

**Lake Maumelle Watershed Management Plan
Policy Advisory Council
Meeting Summary
December 8, 2005**

Attendees

See Attachment A.

Project Update

Trevor Clements of Tetra Tech began the meeting with a Project Update, including a summary of the work performed since the last meeting:

- *New Policy Advisory Council Member:* Mr. Harrison Jones replaced Mr. Bill Gipson as the Perry County Quorum Court primary representative. We welcome him to the Council and recognize the important voice that he brings by representing Perry County.
- *Policy Advisory Council Meeting Protocol updates:* a revised protocol was sent out to all members modifying the basis for resolving issues where the Council cannot achieve consensus. Wording was changed from having CAW staff make the final decision to having the CAW Board make the final decision.
- *Enhancements to the public meeting strategy approved by the CAW Board:* following discussion with Council members at the October meeting about increasing involvement of the property owners in the watershed, Tetra Tech received approval from the CAW Board for additional public meetings in the watershed and to include additional members on the Council representing small landowners in Perry and Pulaski counties. The goal is to work with watershed residents as much as possible to select members before the next meeting in mid-January.
- *Public meetings begun with watershed residents:* Meetings were held December 6 and 7 in Pulaski County and Perry County portions of the watershed. Approximately 90 people attended in total. Following an orientation presentation by Tetra Tech, each group asked questions and provided some preliminary input (a summary of key issues brought up by attendees is provided in Attachment B). Mr. Clements indicated that the meetings were very successful in that the attendees conveyed their concerns openly (i.e., they were willing to enter into a dialog), and that it would be very important for the project team and Councils to help address those concerns as the planning process continues.
- *Geomorphology reconnaissance in the watershed:* A team of fluvial geomorphologists from Tetra Tech conducted a scoping level assessment of geomorphology in the watershed (geomorphology is the study of landforms and the hydrologic and erosion processes that shape them). The project team wanted to examine existing landforms, particularly along stream channels, to determine the extent that stream channel erosion needs to be considered in the assessment of potential watershed impacts on lake water quality. Reconnaissance of many sites indicated that stream channel erosion is not expected to be significant due to the heavy armoring created by the rock formations in the channels.
- *Research on aesthetics:* Based on the Council's request at the October meeting, Tetra Tech completed additional research on the definition of aesthetics and obtained some examples of how others have addressed aesthetics in regulatory form.

- *Quality assurance plan developed:* Tetra Tech's lead technical experts for the project completed a draft plan for assuring quality throughout the assessment tasks. The plan outlines quantitative methods, data quality objectives, and quality control protocols. After completing internal review, the plan will be sent to the Technical Advisory Council for additional review and comment.
- *Watershed and lake computer models being developed:* Model development has begun. The project team has set up the subbasins and completed preliminary hydrology calibration. After the hydrology is refined, calibration of the water quality components will be conducted. Lake model configuration was determined and preliminary model grid generation was completed.
- *Draft Watershed Management Primer:* To help Council members place information on specific management methods in perspective, Tetra Tech prepared the initial parts of a Watershed Management Primer. Materials were sent to Council members in advance of the meeting for review and preparation for tonight's meeting.

Meeting Objectives

Mr. Clements next reviewed the meeting objectives, including:

- Provide a general overview of watershed management tools.
- Explain in detail two management tools –
 - Performance standards.
 - Site evaluation tool.
- Present and discuss options regarding evaluating/managing aesthetics.

Overview of Watershed Management Tools

Kimberly Brewer provided an overview of watershed management tools used by other communities across the country. She referenced the Watershed Management Toolbox Primer sent to the PAC prior to the meeting for review.

Ms. Brewer said management tools are generally divided into regulatory and nonregulatory tools. Regulatory tools include different types of planning and engineering ordinances and health department regulations. Nonregulatory tools include land acquisition, monitoring, and education. Ms. Brewer said that effective watershed management programs use multiple regulatory and nonregulatory tools.

Both regulatory and nonregulatory approaches to watershed management use Best Management Practices (BMPs). BMPs are divided into structural engineering practices, such as stormwater wetponds, and nonstructural practices, such as open space preservation. Ms. Brewer said commonly used BMPs were described in the Toolbox Primer. At the January or February meeting, Tetra Tech will present information on which of these tools would likely be effective in the Lake Maumelle watershed.

