Stakeholder Input Summary

December 12, 2018 Workshop

Within the Brown's Creek watershed, cities, developers, and watershed staff are all working in their respective roles to improve the community. When efforts from those roles run counter to each other, conflict can arise, and recent watershed district rules changes resulted in new tensions. Recognizing the value of partnerships, Brown's Creek Watershed District (BCWD) invited Freshwater to host a workshop to discuss the challenges, understand impacts, and uncover options to address challenges and move forward.

The workshop was held on Wednesday, December 12, 2018 in Stillwater. It was attended by 41 individuals representing cities, development companies, counties, and the watershed district. This participant makeup was chosen so that all participants in the system would be involved in naming the challenges and the opportunities. A full list of participants is available upon request.

Freshwater opened the workshop with brief remarks regarding variations in runoff management strategies across the metropolitan area and that, when tensions pop up, they have a history of getting ironed out. Karen Kill of BCWD was then asked to share the philosophy behind their water management strategy and briefly highlight the rule change that took place. With that grounding information, Freshwater then led the participants through an interactive exercise consisting of two questions discussed in small groups:

1. What challenges do you encounter in responding to water management requirements?
2. What strategies can be used to overcome these challenges and enhance resource protection?

By using open-ended questions, a wide range of comments could be received. Comments included in the analysis for this report were written by participants themselves, and maintained verbatim throughout the analysis. Methodology is presented at the end of this document for reference.

In reviewing the comments, two major areas of challenges and strategies emerged –comments focused on the interpersonal relationships surrounding implementation of rules, and comments dealing specifically with the rules themselves. Both emphasized the importance of collaboration and flexibility, an additional set of themes that will be noticed in the report.

In reviewing the comments and writing this report, Freshwater was careful to not apply their own lens or bias. This report should be taken not as Freshwater's opinion, but rather a narrative of participant comments. That said, Freshwater used a decidedly solution-oriented approach in writing this report, recognizing that where things currently stand is causing discomfort for all involved, and resolving that discomfort is needed.

Contents

Regardless of the rules or the role each person has, having and maintaining positive relationships is vitally important. Where participant comments extended beyond rules, they focused on the more human elements of government affairs – namely communication, collaboration, and trust. Many of the recommendations to add clarity and flexibility as described under "Regarding the Requirements" below could go a long way to address interpersonal challenges as well, but opportunity exists to move even further beyond just making changes in regulations and paperwork.

In discussing challenges, many participants focused on delays resulting from the design and approval process—delays that result in real impacts to time and cost. Additionally, participants felt that there was a relationship of command and control instead of true partnership between the Watershed District and cities and developers.

Participants identified several possible strategies to address these challenges:

> **Meet early**.
As new projects are being conceived, having city staff, developers, and BCWD staff meet to discuss site conditions and opportunities can provide the chance for all to set shared goals for the site, creatively think through ways to meet them, and get everyone moving in the same direction from the beginning.

"Collaboration between cities/watershed to work in concert on new development"

While governmental regulations still apply, this necessarily transitions BCWD staff from what for many feels like an external review role to a more integrated and proactive resource role, removes much of the opportunity for surprises, and should reduce the potential for back and forth and project timeline extensions.

"Have multiple meetings with WD depending upon # of submittals so issues/concerns/misunderstandings can be clarified and addressed early"

> **Meet often**.
Even when a common goal is in place and applicable regulations have been discussed in the beginning, potential exists for unexpected changes or oversights. Meeting often during a process can allow for collaborative problem solving and guidance when surprises do occur. Here, flexibility and established trust will help in identifying workable solutions and catching issues before an application gets to the review stage.

> **Build relationships outside of formal processes.**
Through periodic check-ins as well as pre-concept or early meetings, there is opportunity to build relationships during times of lower stress for when strong relationships may be needed in times of higher stress. Additionally, a challenge in building positive relationships between the watershed district and residents is that many don't know that one exists or why. The Watershed District should find ways to increase visibility and direct communication with residents, such as through regular articles in city newsletters.

Unsurprisingly, given that a rule change served as the main impetus for the workshop, the majority of the challenges shared were in reference to perceived lack of clarity or flexibility in the requirements, which participants say is resulting in very real increases in costs and time needed for projects to move forward. As flexibility and clarity are two different components of the challenges with the requirements, they are discussed individually below.

Alternatives and flexibility are desired
In reviewing the comments about pre-settlement requirements, it is clear that stakeholders feel as though they are backed into a corner without workable options to move forward. There are three overarching sources of this feeling:

- Awareness of other standards besides pre-settlement that are used elsewhere, where off-ramps, approved alternatives, and regional approaches are allowed.
- The extent of extra cost incurred to be in compliance with infiltration requirements.
- Times when pre-settlement infiltration requirements are running counter to MS4 permits or DWSMA requirements.

Participants feel that, without alternatives, design constraints or future maintenance requirements can sink or undermine a project when there isn't enough land available to meet the requirements. This is more pronounced for redevelopment, where existing site conditions can make increased infiltration more difficult and costly. The amount of design needed to demonstrate the need for a variance is felt to be extensive, adding to the cost of and time required for a project. Without opportunities to appeal, the appearance of inflexibility increases.

