the end of 2023.

Finalize and Adopt Compliance Framework Policies

- MCWD will finalize the compliance framework policies based on TAC input and request Board approval. Permitting staff will also use 2023 as a trial period for the inspection prioritization protocol and continue to refine scoring and frequencies as needed.

Formalize Regulatory Partnerships

- Based on the interest expressed by various cities, MCWD will be working to develop a municipal partnership agreement template to share with cities with a request for interest. This will be a customizable joint powers agreement that summarizes rule authorities and MS4 compliance roles for permitting, inspection, and enforcement. MCWD will work with interested cities to further refine the terms of these partnerships.

Develop Shared Mapping Tool

- MCWD will explore development of a shared GIS mapping tool that provides cities with access to information on MCWD's active permits, inspection priority level, and date of last inspection to support coordination between MCWD and cities.

Rule Revisions Summary		
Rule	Key Areas of TAC Input	Next Steps
Erosion Control	There is support for a General Permit for sites disturbing <1 acre, paired with a site inspection prioritization framework that ensures sites with steep slopes and waterbodies receive inspections.	The District is moving forward with the General Permit track and a site prioritization framework to ensure natural resources remain protected.
	TAC supports inclusion of CSW language to align with MS4 requirements and suggested removal of additional requirements that are slightly out of alignment.	The District is accepting this proposal and aligning the inspection and maintenance section with MS4 requirements.
Stormwater Management	TAC supports updated treatment requirements to align with MS4 requirements and rate control requirements to match city standards.	The District is moving forward with the proposed treatment tables and rate requirements.
	TAC supports inclusion of linear cost-effective language and proposes that the District does not create strict requirements for cost-effectiveness assessment.	The District is accepting this suggestion and will instead create internal guidance to provide clarity to staff for what to look for administratively.
	The TAC proposed that the District provide greater clarity around the type of Best Management Practices are accepted for various projects and how they are reviewed.	The District is developing guidance for applicants to address this suggestion. Guidance will include the type of practices we accept and what to include in the submittal for review.
Waterbody Crossings and Structures	The TAC proposed that the District assess options to further streamline permitting for routine maintenance and in-kind replacements to support city's MS4 responsibilities.	The District is testing an excel spreadsheet calculator to reduce the need for full modeling and speed up permit issuance. The District may provide it to the TAC for testing prior to release.
Dredging	The TAC proposed that the District assess options to further streamline permitting for routine sediment removal at outfalls to support MS4 responsibilities.	The District is proposing to move from a fast-track to a General Permit for these types of projects. The GP track will allow city staff to enter basic project information and then be granted a permit autonomously.
Floodplain	The TAC did not have a strong opinion on the District updating its freeboard requirements, and members have not had difficulty complying with existing requirements.	The freeboard requirement will remain the same.
Variances and Exceptions	The TAC proposed that the V&E rule be revised to include language for how to review projects that need to build out of the floodplain and cannot meet requirements for compensatory storage.	The District will keep the V&E rule broader to account for a variety of situations and is developing a guidance document for staff and the Board for how to review these types of requests and what is appropriate to ask of the applicant.