

MINNEHAHA CREEK WATERSHED DISTRICT

RULEMAKING TASK FORCE

Summary of June 26, 2008 Meeting

Task Force Members Present: Tom Cesare, Jim Johnston, Steve Mohn, Ethel Smith, Tom Bakritges, David Newman, Tom Casey, .

MCWD Managers Present: Jim Calkins, Jeff Casale.

Citizens Present: Jill Crofton, Mark Kjolhaug.

MCWD Staff Present: James Wisker, Louis Smith.

Review of May 22, 2008 Meeting Summary

The Task Force reviewed the summary of the May 22, 2008 meeting and approved it as distributed.

Update on Rulemaking Process

Mr. Wisker reported on feedback from the Technical Advisory Committee on wetlands issues. The TAC supports a general vegetation standard and a flexible approach to site-specific needs, with a preference for native vegetation. The TAC finds that mitigation of wetland impacts within this watershed will be difficult, and this is a concern especially for the road authorities. The TAC is generally supportive of developing restoration standards, but notes that with a growing increase on water quality and TMDLs, it will be important to see the relationship between TMDL implementation and wetland restoration.

Mr. Wisker noted that he will be reporting to the Board of Managers on July 17 on the status of rulemaking issues, and that draft language of amendments to Rules B, C, E, F and G will be reviewed by the Board of Managers, the Taskforce, and TAC prior to public hearing and comments. Thereafter the District will work on amendments to Rule D and Rule N. The Taskforce agreed that members will offer electronic comments on the draft rule amendments, and thereafter District staff will determine if outstanding issues raised by the comments would benefit from a special Taskforce meeting to discuss them. A SONAR (Statement of Need and Reasonableness) will be developed to explain the proposed amendments.

Wetland Buffer Formulas

Mr. Wisker presented three alternative frameworks for determining required width of a wetland buffer, using the specific criteria that comprise the District's four wetland

management classifications, as well as criteria highlighted in the Westwood Professional Buffer Study. Taskforce members generally supported the direction of these frameworks, with Option 1 being the preferred approach, subject to several types of modifications, discussed below.

The Taskforce reviewed the list of wetland criteria in Table 1 and discussed the relevance of each of the proposed criteria to buffer width. The following criteria were suggested as relevant to be included in Table 1:

- * Vegetative diversity;
- * Shoreline protection;
- * Stormwater susceptibility;
- * Hydrologic regime;
- * Wetland area – subject to developing a limit to this factor, e.g. that the buffer area cannot exceed a certain % of the area of the wetland it is protecting.

The Taskforce recommended that the other proposed criteria in Table 1 be discarded from the matrix, but that the “special status” or “outstanding resource value, key conservation area” factors should be subject to further consideration and discussion.

The Taskforce recommended that all of the criteria in Table 3 be included, except for Inflow Flow Type, which should be discarded. The Taskforce recommended that the Buffer Vegetation factor be developed further to include more information about the types of vegetation.

Mr. Wisker stated that further discussion with the Board of Managers was planned in order to highlight the District’s intended purposes for wetland buffers, e.g. including water quality and habitat considerations. Taskforce members agreed that it would still be useful to consider the importance of protecting and restoring degraded wetlands, and to explore whether buffer width is a relevant factor in this context.

Mr. Wisker stated that the staff would revise the proposed framework by amending the list of criteria as recommended by the Taskforce, and then further discussion in the future would be devoted to considering the recommended weight to give to each factor, based on further technical and policy input from the Taskforce and TAC.