



Bassett Creek Watershed Management Commission

Commission Workshop on Next Generation Watershed Management Plan Meeting Minutes

4:00 – 6:00 p.m.

Monday April 14, 2014

Hennepin County Library Golden Valley Branch 830 Winnetka Ave, N; Golden Valley MN 55427

Attendees: Plan Steering Committee (PSC) Chair Linda Loomis, Commission Chair de Lambert, Commissioner Welch, Commissioner Hoschka, Commissioner Carlson, Commissioner Mueller, Alternate Commissioner Goddard, Alternate Commissioner Crough, Alternate Commissioner Tobelmann; TAC members Oliver, Fox, Eckman, Elkin, Eberhart, Paschke, Long; Administrator Jester, Engineer Chandler, Greg Williams (Barr Engineering), Kate Drewry (MDNR), Rachel Olmanson (MPCA), Rachael Crabb (MPRB), Karen Jensen and Emily Resseger (Met Council), Randy Anhorn (Hennepin County)

1. Welcome and Introductions

Plan Steering Committee (PSC) Chair Loomis opened the meeting at 4:03 and welcomed the group. Introductions were made around the table.

2. Review Goals and Draft Ditch Goal

Administrator Jester reminded the group that the goals for the Plan were previously approved at the Commission workshop in October, except for a goal regarding management of ditches. She indicated a draft "ditch goal" was developed by the PSC and was very similar to the goal in the 2004 Plan. The draft goal: "Manage public ditches in a manner that recognizes their current use as urban drainage systems and as altered natural waterways" was briefly discussed by the group. Mr. Anhorn noted the County was interested in transferring ditch authority to local entities. Engineer Chandler noted that transferring ditches was not difficult but it may be difficult for cities to take on the responsibilities. Ms. Drewry indicated that the goal was consistent with DNR language; if a ditch is transferred or abandoned, it becomes a public water. Commissioner Carlson noted that property owners adjacent to ditches sometimes hope for vegetation control along the banks. Mr. Anhorn noted that the County does not perform vegetation management along ditches but wouldn't be opposed to the activity if others performed vegetation management.

The group agreed with the proposed ditch goal as written and acknowledged that more details on the management of the ditches would be included in the policy section of the Plan.

Ms. Drewry noted that none of the goals are really "quantifiable" the way BWSR would like them to be. Administrator Jester indicated it was her understanding that goals could be broad and overarching as long as the policies and strategies of the Plan are quantifiable. She will check with BWSR to confirm that understanding.

3. Review Water Quality Background Items – discussion and decisions

- a. **Regulatory Role:** Engineer Chandler gave a brief presentation outlining the Commission's current regulatory role of technical review of certain types of projects with some projects coming to the Commission for approval. She also noted that this process works well for cities and at a previous meeting, the TAC had no recommended changes to the process. There was some discussion and there was clarification that because the Commission's process is not a permitting process, the Commission does not have enforcement duties – that lies with the cities issuing the actual permit. It was also recognized that moving to a permit program would likely have a large impact on the Commission's budget. Mr. Oliver and Ms. Eberhart noted the current process works well. There was consensus to keep the Commission's regulatory process the same in the new Plan.
- b. **Commission Performance Standards and Triggers for Developments:** Engineer Chandler gave another brief presentation outlining the Commissions' current water quality standards and triggers and the PSC's recommendation to use the newly created Minimal Impact Design Standards (MIDS) guidance as the Commissions' new standards and triggers. There was considerable discussion about MIDS. Ms. Eberhart was opposed to the Commission requiring the use of these standards and preferred that the Commission use the State's General Construction Stormwater Permit. Commissioner Carlson asked if the Commission could use parts of MIDS but offer exceptions or variances to other parts. Engineer Chandler noted that the flexible treatment options included in the MIDS guidance already offer much flexibility on a site by site basis.

Ms. Eberhart restated her position that the Commission should not adopt standards that are more stringent than State standards. She noted that the federal Clean Water Act (CWA) regulates cities (not watersheds), requiring them to improve and protect water quality and that State standards are already in place to accomplish meeting the CWA and TMDLs. There was further discussion about how many watershed organizations use standards that go beyond State standards, how many watershed organizations are now using MIDS standards, and how the Commission's previous Plan went beyond State standards at the time.