Ms. Brewer then reviewed the local planning and engineering tools that other communities have used to manage drinking water supply watersheds, as well as the enabling authority or regulatory scope of each tool, including:

- Zoning ordinances.
- Subdivision ordinances.

- Sedimentation and erosion ordinances.
- Stormwater/water quality management ordinances.
- Freestanding police power ordinances.

Ms. Brewer said that a community frequently employs multiple of these ordinances to draw on the authorities needed to implement their watershed management plan. Tetra Tech has asked Pulaski County and the City of Little Rock to have their attorneys review the Watershed Management Toolbox Primer to determine if any of the tools highlighted would not be legally feasible in Arkansas.

Performance Standards and the Site Evaluation Tool

Ms. Brewer defined performance standards as thresholds for new development that limit resource deterioration to an acceptable level. Under this approach, uses are allowed that do not exceed the threshold. Performance standards can be found in different types of local ordinances. The common components of ordinances with performance standards include goals, clear objectives, and performance standards linked to those objectives. Ms. Brewer reviewed two examples of watershed management plans using performance standards. She also reviewed the administrative considerations for implementing this approach, including the hours that local government staff spend for each development application in plan review/approval, construction inspections, and final site inspections.

One way that some communities administer performance standards is through a Site Evaluation Tool (SET). This is a spreadsheet tool that provides a quick, technically valid basis for evaluation of development impacts. It is easy to use and administer. The SET allows a developer/designer to compare alternative site designs and to compare the effect of different BMP configurations. The SET provides a basis for determining compliance with performance standards.

Options for Addressing Aesthetics

Ms. Brewer addressed some outstanding questions asked by the group at the last meeting regarding aesthetics. She said there is no one single definition of aesthetics; rather they are defined by community values, and in regulation, linked to public purposes. Regulation of aesthetics has been upheld as a valid exercise of local police power, depending on how the local ordinance is drafted. Regulation of aesthetics is subject to the same requirements as other police powers, and denial of an application must be based on substantive evidence.

Ms. Brewer reviewed the consideration of aesthetics in watershed management plans, including lake only impacts (related to water quality and visual impacts of the water surface) and watershed impacts (related to recreational visual impacts and watershed resident community character impacts). Ms. Brewer provided examples of local management plans and ordinances that address aesthetics, as well as the administrative considerations for implementation of ordinances that regulate impacts to natural beauty and scenery.

She then asked the Policy Advisory Council what they would like the Lake Maumelle Watershed Management Plan to address regarding aesthetics. The Council discussed several options:

Option 1: No change in current objectives (Preliminary Goals and Objectives endorsed by the group at the October 20 meeting).

Option 2: Revise recreation objective with italics as noted below:

Allow limited recreation that reflects environmentally sound stewardship and maintain aesthetic quality of the lake for recreation purposes.

Option 3: Revise the Community Values Objective (with italics as noted below)

Meet other community values including:

- Adopt a plan that is administratively feasible.
- Provide a strong tax base for communities in the region and minimize tax increases.
- Be economically competitive.
- *Protect the scenic and natural beauty of the watershed.*
- *Preserve the rural community character of the watershed.*

Ms. Brewer noted that the preliminary target of maintaining the oligotrophic status of the lake for drinking water objectives would also meet the objective of maintaining aesthetic quality of the lake for recreation purposes. Essentially you would meet the objective whether or not it is explicitly adopted as an objective.

Several committee members (Wally Loveless, Pat Dicker, Charles Nestrud, and Tony Kendall) expressed concern that the group and the community would not be able to agree on a management plan within a year if it had to define and agree on subjective aesthetics issues in the lake and watershed. Ms. Dicker said some of the measures that local governments could require for water quality protection could also help address aesthetics of the development, for example, requirements for vegetated stream buffers and open space. Mr. Loveless said the market for new development in the watershed would be for attractive development preserving many of the natural features of the watershed. The difficulty would be getting agreement on exactly what those features should be.

