

*“Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, strategy, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States.”*

– Federal Clean Water Act, 1972

*Minnesotans take responsibility to protect our environment:*

- *Minnesotans act on their environmental knowledge to support healthy ecosystems.*
- *The Minnesota Pollution Control Agency leads the way to minimize its environmental footprint and assist other public entities to do the same.*

—Minnesota Pollution Control Agency Strategic Plan, 2008

## Introduction

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Over the past two years, the Clean Water Council has spent considerable effort studying the most effective methods for engaging citizens and stakeholders in the development of watershed restoration/protection strategies and Total Maximum Daily Load (TMDL) studies. Following on that work, a small team of Minnesota Pollution Control Agency (MPCA) staff and external stakeholders was convened to draft new guidelines for local officials involved in developing watershed restoration strategies and TMDL studies. These guidelines are intended to expand and improve civic engagement practices in watershed projects in Minnesota. By creating these new guidelines, it is hoped that a high standard for public collaboration is consistently implemented in all watershed projects statewide, no matter their location or complexity.

Rather than develop a detailed guidance manual prescribing how the public should be engaged, the team developed a relatively simple “checklist” that outlines new expectations for all TMDL projects. The intention of the team was to outline *what* must be done without dictating *how* it should be accomplished. The actual methods used to bring the public more fully into watershed planning activities can take many forms, and there is room for creativity in deciding how they should be accomplished in a given watershed.

The ultimate goal of these guidelines is to increase the transparency of and access to government decision-making, to bring citizens and government officials together in a more equal relationship and to create a sense of shared responsibility and community accountability for watershed health.

A grounding principle has been that watershed management can no longer be seen solely as the government’s responsibility. The public has a critical role to play and, as such, government agencies must develop the collaborative structures and democratic processes needed to engage the public as true partners and co-leaders in this important work.

These guidelines represent several months of exploration and deliberation, consolidating many views of what a civic engagement model should look like in our state. This document sets the stage for the development of increasingly more effective public involvement strategies and processes in Minnesota’s watershed management programs. To make these initial guidelines reality, adequate funding, resources and other support must necessarily follow.

This initiative builds on the work of the Clean Water Council and the many public participation efforts already underway in water departments and agencies across the state. Such efforts have also been centered on the premise that protecting, enhancing and restoring Minnesota’s waters necessarily requires the engagement of ordinary Minnesotans as partners in the every-day work of government.

## The public nature of water

Of all the natural resources charged to our care, water is one of the most complex, the most imbued with multiple meanings and the most contested. Those who work in the watershed management field in Minnesota know this well. With more than ten percent of our land area covered by lakes, rivers, streams and wetlands, water is much more than a natural resource to be managed; it is a collectively held societal good that no one can truly own and which requires stewardship by all. Healthy watersheds are central to our food and energy production, commodities transport, municipal drinking water, waste removal, recreational and cultural activities, and ecosystem support. Our way of life and identity as Minnesotans depend on the responsible use and collective care of this valuable common resource.

Watershed management has evolved over many years. During that time, a tension has existed between developing the science and technology needed to develop reliable solutions and a recognition that civic engagement provides the key to long-term success in improving and protecting water quality. This tension has been treated as a paradox, resulting in policy makers and managers often choosing between the two. Arguably, a new approach must be taken – one that creatively manages this tension and recognizes the critical role of each in accomplishing our goals.

The recent shift to developing watershed-based water quality restoration/ protection strategies, requires a more effective watershed-based form of civic engagement at the core of each watershed restoration project. Civic engagement is the means to effect the social change required to restore and sustain water quality over the long-term.

## Why Focus on Civic Engagement?

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### Minnesotans' role: Getting more of us to the table

Recruiting a broader base of citizens to participate in water management activities has proved challenging for many of our water management agencies in recent years. Some water management professionals have been heard to say “people don’t care,” or “we don’t have the time or staff to do this!” These statements are understandable given there is generally poor turnout at public hearings and that there have been limited dollars available to focus on more than technical expertise. But a recent study of Minnesota’s public involvement processes has revealed that many citizens do in fact have an interest in public policy issues and that they are capable of understanding complex dilemmas. Surveys of Minnesotans have revealed that for many, it is *the participation process, not citizen apathy* that is the real problem. Many feel the role provided to them is too limited to be meaningful, that decision-making procedures are not clear or are closed, and that most participation avenues allow for little involvement in decision-making.

