

Lake Maumelle Watershed Management Plan Policy Advisory Council Meeting Summary February 16, 2006

Attendees

See Attachment A.

Clarification of Protocols

Trevor Clements of Tetra Tech began the meeting with a reminder of the Policy Advisory Council (PAC) Protocols. He said as we move through the planning process, there would be a lot of discussion and debate. He emphasized the group's first ground rule presented at the first meeting: Treating each other, organizations represented on the Council, and the PAC as a whole, with respect. This necessitates putting personal differences aside, and focusing on the issue when there are areas of disagreement.

Trevor also said there will periodically be votes on proposals. He clarified that these votes will be governed by a consensus process, defined as reaching a point that everybody can live with the proposal. It may not be each member's number one preference, but each member can live with it.

Trevor emphasized that Tetra Tech's facilitators intentionally had not chosen majority rule or super majority rule to govern the process because it would further divide the stakeholders. The minority members would have little incentive to come to the table if they knew their ideas would always be overruled. The consensus process is intended to get the different interests to work together toward common goals. Subcommittees working through differences reach some of the best solutions.

A concern had been expressed that the consensus process might delay or bog down development of the management plan. Trevor stressed that the process had been designed so this would not happen. If a subcommittee is formed to work out differences and come up with a consensus proposal, the subcommittee will have 1-2 weeks to complete its work. If consensus is not reached by that time; the issue will be put on the CAW Board agenda for the Board meeting scheduled one week prior to the PAC meeting. Tetra Tech and CAW staff would advise the Board on the issue, views/preferences expressed by the PAC, and what is recommended by the staff/Tetra Tech. A decision will be made by the Board on the issue before the next PAC meeting so work can move forward.

Continued Presentation of Management Options

Kimberly Brewer of Tetra Tech continued the presentation of management options that the PAC had requested more information about. She reminded the group that at previous meetings, we had presented and discussed performance standards, low-impact development, and large-lot subdivisions/zoning. Tonight we will be presenting four additional management options:

- Wastewater management.
- Forestry best management practices.
- Land acquisition.
- Good household measures.

Before the meeting, the group received white papers on each of these management options. These white papers provided much more detail than the summary, which follows.

Wastewater Management Options

Kimberly said there are many different types of technologies to collect, treat, and discharge wastewater. Generally, these can be grouped into centralized and decentralized facilities. Centralized facilities are those that serve all or a large portion of a community (i.e., a municipal wastewater treatment plant); decentralized facilities include systems for individual homes (septic systems) and cluster systems that can serve two homes up to hundreds of homes. Package treatment plants are “off the shelf,” prefabricated cluster systems. Wastewater systems can also be categorized as discharging or onsite systems. A discharging system discharges to a stream, river, or lake via a pipe. An onsite system applies wastewater to the surface or subsurface soil to allow filtering/absorption by the soil.

There are a number of pollutants of concern associated with wastewater, including pathogens, nitrogen, phosphorus, household chemicals, and pharmaceuticals. Although the state regulates both discharging and onsite systems, there are several reasons why the watershed plan needs to address wastewater:

- Even properly designed systems do not remove all pollution.
- Often systems are not maintained, increasing loading to streams.
- It’s important to incorporate wastewater management procedures that support the vision or plan for the watershed; otherwise there will be haphazard growth in the watershed.

Kimberly reviewed five options for the PAC, including the environmental and cost considerations for each:

- Pump wastewater out of the watershed to an external treatment facility.
- Site centralized facility in the watershed.
- Cluster systems.
- Individual systems.
- Mix of individual and cluster systems.

She said each of these options would require a professional management entity that collects fees from the homeowners (like a sewer fee) and that performs regular inspections and maintenance of the collections, treatment, and discharge/dispersal facilities. This has been proven to be critical to long-term performance of the systems.

After review of the options and key decision criteria, Kimberly said the TAC recommended allowing or encouraging systems that pump wastewater out of the watershed, wherever feasible, and a mix of cluster and individual systems (depending on site characteristics). They also recommended a centralized, professional management entity be required for the wastewater facilities.

Forestry Best Management Practices

Forestry Best Management Practices (BMPs) are used to maintain stand productivity and decrease sediment loading to the streams. Every two years, the State Forestry Commission surveys practices of timber harvesters to determine the implementation rate of the State’s recommended (voluntary) best management practices. The survey found a high implementation rate in and near Lake Maumelle for timber harvest practices (such as leaving logging slash, subsoiling, and stream buffers). The two largest timber companies in the watershed, Deltic and Weyerhaeuser, both participate in the Sustainable Forestry Initiative (SFI). Studies in watersheds similar to Lake Maumelle in the Ouachita Mountains have shown that select harvesting and clearcut harvesting have similar erosion rates. They have also found that the erosion rates of harvested sites are similar to some non-harvested sites. This is due in part to the high implementation rate of BMPs but also due to the natural armoring of the soil where rocks hold sediment in place.