Mr. Loveless proposed Option 2 with the exception that the word “aesthetic” be removed. Mr. Nestrud did not support the proposal because he said he did not understand the regulatory ramifications of the added phrase at this time. He recommended sending out action items in advance of the meeting with wording that will be voted on. Others agreed that this was a good idea. Ms. Brewer said to the extent that there are known action items, these will be sent out in the future with the meeting agenda. A vote was taken for Wally’s motion. The vote failed to achieve consensus, with 8 voting in favor and 6 voting against the motion.

Discussion then fell back to Option 1 (no change) and a vote was taken. Again, the vote failed to achieve consensus with 8 voting in favor, 5 voting against the motion, and 1 member abstaining.

Discussion continued. Some Council members said that the natural beauty of the watershed and rural character of the watershed were important issues, and would likely become more important as additional meetings are held with watershed residents and landowners. Others reiterated that, even without addressing aesthetics, it will be challenging to get a watershed plan developed and agreed to within a year and that aesthetics should be a longer-term issue to work on for the communities.

Ms. Brewer reminded the group of the consensus protocol. If the group does not reach full consensus on an item, it can go to a subcommittee made up of Council members with opposing views. The group would be charged with coming back with a consensus proposal for the whole Council’s consideration. If consensus is not reached on that proposal, the issue goes to the CAW Board for resolution.

Several members felt there was confusion in the previous votes about what exactly they were voting for and perhaps consensus was at hand. Kate Althoff made a proposal to move forward with no changes to the previous conditionally endorsed objectives (listed in Attachment B of the

October 20 meeting summary). The motion was approved unanimously. Consensus was reached on this action item.

Next Steps

Mr. Clements reviewed next steps including developing assumptions for the baseline analysis and continuing to address questions raised by the Council regarding specific management options. The next meeting will be held January 19 at the Arts Center, with dinner beginning at 5:30 p.m. and the business meeting beginning at 6:00 p.m.

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Attachment A

Lake Maumelle Policy Advisory Council Meeting Sign-In Meeting Date: December 8, 2005

Present	Member Name	Designation	Representing
P	Herb Dicker	PRIMARY	Ratepayers (Little Rock Neighborhoods)
NP	Kathy Wells	Alternate	Ratepayers (Little Rock Neighborhoods)
P	Sue Corker	PRIMARY	Ratepayers (North Little Rock Neighborhoods)
NP	Jack Finnegan	Alternate	Ratepayers (North Little Rock Neighborhoods)
P	Mike Simpson	PRIMARY	Ratepayers – Jacksonville Water Works (Master-Metered Customers)
P	Robert Stout	Alternate	Ratepayers – North Pulaski Water Works (Master-Metered Customers)
NP	Jane Dickey	PRIMARY	Central Arkansas Water Commission (Member)
P	Tony Kendall	Alternate	Central Arkansas Water Commission (Vice Chair)
P	Ruth Bell	PRIMARY	Community (League of Women Voters of Pulaski County)
P	Kathleen Oleson	Alternate	Community (League of Women Voters of Pulaski County)
P	Steve Owen	PRIMARY	Community (North Little Rock Chamber of Commerce)
NP	Randy Wilbourn	PRIMARY	Community (Little Rock Regional Chamber of Commerce)
NP	Paul Harvel	Alternate	Community (President & CEO – Little Rock Regional Chamber of Commerce)
P	Kate Althoff	PRIMARY	Community (Citizens Protecting Maumelle Watershed)
P	Barry Haas	Alternate	Community (Citizens Protecting Maumelle Watershed)
P	Justice Harrison Jones	PRIMARY	Elected Official (Perry County Quorum Court)
NP	Justice Charlie Clements	Alterante	Elected Official (Perry County Quorum Court)
P	Justice Pat Dicker	PRIMARY	Elected Official (Pulaski County Quorum Count)
NP	Alderman Neil Bryant	PRIMARY	Elected Official (North Little Rock City Council)
NP	Vice Mayor Barbara Graves	PRIMARY	Elected Official (Little Rock Board of Directors)
NP	City Director Stacy Hurst	Alternate	Elected Official (City Director, City of Little Rock)
P	Glen Hooks	PRIMARY	Environmental (Sierra Club)
P	Dale Ingram	Alternate	Environmental (Sierra Club)