To address these concerns, the following strategies were offered by participants:

- ➢ **Offer alternatives or off-ramps earlier in the design and approval process**.
    Allow for the opportunity to pursue approved alternatives when circumstances require it. MIDS was referenced several times, is accepted elsewhere, and many participants felt it could serve at least as a reasonable starting point. Along with the guidance tools described in the next section, clearly indicating when an alternative could be considered can save time and money.

    "Development of an alternative compliance framework if it still provides resource protection"

- ➢ **Provide for the opportunity to protect the resource on a regional basis**.
    Whether it is moving beyond a parcel-by-parcel approach for infiltration or allowing for banking, a regional approach can add some additional flexibility. This type of approach could allow for economies of scale, as well as address parcels with significant challenges.

- ➢ **Offset higher costs for compliance**.
    Many of the recommendations will already lower costs simply by reducing time and unexpected needs for contract extension. Several participants also proposed offering cost-sharing or "cost caps" for projects where requirements surpass industry standards and the only options available are significantly more expensive.

Increased clarity is desired
In discussing lack of clarity, participants noted that a clear understanding or description of the rule and a clear understanding of how the rule impacts stakeholders is missing. In part, this may stem from different jurisdictions using different requirements as well as from local requirements changing. Three outcomes of this lack of clarity that participants are experiencing are:

- Uncertainty about how to meet requirements, or when you reach compliance.
- Different staff and decision-makers using the same rule and coming to different conclusions.
- Difficulty in communicating what is needed, especially with residential applicants that may be less familiar with technical language.

All stakeholder groups (BCWD, developers, inspectors, etc.) could benefit from increased clarity, resulting in increased understanding, consistency in enforcement, and a smoother application process.

Participants offered several creative options to explore that not only increase clarity but add transparency and trust as well:

➢ **Share the why.**
By providing background and context on what is being protected and why in plain language, it could be easier to understand the reason for rules and rule changes, as well as how rules could impact different projects. This could help to remove early surprises, especially for residential applicants not as familiar with established processes.

> *"Need easy to use and understand…resources to walk people through the rules and app. process"*

➢ **Increase the accessibility of guidance and information.**
Whether it is online YouTube videos, step-by-step guides, or in-person meetings early in the design process, providing additional guidance could help add clarity and make sure crucial steps are not missed. Setting this guidance can also help ensure that all staff and decision-makers have a shared understanding of requirements and process, and that they're able to communicate that with applicants.

➢ **Enhance communication about opportunities to provide input**.
While ensuring compliance with legal requirements about public notification, BCWD could integrate the above two recommendations with enhanced outreach and communication about input opportunities. Context and additional information, in addition to ensuring potentially interested parties have seen proposed projects or rule changes, could simultaneously increase awareness of what is being proposed and increase the number of responses received. This increased dialogue about what is on the table sets the stage for beneficial refinements.

SUMMARY OF RECOMMENDATIONS

Participants representing cities, development companies, counties, and the watershed district built on conversations about challenges to identify several strategies for consideration by the BCWD Board. This document does *not* contain a specified list of next steps or detailed recommendations, as how to implement these recommendations still needs to be explored. What is included in this document was generated by the participants, and should be considered as a guide and reference point for how work can progress, and how all participants can support that progress.

1. **Offer alternatives or off-ramps earlier in the design and approval process.**

2. **Provide for the opportunity to protect the resource on a regional basis.**

3. **Offset higher costs for compliance.**

4. **Meet early.**

5. **Meet often.**

6. **Build relationships outside of formal processes.**

7. **Share the why.**

8. **Increase the accessibility of guidance and information.**

9. **Enhance communication about opportunities to provide input.**

It bodes well for the future of relationships and water resource protection in the Brown's Creek watershed that the December 12 meeting was held in the first place, and that 41 individuals came and candidly provided input in the spirit of cooperation. Precisely how to integrate the recommendations from this report into BCWD operations is up to the board and staff, but moving forward will take everyone who was in that room as well as those unable to be there.

As mentioned above, all participant responses were recorded by the participants themselves, and then transcribed and analyzed by Freshwater. Nearly 300 comments were collected, and each was treated as an individual piece of data. To make sense of all the data and develop a single narrative, qualitative analysis was used to identify major themes in the responses for each of the management approaches. The following four steps outline the process used:

Step 1: Participant response coding
Coding is the process by which a comment's intended focus is identified, resulting in themes which emerge from review of all comments. For example, the comments "Priority of water issues often trumps all others" and "Pre-settlement is too restrictive" both received the code (or category) of "Inflexibility", whereas "Understanding the intent of the requirements" and "Asking about alternatives that could be acceptable and not getting direction" were coded as "Communication challenges". As each table already categorized the comments in front of them, the original category was included with the analysis to better understand the comment. The process of identifying themes continues until every comment has been reviewed.

Step 2: Sorting the data
Based on the themes, the data under each management strategy were sorted so that similar comments appeared next to each other. Before moving on to the next step, the themed groupings are carefully reviewed to ensure cohesiveness within each theme and distinctiveness between themes. A complete listing of the comments sorted by themes is available in a separate document.

Step 3: Summarizing the data
The now-sorted information was summarized to provide a narrative for each theme. By summarizing by theme, a clear narrative of each could develop, capturing the nuance of the individual comments as well as the input of the group as a whole.

Step 4: Writing the report
With each theme under each question summarized, the different parts were stitched together to provide a full picture of the input received.