The state survey found one area that had room for improvement: BMPs for unpaved forestry roads. Unpaved forestry roads generate the most sediment load and most off-site impacts.

Recommendations for forestry BMPs include:

- Continue the high implementation of timber harvesting BMPs.
- Enhance implementation of unpaved road BMPs.
- Monitor and enforce ATV regulations on forestry roads.

Land Acquisition

Citing the Trust for Public Land, Kimberly reviewed reasons why communities invest in land conservation in water supply watersheds:

- Reducing risk of hazardous spills reaching the lake.
- Reducing annual loading of conventional and emerging pollutants.
- Reducing treatment costs.
- Maintaining consumer confidence.

Kimberly noted that in Tetra Tech's experience, communities also invest in land conservation as a way to invest in the watershed and help address equity issues.

In developing a land conservation program, two key questions are posed. First, how much land do we need to conserve in order to meet our source protection goals? Second, what land should receive the highest priority for conservation and acquisition? Tetra Tech will be working to answer the first question with the PAC during the evaluation of different management options. The second question centers more on prioritization criteria. While communities have different criteria for selecting which parcels to buy, there are some common criteria, including:

- Proximity to intake.
- Proximity to lake.
- Proximity to streams.
- Development potential.
- Encompassing small streams.
- Natural characteristics (e.g., steep slopes and erodible soils).

Kimberly reviewed two general approaches to preserving forested land and open space in the Lake Maumelle watershed. One is the conservation policy approach. This begins with a policy that conservation should be a centerpiece of the management plan. For new development, the plan could require large lot residential development with a large percent of undisturbed open spaces or conservation design with a large percent of undisturbed open space. Alternatively, the plan could call for land conservation through a land acquisition program. Or, it could call for both.

The second approach is driven by performance standards. It begins by determining the extent to which future land management and wastewater management can meet water quality targets. If there is a deficit, we then determine the number of acres of land acquisition needed to make up the deficit.

Good Household Measures

Kimberly reviewed good household measures for homes and for the boat marina. She said that there are several ways to promote good household measures, including education/training, ordinances, and maintenance contracts.

In terms of gauging the effectiveness of good household practices, Kimberly said that education studies have shown that providing information alone is ineffective. Encouraging ownership of stormwater pollution and intensive training can change behavior. Also, the “practice” needs to be convenient and affordable. Communities can increase effectiveness through requiring practices (such a maintenance contracts).

Discussion

One member asked if Solterra still owns land in the watershed—observing that the land that they owned had been heavily cut in the last year. Kimberly said that she had been told that Mr. Ferguson had purchased all of Solterra’s land holdings in the watershed.

Several questions related to wastewater management. Does the recommendation for centralized maintenance of wastewater facilities apply to septic systems? [Kimberly said yes, but acknowledged that this is politically very difficult to achieve.] What does the Alotian golf course do with its wastewater? [It is pumped out of the watershed.] What kind of treatment levels can these small treatment systems achieve? [Quite high levels of treatment, but the cost and maintenance requirements go up as the complexity of the system increases.] Are septic systems in rural areas a problem? [No they are not at the current density in the watershed. However if thousands of new homes were built using septic systems, it would likely be a problem if these systems were not maintained properly.]

One member asked how or if the management plan would apply credit for using good household practices. Ms. Brewer said if it were assumed that the practices are voluntary, we would assume no credit. Such practices would simply provide extra protection over the measures adopted to meet the target. However, if it is assumed that the practice is required, such as through a maintenance contract, the model will adjust and apply credit for the reduction.

Feedback on Promising Management Options

Now that a wide range of management options have been presented, Kimberly said that Tetra Tech wanted to get feedback on what people thought were very promising options, somewhat promising, or not promising for further study. She first shared feedback that Tetra Tech had received in the watershed from watershed landowners and in North Little Rock at a meeting for the general public. Then she facilitated discussion with the PAC members.

Public Meetings

Watershed Residents

Kimberly said she would divide the comments into those received during the meetings in Perry County and Pulaski County. Although there were some similarities between the two, there were some distinct differences.

Perry County

There were approximately 85 people at the meeting. Here are the key concerns/issues/questions raised by the landowners:

- The water quality is good because we have been good stewards. Go away, leave us alone, and don’t tell us what to do with our land. We’ll keep taking care of the land.