### Civic engagement is different from consultation

When addressing complex water problems, such as nonpoint sources of pollution, “consulting” with the public is no longer enough. Civic engagement requires a different orientation –where the government’s job is to help Minnesotans do *their* job. Since watershed management must be the responsibility of both government *and* the public, civic engagement must be taken more seriously.

### How does civic engagement help Minnesotans take responsibility?

At its best, civic engagement provides the following:

- **Conversation** –Government, as convener, provides a social space where diverse stakeholders can meet as equals to engage in deliberative dialogue. The quality of the conversation in civic engagement is very important. Stakeholders are not there to debate with each other, to try and persuade the others to support one view over another. Deliberation means each view is legitimate as long as it is grounded in personal or real world experience. New and useful information is revealed and shared often by those closest to the problems, sometimes referred to as indigenous knowledge.
- **Collaboration** – collaborative watershed management requires social structures within a community that allow relationships of mutual respect and trust to develop between previously disconnected neighbors, businesses, and local governments. When civic engagement is used in watershed projects, stakeholders themselves have the responsibility to develop a common community position and approach, rather than relying on government to make this determination for them. When community members lead their own water stewardship efforts, the potential for success is much stronger, the expectations they set for themselves may be higher, and their ability to hold one another accountable can become self-reinforcing.

- **Community** – civic engagement, at its core, is a means to building a common community vision and the collaborative relationships needed to achieve that vision. Inviting different stakeholders to the table, asking them to share with others how they use their waters, to connect the issue to their personal experience, using deliberation rather than debate, asking them to grapple with value conflicts and trade-offs, and ultimately to find a common position they can all support – these things are fundamental to helping the public transform their view of themselves.

### **MPCA’s mission**

The mission of the MPCA is “to work with Minnesotans” to protect, conserve and improve our environment and enhance our quality of life. Civic engagement requires MPCA, as well as its sister agencies to include the public in framing, reframing, problem-solving, solution development, decision-making, and implementation. A citizen who sees him/herself as having an investment in the success of a given process (because he/she has invested his time and energy into making it work) will fight harder to make sure that process is not derailed or thwarted by others seeking to force a given outcome. A citizen needs to “own” the process just as much as she/he needs to “own” the outcome. For this reason, it is important to develop tools that encourage this to happen to the greatest extent possible. The tools and process must be authentic -- something to which they can connect their own personal experiences and feel committed.

### **Civic engagement does not mean weakening government**

Mr. Don Lenihan of the Public Policy Forum in Canada states it well: “Working together collaboratively to achieve a common goal need not involve any transfer of power from one organization, private, public or not-for-profit, to another. The approach taken here is that collaboration is about getting actors outside government to see themselves as a critical part of any viable strategy to achieve goals that they themselves hold dear. .... So a collaborative partnership is not about giving away authority. **It is about exercising it differently.**”<sup>1</sup>

Through civic engagement, government is relieved of the burden to have all the answers, to solely own the process, to get bigger to solve the problem. Civic engagement means we seek to develop collaborative structures, provide direction and support and that allow the public the autonomy to work with each other, not just with government.

### **An opportunity for MPCA, other state agencies and local government to be national leaders**

In recent years, public engagement as a field of study has gained a great deal of attention among public administration scholars and public officials. This renewed interest may be the result of advances in communication technology that allow the general public to follow the work of government more closely. It could also be argued that our current economic crisis has raised the bar with respect to streamlining government and making it more effective and accountable to the public.

In Minnesota, we are at a critical juncture in our state’s watershed management history. The passage of the Clean Water, Land and Legacy Amendment supports the notion that Minnesotans value their natural environment and are willing to pay more to ensure its health. However, this also means that the public will have higher expectations of natural resource agencies and local governments. Our citizens are watching to see if public officials will break from business as usual and seize this opportunity to develop innovative approaches and practices to restore our impaired waters and protect and enhance those that are healthy, now and into the future.

Government at all levels has an opportunity to lead people in developing a new generation of public involvement processes and to demonstrate the benefits of authentic, meaningful public engagement in water resource management.

### **Guidelines for authentic, meaningful civic engagement**

The following civic engagement guidelines for TMDL studies is intended to guide our water management agencies to a more open approach to governance and to create more compelling reasons for citizens to participate. The steps and activities outlined herewith, while not definitive or yet complete, are a starting point. It is anticipated that with time and more experience, our sense of what these guidelines should be will change. In the short-term however, these guidelines will be tested as part of an interactive, multi-media planning tool being developed by the MPCA and which is intended to be used by local governments in designing their own civic engagement plans.