After further discussion and realizing perhaps even more discussion was needed with the cities, the group decided to send the matter back to the Technical Advisory Committee.

- c. **Project Costs Eligible for commission Reimbursement:** Administrator Jester referred to the list of eligible project costs and noted where changes were suggested by the PSC. She also noted that no costs would be considered completely ineligible, but some costs would be "considered for whole or partial reimbursement on a project by project basis." There was discussion about *when* cities would know if a particular cost was reimbursable as it may have bearing on whether or not the project was even doable and/or the timing of the project. Commissioner Welch noted this system perpetuates inefficiency of the entire CIP program. Others wanted to know *who* would decide and *how* it would be decided which costs were reimbursable. The group agreed that upon completion of the feasibility study would be a good time for the Commission to make funding decisions as it's the first opportunity to see the estimated costs. TAC members noted the project may not even be able to get on the CIP list if reimbursable costs aren't know. It was agreed some further details were needed to complete this policy.
- d. **Priority Waterbodies, Classifications, and Water Quality Standards:** Engineer Chandler noted the PSC's recommendation to set Commission water quality standards to match State standards. There was discussion about the need to align the table with the wording in the corresponding policy, the need to add bacteria standards, and the need to better indicate that some of the State standards are currently only proposed and not yet promulgated. Commissioner Welch also noted

that the Commission knows its waterbodies better than the State and could have different standards (including higher standards) for some or all of its waterbodies. He indicated it would be good to know from the Commission Engineer and the TAC if there are waterbodies that need standards different from the State. Ms. Jensen agreed and noted that chlorides were elevated throughout the watershed and yet water monitoring may not be capturing data during the critical time for exposure of chlorides to aquatic life. Commissioner Welch recommended that complete natural resource assessments be performed to better understand conditions of particular waterbodies. The group agreed that may be a good exercise during the life of the Plan. Chair Loomis indicated that idea should be discussed at a future Commission meeting. Additionally, the water quality standards table presented here would be revised to incorporate the discussion above.

4. Review Draft Water Quality Policies

Policy #1: Needs language aligned with water quality standards table as discussed above.

Policy #4: There was discussion about the need for revising the language to better reflect actual practice. Ms. Eberhart wondered if the Commission would pay for portions of projects that had water quality benefit, even if some of the project outcome addressed recreation. It was noted that the Commission was not interested in pursuing projects whose primary purpose was to improve recreation. Ms. Olmanson noted that many State water quality standards are based on recreational uses. The policy will be re-worded.

Policy #6: Approved as written once the “eligible project costs” table is clarified.

Policy #9: After some discussion, there was consensus to continue the current data reporting practice.

Policy #13: Final wording depends on water quality standards and triggers.

Policy #25: Final wording depends on water quality standards and triggers.

5. Review Draft Groundwater Policies

Policy #71: After some discussion, the policy was approved as written.

Policy #72: A minor wording change was suggested to change “entities” to “local and State agencies.” Approved as amended.

6. Review Draft Flooding and Rate Control Policies

Policy #37: In second bullet, Ms. Eberhart would like wording change to purchase of flood prone properties to be an option, rather than the first option to better reflect city of Minneapolis practice and avoid an awkward political position for the city. Mr. Oliver noted Golden Valley would like purchase of flood prone properties to be the first option. Ms. Drewry noted that in order to make riverine systems function more naturally, sometime property acquisition is a priority. The PSC will reword the policy in hopes of satisfying both Golden Valley and Minneapolis.

Policy #45: There was some discussion; Commissioner Welch noted this is an ineffective policy due to the word “encourage.” Mr. Oliver indicated that sometimes “encouragement” of developers is enough to get

them to install a certain practice. After further discussion, the group agreed the word “developers” would be changed to “property owners” in order to capture residents and developers.

Policy #46: Ms. Eberhart noted the policy should include the language from the previous Plan regarding rate control in conformance with the Flood Control Project. Engineer Chandler agreed that was important and it would be added back in. Ms. Eberhart further indicated opposition to the proposed language that cities manage stormwater runoff of developments and redevelopments. Mr. Elkin and Mr. Oliver indicated the proposed language was okay as written. The policy will be reconsidered by the PSC.

Policy #47: Final wording depends on water quality standards and triggers.

Policy #59: Restates what was previously approved by the Commission. No discussion at this workshop.

7. Adjourn – The meeting adjourned just after 6:00 p.m.