- Why do other urban areas allow development right up to the shoreline of their lakes and still drink the water? If it's good enough for them, why not for CAW?
- This is not our water quality.
- If we don't like your options and don't agree, what happens? Will you condemn our land? Wasn't the land that was condemned last year proposing developments that met these criteria/options? If so, is anybody safe from condemnation?
- We're not interested in selling our land to CAW and we don't want CAW water.
- Why did CAW approve the golf course? That's a bigger threat than we are.
- What would be allowed in the stream buffer area? Could we have livestock or drive our trucks and tractors?
- If existing water quality is good, what happens to existing activities? Could they be grandfathered?
- What property has the potential for development? We're landowners not developers. You only need to worry about the land around the lake. Why not wait 30-40 years in Perry County—take a wait and see approach.

Note: After the meeting, some people did talk with us or email us saying they were more open to looking at options than the more vocal people at the meeting.

Pulaski County

There were about 35 people at this meeting. Issues/concerns/questions were expressed as follows:

- There are big developments around Beaver Lake. Why there and not here?
- You're asking landowners to give up rights, and then punishing us by not letting us get CAW water. We need to be able to have water and sewer. Don't limit.
- Will existing residents be asked/told to use these best management practices?
- CAW adopted its current plan in 1998 authorizing the utility to condemn property around the lake. If the study shows how to develop in a responsible way will condemnation still be part of the plan?
- You're taking the first step toward regulation. This won't be voluntary.

Some people acknowledged that there would be change in the watershed and discussed the options that they preferred in shaping the new development. Their comments are as follows:

- A couple of speakers favored cluster development or conservation design.
- One speaker recommended giving incentives to landowners for preserving land.
- A couple of speakers urged us not to take a "one size fits all" approach.
 - Limit imperviousness in some areas and require green spaces in some areas.
 - Develop critical area zones and have more protective requirements on land with quick travel time to the lake.
 - Provide for flexibility in what can be done on land.
- One speaker asked whom a landowner would go to for development approval if the options were implemented.

North Little Rock Meeting

There were approximately five people at the meeting in addition to Policy Advisory Council members. Questions and issues raised included the following:

- Of the options listed, what are CAW and the local governments doing now?
- Is there a clean slate with the plan? Is everything on the table?
- How can we bring long-term landowners from Perry County to the table?
- If CAW adopts the plan, what happens next in terms of local planning board and local elected official approval?
- In the example of 5-acre lots with a 6 percent imperviousness cap, the cap should be raised to 10 percent. People demand larger houses, outbuildings, swimming pools, etc.

Public Survey Results

Kimberly reviewed the results of the *Survey on Promising Management Options to Consider for Further Study* that the meeting participants had completed and returned. From watershed residents, about half said no to all of the management options. Of the remaining respondents, the development option that received the most votes was large lot requirements, with cluster, conservation design, and stream buffers closely following. There was a strong message against all of the water and wastewater management options. Very mixed responses were given for the forestry and boat marina management options. No watershed residents favored the land conservation options.

The public meeting surveys listed all options as very or somewhat promising. Some options were considered very promising by all: large lot, cluster, and stream buffers for managing new development; stricter limits on wastewater effluent; timber harvest BMPs; all boat marina options except limiting the number of boats, and both land conservation options.

Policy Advisory Council

Facilitated Discussion/Comments

New Development Management Options

Some common themes and comments included:

- What does “development” mean? The devil is in the details of how you define development. Have sensitivity to the landowner on this.
- Haven’t ruled anything out—all seem promising or somewhat promising.
- Craft plan according to the impact of land circumstances; don’t have a one-size fits all approach. Have different management zones.
- Study buffers with caution.

Although most members indicated during discussion that all options seemed promising or somewhat promising for further study, a number said they preferred cluster development and large lot requirements with impervious surface limits. Two people mentioned stream buffer and conservation design with BMPs as very promising, while one member preferred performance standards. One member said he did not prefer any option because he did not favor any new development in the watershed.

Water and Sewer Service

Most members indicated that they did not support limiting public water service into the watershed and some favored further exploring limited water service to encourage implementation of the management plan. A couple of members indicated they thought prohibiting discharges was very promising, but a larger number of the Council favored stricter treatment limits on surface or subsurface discharges.

Other Management Categories

Keep all forestry management, good household practices, and land conservation options on the table except ATV regulation and boat restrictions (both the number of boats and their operation in shallow water).

PAC Survey Results

Tetra Tech compiled the results of the Policy Advisory Council members' hardcopy Survey of Promising Management Options to Consider for Further Study. The hardcopy survey underscored the general sentiment of the facilitated discussion: members of the Council have not ruled out any options and consider almost all options to be very promising or somewhat promising for future study. However, as highlighted in the discussion, the survey showed that a number of Council members do not want to pursue study of limitations on public water, and the majority of the members thought that regulation of ATVs should not be studied further or should be studied with caution.