<sup>1</sup> Lenihan, Don. 2009. Rethinking the Public Policy Process: A Public Engagement Framework. Public Policy Forum Canada: Ottawa, Ontario. <http://www.pppforum.com/crossing-boundaries-program>

## Guidelines for Engaging Citizens and Stakeholders in the Development of TMDL Studies

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### Definitions:

**Advisory Committee:** A collection of interested citizens, stakeholders, and technical experts brought together for the purpose of advising local government staff on policies, procedures and technical issues related to the development of watershed restoration and protection strategies and TMDLs.

**Citizens/Residents:** All people living within affected watersheds.

**Civic Engagement:** Individuals working to make a difference in the civic life of their communities by developing the combination of knowledge, skills, values and motivation to make that difference. Individuals help to promote the quality of life in a community, through both political and non-political means. (Mr. Thomas Erlich)

**Consultative Approach:** The existing approach to most public participation activities – where government agencies ask citizens and stakeholders to provide comments on a product or process already developed by government agencies.

**Empowerment** - An approach to civic engagement whereby government simultaneously provides support, direction and autonomy to local partners working to manage water resources.

**Local Knowledge:** The lifetime experience and knowledge gained by individuals simply by living, working and collaborating with fellow citizens living in the watershed.

**Partners:** Those parties or individuals who are directly responsible for planning and implementation of remediation activities, monitoring, etc. related to a specific TMDL study and whose participation is essential to the long-term success of a project. This group includes those that are permitted or otherwise directly impacted by the requirements of the TMDL study.

**Stakeholders:** An individual, organization, agency or other interested party which has an interest or “stake” in the condition of a particular resource.

**Steering Committee:** A relatively small group is convened to advise the project leader about all watershed planning activities, from beginning to end. The Steering Committee would consist of local Project Sponsors, MPCA Project Managers, MPCA basin planner, citizen(s), and several representatives of local government.

**Watershed Restoration/Protection Strategy:** An inclusive, coordinated strategy created for each major watershed (eight-digit Hydrologic Unit Code ) in Minnesota. The strategy is intended to provide resource managers with a greater understanding of those factors and conditions that influence the storage and transport of water in a specific watershed, as well as how those processes are influenced by human activities and natural fluctuations. The strategy will coordinate state and local water programs to achieve efficiencies and effectiveness in the delivery of those programs.

## Guidelines for Engaging Citizens and Stakeholders in the Development of TMDL Studies

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### Define leadership structure/approach

- ✓ Discuss how leadership will be handled over the course of the project and sustained once the study is completed.
- ✓ Determine how a broader array of citizens will be involved or engaged in this process (to spread the message).

### Pre-project planning

- ✓ Initiate development of the watershed strategy, ensuring that it includes strategies for engaging citizens throughout the process.
- ✓ Convene a Steering Team (TMDL Project Managers, technical staff, basin planners, citizen, local government staff) that will guide the overall watershed planning process.
- ✓ Assess the skill sets of the members of the Steering Team. Determine if additional expertise is needed (see attached list of needed skill sets).
- ✓ Define roles and responsibilities on paper for everyone involved, especially for stakeholders and citizens, emphasizing equality of citizens and scientists. Outline the project's major decision points so stakeholders and citizens understand where they can influence the process.
- ✓ Conduct pre-project survey of stakeholders and citizens who will be involved in the watershed strategy development process to determine attitudes toward and knowledge of water quality problems and government planning activities.
- ✓ Assess civic engagement capacity of the watershed communities using tool provided by MPCA.
- ✓ Conduct Advisory Committee member training to help members understand expectations, their roles and how to be most effective in those roles.

### Launching the project: Getting started

- ✓ Convene a diverse Advisory Committee (broader than the "usual suspects"), providing members with a document that describes how and when they can be involved in and influence the various stages of the watershed planning process (see MPCA Training Manual – Chapter 4 for more information about creating Advisory Committees).
- ✓ Review entire watershed planning process with Advisory Committee members to provide context for their work.
- ✓ Define constraints and boundaries (legal limitations, etc.) of the project. Articulate them to the Advisory Committee.
- ✓ Articulate those things that may change over the duration of the process, such as water quality standards, data, TMDLs for water bodies within the watershed, etc.).
- ✓ Conduct facilitated group exercise with Advisory Committee to develop a vision for the watershed.
- ✓ Develop general goals for the watershed with members of the Advisory Committee (such as better swimming, fishing, improved water clarity, restored habitats, etc.).
- ✓ Develop a strategy for ensuring broader public input (beyond that provided by an Advisory Committee) with the help of the Advisory Committee.

