

1 **MEETING MINUTES**

2
3 **Riley-Purgatory-Bluff Creek Watershed District**

4
5 **November 14, 2018 Workshop Meeting**

6
7 **PRESENT:**

8
9 **Managers:** Jill Crafron, Treasurer
10 Dorothy Pedersen, Vice President
11 Larry Koch
12 Dick Ward, President
13 David Ziegler, Secretary

14
15 **Staff:** Claire Bleser, Administrator
16 Terry Jeffery, Project and Permit Manager
17 Scott Sobiech, Engineer
18 Louis Smith, Counsel

19
20 **1. Call to Order**

21
22 President Ward called the special workshop meeting to order on Wednesday, November 14,
23 2018, at 5:30 p.m. at the District Office, 18681 Lake Drive East, Chanhassen, MN 55317. He
24 noted that the sole item on the workshop agenda was to review the District's permitting program.

25
26 **2. Permitting Program Discussion**

27
28 Administrator Bleser noted that Mr. Sobiech and Mr. Jeffery had prepared a presentation for the
29 Board of Managers on the District's permitting program. They reviewed the process steps in
30 receiving and reviewing permit applications; the threshold activities that trigger the main District
31 permit requirements; delegation of approval authority for some categories of permits; permit fees
32 and financial assurances; and issues that the Technical Advisory Committee discussed at its
33 October 24 meeting.

34
35 Manager Koch asked if the proposed permits should be included in the meeting packets. Mr.
36 Jeffery noted that the conditions to permit issuance are an important consideration, and that the
37 more critical information for the Board of Managers is reflected in the permit report. Manager
38 Koch suggested that actions on permits should perhaps be presented in draft resolutions for the
39 Board's consideration.

40
41 Mr. Sobiech reviewed the October 24 discussion of the Technical Advisory Committee, which
42 included a discussion of the District's cost share program as it may relate to city projects;
43 education about groundwater conservation; improvements to hydraulic and hydrologic
44 monitoring; and alternatives to potentially simplify the District's stream protection rule. He
45 noted that there are challenges to infiltration in much of the watershed, and alternatives to
46 infiltration include reuse, evapotranspiration, and other water abstraction measures. Mr. Sobiech
47 noted that the Board has considered some of these issues in the earlier rules amendment process,
48 but had set this issue aside for further study. He noted that city representatives on the TAC had

49 concerns with seeking more flexibility given the difficulty of incorporating infiltration within the
50 right of way for road projects. Another possibility is to consider credit for the
51 abstraction/ecosystems services provided by trees. Mr. Sobiech also noted that with more
52 intense storm events, there will be a greater sensitivity to erosion issues along the streams in the
53 District.

54
55 Manager Koch asked if specific rule amendments are to be considered at this time, and Mr.
56 Jeffery stated that the staff is interested in raising the issue with the Board and hearing
57 conceptual direction before working further on specific rule changes. Manager Pedersen stated
58 that she feels the District needs to push forward, because we are operating behind the ecosystem
59 changes. Manager Koch stated that he felt more information and data would be helpful.
60 President Ward stated that generally the regulated community does not like frequent changes in
61 the rules. Mr. Jeffery suggested that addressing these issues could be part of a sequencing
62 process, and that the District's H&H model could assist in demonstrating the value of alternative
63 approaches.

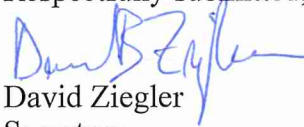
64
65 Mr. Jeffery noted that the staff has generally not placed all permits on the Discussion Agenda,
66 but focused more on those permit applications involving a variance, exception, or otherwise
67 involve more significant impacts in terms of imperviousness, tree loss, land use changes, or other
68 rules interpretation or policy issues.

69
70 Mr. Jeffery reviewed the Board's delegation of permitting authority to the Administrator, and the
71 possibility of updating that delegation to include dredging permits, a subject of interest to cities.

72
73 Mr. Jeffery reviewed the permit fees schedule and potential updating to that schedule. Mr. Smith
74 reviewed the statutory authority for the District to recover the costs associated with inspection
75 and analysis of permitted projects. He noted that watershed districts take several different
76 approaches to recovering these costs pursuant to the statute. Some track the specific costs
77 incurred for each individual permit; other districts track their total permit costs on an annual
78 basis and calculate a conservative average cost based on different types of projects and permits.
79 Mr. Smith said that taking the latter approach requires a solid record so that the Board has a
80 reasonable basis to allocate inspection and analysis costs.

81
82 Mr. Jeffery reviewed the financial assurances amounts and said that staff would be working on
83 updated figures. Mr. Smith explained that these amounts need to be set so that if a project is
84 abandoned at the worst possible point of construction, the District has the resources to step in
85 and implement the necessary remedy. He noted that the engineer's approval of the assurance
86 amount is therefore important.

87
88 There being no further business, the meeting of the Board of Managers was adjourned at 7:15
89 p.m.

90
91 Respectfully submitted,
92 
93
94 David Ziegler
95 Secretary