Present	Member Name	Designation	Representing
P	Kevin Pierson	PRIMARY	Environmental (Audubon Arkansas)
NP	Stephanie Hymel	Alternate	Environmental (Audubon Arkansas)
P	Charles Nestrud	PRIMARY	Property Owners (Deltic Timber Corporation)
P	Alan Newman	PRIMARY	Property Owners (U.S. Forest Service)
NP	Larry Hedrick	Alternate	Property Owners (U.S. Forest Service)
NP-resigned	Ken Texter	PRIMARY	Property Owners – Thornburg Water Association (Water Association within Watershed/Property Owner)
P	Wally Loveless	PRIMARY	Realtors (Member of Arkansas Realtors Association)
P	Kenneth Gill	Alternate	Realtors (Coldwell Banker Advantage)
P	John Bryant	PRIMARY	Recreationists (Grand Maumelle Sailing Club)
P	Nicole Claas	Alternate	Recreationists (Grand Maumelle Sailing Club)
NP	Randy Day	PRIMARY	Recreationists – Fishermen (President of Maumelle Bass Club)

OTHERS

Name	Representing
Tim Daters	White, Daters, and Associates
Joe White	White, Daters, and Associates
Sheryl Vogelpohl	Property owner within the watershed
Lee Bodenhemer	Property owner within the watershed
Novall Plowman	Attorney for Mr. Bodenhemer
Jim Harvey	Central Arkansas Water
Shani Canada	Central Arkansas Water
Andrew Marsh	Central Arkansas Water
Trevor Clements	Tetra Tech, Inc.
Kimberly Brewer	Tetra Tech, Inc.

Summary of Key Issues Raised at the December 6 and December 7 Watershed Meetings

[Note: this summary list reflects a synopsis of the main points that the project team learned from listening to the watershed property owners at the two public meetings held in Pulaski and Perry counties, respectively. It is not intended to be an exact record and does not include direct quotes.]

- 1) Additional representation on the Policy Advisory Council
Several attendees stated that they thought that smaller landowners should be better represented on the Policy Advisory Council. As it stands, only elected officials, water associations, and large landowners in the watershed are well represented.
- 2) Benefits to watershed residents
Several attendees asked what the benefits of the watershed plan would be to watershed residents. Since they do not receive the benefit of water supply from Central Arkansas Water, what benefits can they expect to offset any cost (financial or imposed restrictions) to landowners associated with the watershed management plan. What will CAW do to invest in their community if they invest in protecting the water supply for CAW and its customers?
- 3) Condemnation of land
Many attendees were concerned about potential condemnation of their property. Many rumors are being spread about homeowners' property being condemned and people being evicted from their homes. Several requested that CAW more clearly communicate its intentions with regard to land acquisition.
- 4) Impact of CAW buffer policy
Similar to the land condemnation concern, several landowners wanted clarification of CAW's buffer policy. Will CAW force the relocation of their homes, buildings, etc., if they are already within 300 feet of the streams leading to Lake Maumelle?
- 5) Threat to existing livelihood
A few landowners were concerned that the plan would potentially stop their existing way of life and means of income (e.g., maintaining livestock, sod farming, irrigating land with water from the streams).
- 6) Consider higher level of treatment
One participant asked why CAW was not just considering increasing its level of treatment (e.g., filtering of the lake water). She would like to see a cost comparison between acquiring land and treating the water.

7) Septic suitability

One attendee was concerned about the basis for assuming that the soils were poor for use of septic tanks for handling wastewater. He indicated that suitable sites could usually be found or that alternative onsite treatment methods could be applied. It is important to look at soil conditions at each site rather than relying on the blanket data interpretations of the USDA Natural Resources Conservation Service soils databases.

8) Impacts of boating

One attendee asked whether the impacts of boating (e.g., hydrocarbons on the drinking water system) were being considered and whether the plan would address them.

9) Fencing around the lake

One attendee expressed concern regarding the chain link fence and barbed wire that recently appeared around the lake. He asked whether additional fencing would continue to be installed around additional land acquired by CAW in the watershed.