### Collect existing data and define data gaps

- ✓ Contact MPCA Basin Coordinator and request information about the watershed: landscape, demographics, land use, water bodies, ground water aquifers, TMDL assessment and impaired waters listings.
- ✓ Review historical activities and local water plans and other relevant documents to determine how civic engagement activities should be coordinated.
- ✓ Provide opportunity for stakeholders and citizens to offer additional data, anecdotal information, indigenous knowledge, historical information, knowledge of potential pollution "hot spots" and other insights to help develop a more complete picture of the watershed and its condition.
- ✓ Identify information and data gaps.

## **Review the MPCA's Water Quality Monitoring Strategy for the watershed**

- ✓ Briefly discuss the proposed monitoring strategy, including citizen water quality monitoring (where needed and feasible) and verify that it will fill data gaps at an affordable cost.
- ✓ Determine how citizen monitoring efforts fits into the overall monitoring strategy.
- ✓ Recruit citizens to conduct monitoring, if efforts are not already underway in the watershed.

## **Analyze existing and new data**

- ✓ Ask Advisory Committee members what they want to know about water quality in their watershed and about specific impaired reaches or lakes.
- ✓ Contact MPCA about developing information materials (fact sheets, presentations, etc.) that communicate results of the data analysis clearly.
- ✓ Analyze, interpret and explain data (including data collected by citizens) in a simple manner the public can readily understand.
- ✓ Present results of monitoring activities at several community venues and on the web.
- ✓ Identify stressors and pollutant sources.
- ✓ Work with local partners and citizens to begin to discuss options for dividing the load allocation among sources of pollution.

## **Develop TMDL allocation(s)**

- ✓ Train Advisory Committee members about how a pollutant load allocation formula is developed and how they will be asked to participate in this process.
- ✓ Work with stakeholders to develop criteria against which to judge various allocation scenarios.
- ✓ Ask Citizens/Stakeholders if they want to discuss the mathematical approach to defining load allocation or what effect implementation of specific BMPs would have on water quality (less quantitative approach).
- ✓ Work with Advisory Committee to select from allocation scenarios based on selection criteria previously developed (examples: cost, equity, feasibility, etc.)
- ✓ Develop a communication strategy to explain why the specific allocation scenario has been selected.

## **Develop general implementation strategy for the impaired water**

- ✓ Gather ideas from Advisory Committee to incorporate into general implementation strategy for the TMDL document.
- ✓ Provide opportunity for Advisory Committee to review draft strategy before it is distributed for public comment.
- ✓ Verbally encourage citizens and stakeholders to remain engaged through the implementation phase of the process.

## **Place draft TMDL(s) on Public Notice**

- ✓ Send preliminary TMDL to EPA for comments.
- ✓ Share Draft TMDL comments and responses with Advisory Committee.
- ✓ Share USEPA approval with Advisory Committee.
- ✓ Celebrate TMDL completion and recognize Committee accomplishments.
- ✓ Remind Committee of future opportunities to engage in implementation and final restoration.
- ✓ Administer post-project survey to evaluate the civic engagement process to identify opportunities for improvement and to document lessons learned (survey tool provided by MPCA).

## **Complete TMDL implementation strategy within one year of TMDL approval**

- ✓ Involve Advisory Committee members in planning for completion of the Strategy Implementation Plan and development of the strategy as coordinated with local government partners.
- ✓ Document and assess existing authorities and financing that will allow for implementation to occur.

## Example Civic Engagement Skills Survey

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### Example Questions for Project Managers and Steering Committee Members

**For each of the following skills, please rate your team's abilities. Your team's answers should inform your decisions about whether additional support or other resources are needed**

**Score each from 1-5 (1= undeveloped, 3 = average, 5 = excellent)**

- ✓ Understanding of civic engagement (citizens and government working together to reach shared outcomes and solutions)
- ✓ Meeting Design and Facilitation
- ✓ Public Speaking and Writing Skills
- ✓ Ability to Create Public Presentations in Simple, Easy-to-Understand Language
- ✓ Partnership-Building and Resource Mobilization (from diverse funding sources)
- ✓ Program Evaluation ( determining success of BMPS, civic engagement and information and education programs)
- ✓ Organizing and Leading Volunteers
- ✓ Understanding of the Interrelationships Among Federal, State and Local Agencies With Authority for Water Quality
- ✓ Community-based Marketing Techniques
- ✓ Adaptive Management
- ✓ Available time to devote to this project (approximately two to four hour per week)