In terms of more specific preferences for new development management options:

Large lot requirement with impervious surface limitations:

Very promising: 16; somewhat promising: 3

Cluster Development:

Very promising: 17; somewhat promising: 3

Stream Buffer Requirement:

Very promising: 12; somewhat promising: 6

Conservation Design (no engineered BMPs):

Very promising: 4; somewhat promising: 10

Conservation Design (with engineered BMPs):

Very promising: 12; somewhat promising: 8

Performance Standards:

Very promising: 9; somewhat promising: 10

Next Steps

Kimberly said that Tetra Tech would take the results of the public and Policy Advisory Council comments and surveys to piece together two different management scenarios with complementary management options. Tetra Tech will present these draft management scenarios to the PAC at its March 16 meeting and receive comments on the proposals before moving forward with modeling. The draft scenarios will be crafted based on their potential for meeting proposed lake water quality targets.

Trevor added that Tetra Tech would be presenting the findings of the baseline analysis at the next meeting, and that the team will bring back refined water quality target proposals for the PAC to consider for formal consensus vote/adoption.

Lake Maumelle Policy Advisory Council Meeting Sign-In Meeting Date: February 16, 2006

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)
NP	Robert Stout	Alternate	Ratepayers – North Pulaski Water Works (Master-Metered Customers)
P	Jane Dickey	PRIMARY	Central Arkansas Water Commission (Member)
P	Tony Kendall	Alternate	Central Arkansas Water Commission (Vice Chair)
NP	Ruth Bell	PRIMARY	Community (League of Women Voters of Pulaski County)
P	Kathleen Oleson	Alternate	Community (League of Women Voters of Pulaski County)
NP	Steve Owen	PRIMARY	Community (North Little Rock Chamber of Commerce)
P	James Dietz	Alternate	Community (North Little Rock Chamber of Commerce)
NP	Randy Wilbourn	PRIMARY	Community (Little Rock Regional Chamber of Commerce)
P	Jay Chesshir	Alternate	Community (Little Rock Regional Chamber of Commerce)
P	Kate Althoff	PRIMARY	Community (Citizens Protecting Maumelle Watershed)
P	Barry Haas	Alternate	Community (Citizens Protecting Maumelle Watershed)
NP	Alderman Neil Bryant	PRIMARY	Elected Official (North Little Rock City Council)
P	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	Justice Pat Dicker	PRIMARY	Elected Official (Pulaski County Quorum Court)
P	Justice Harrison Jones	PRIMARY	Elected Official (Perry County Quorum Court)
NP	Justice Charlie Clements	Alternate	Elected Official (Perry County Quorum Court)
P	Glen Hooks	PRIMARY	Environmental (Sierra Club)

Present	Member Name	Designation	Representing
NP	Dale Ingram	Alternate	Environmental (Sierra Club)
P	Kevin Pierson	PRIMARY	Environmental (Audubon Arkansas)
NP	Stephanie Hymel	Alternate	Environmental (Audubon Arkansas)
P	Charles Nestrud	PRIMARY	Property Owners (Deltic Timber Corporation)
P	Larry Hedrick	Alternate	Property Owners (U.S. Forest Service)
NP	Jeff D. Allison	PRIMARY	Property Owners – Water Association within Watershed
P	John M. Bentley, III	PRIMARY	Property Owners within Watershed – Western Watershed
P	Ray Vogelpohl	Alternate	Property Owners within Watershed – Western Watershed
P	Marge Brewster, Ph.D.	PRIMARY	Property Owners within Watershed – Northern Watershed
P	Earl Hillard	Alternate	Property Owners within Watershed – Northern Watershed
P	Wally Loveless	PRIMARY	Realtors (Member of Arkansas Realtors Association)
NP	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)
P	Randy Day	PRIMARY	Recreationists – Fishermen (President of Maumelle Bass Club)

OTHERS

Name	Representing
Trevor Clements	Tetra Tech, Inc.
Kimberly Brewer	Tetra Tech, Inc.
Jim Harvey	Central Arkansas Water
Bruno Kirsch, Jr., P.E.	Central Arkansas Water
Marie A. Crawford	Central Arkansas Water
Kam Alston	Central Arkansas Water
Andrew Marsh	Central Arkansas Water
Scott King	AV Arkansas
Jim McKenzie	Technical Advisory Council Member
Shirley Gilmore	Property Owner
Lee Bodenhamer	Property Owner
Norvell Plowman	Attorney for Property Owner
Tim Daters	White-Daters & Associates, Inc.
John Heard	Property Owner