



RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM

2- 4 p.m., February 25, 2009
RI Department of Administration
W.E. Powers Building, Conf. Room C

Approved Meeting Minutes

Members in Attendance: Kathleen Crawley, Sue Kiernan (for Michael Sullivan), Tom Uva (for Ray Marshall), Mike Walker (for Michael Saul), Nancy Hess (for Kevin Flynn), Jane Sherman

Coordination Team Staff: Ames Colt, Melissa Stanziale

Other Meeting Participants: Meg Kerr, Chip Young, Eugenia Marks, Scott Millar, Elizabeth Scott, Jim Boyd, Russ Chateaufeuf, Kenneth Burke, Walt Galloway

CT Administration:

Meeting was called to order at 2:15 p.m.

Colt requested approval of draft minutes for December 18, 2008 meeting.

Motion passed unanimously to approve the 12/18/08 meeting minutes.

Colt announced that the Department of Administration will be the new location for CT meetings in 2009, with six meetings scheduled for 2009.

Chair Report:

Colt reported that he is continuing discussions with the Narragansett Bay Estuary Program (NBEP) regarding program partnering between the NBEP and BRWCT and alignment of planning mandates. He hopes to provide more specifics to BRWCT later this spring on how NBEP and BRWCT should be working together.

Colt reported on recent efforts by US Army Corps of Engineers' Civil Works Directorate to support state integrated water resource planning efforts, beginning with its ongoing survey and analysis of state initiatives nationally. Their contractor for this survey, CDM, originally contacted Kathy Crawley about the BRWCT and the Systems-Level Plan. Kathy put them in touch with Colt. Colt attended a USACE workshop in Orlando Feb. 2/17-19 and will work with USACE (Civil Works Directorate, Washington DC, and USACE Atlantic Division Offices, Brooklyn NY) to cultivate their

and engagement with and support for the BRWCT. Crawley is particularly interested in discussing with USACE a modeling project for the Pawtuxet River basin.

Stream Gages Update:

Kiernan reported on USGS contractual cost increases for the three stream gages funded by BRWCT monitoring funds. Monitoring funds allocated in FY09 by the BRWCT will be insufficient to cover these additional costs, which total \$26,899 (revised total FY09 cost of BRWCT's three stream gauges: \$113,724)

Colt stated that there is \$39,000 remaining in BRWCT monitoring fund (FY09 OSPAR allocation) and that covering the additional stream gage costs with BRWCT monitoring funds will result in a remaining balance of \$12,600.

Walker asked if BRWCT agreed that maintaining the three stream gages the BRWCT funds was worth the cost. Crawley replied affirmatively as there is no other source of streamflow data available. Walker asked if all 19 stream gages functioning in the state are necessary to have effective data on streamflows and freshwater supplies. Crawley said yes, that the Water Resources Board cannot effectively manage the water resources of the state and provide timely information about drought conditions without the flow data produced by the existing system.

Marks suggested asking the Watershed Councils, the RI Rivers Council, and other non-profit organizations for assistance. Sherman stated that neither the Watershed Councils nor the Rivers Council would be able to support financially the stream gage network.

Scott reported on the stream statistics modeling program and how it should help Rhode Island to reassess the current configuration of the stream gage network. Part of the gap filled by BRWCT in the stream gage network was caused by the withdrawal of support from the network by the Federal Emergency Management Agency.

Walker said he would support the allocation of additional funds to cover the increased stream gage costs, but reminded the BRWCT that OSPAR funds may not always be available to support BRWCT monitoring priorities. The BRWCT may also be encounter other monitoring priorities in the future that it will not be able to address because its funds are consumed by long-term baseline monitoring needs such as the streamflow gage network.

Colt agreed with Walker's view that this allocation of additional OSPAR funds should only be considered a stopgap solution and that the BRWCT must find a more effective way to fund long-term baseline monitoring needs. BRWCT should be careful about dedicating too much of its funding to core agency programs such as baseline monitoring.

A motion to allocate \$26,900 from BRWCT's FY 2009 OSPAR allocation for monitoring to cover additional stream gage operations costs as per current FY 2009 USGS contract was passed unanimously.

SLP Implementation:

Colt reported that he has received little feedback to date from the BRWCT agencies with regard to fleshing out the Annual Work Plan for SLP implementation. He proposed working as follows to move forward with SLP implementation:

- Prioritize SLP implementation considerations for the near-term agendas of the BRWCT standing committees.
- Implement Representative Naughton's recommendation that agencies formerly endorse the SLP.
- Work individually with BRWCT member agencies and other state agencies to specify ongoing programs and activities that will advance SLP implementation.
- Solicit input from General Assembly leaders on how to try to proceed with SLP implementation.

Rhode Island Stormwater Collaborative:

Colt initiated discussion on the purpose of the BRWCT Stormwater Collaborative as a stakeholder process to assess and support stormwater management in Rhode Island. Colt asked for review and comment on the one pager he drafted that defines the purpose and activities of the Collaborative, as well as input on who should be engaged and how it should move forward in relation to the forthcoming revisions to the RI Stormwater Manual.

Walt Galloway addressed the BRWCT regarding the proposed Collaborative. He discussed the RI Watershed Coordinating Council (WCC), which concluded its work in late 2003 with initiation of the Governor's Narragansett Bay and Watershed Commission. The WCC's purpose was similar to that of the Governor's commission, the Narragansett Bay Partnership, and now the BRWCT. The WCC enjoyed broad stakeholder engagement and support to the point where stakeholders committed funds to pursuing its agreed-to recommendations. Particular attention was given to restoration and preservation of critical watershed features.

Galloway identified a new initiative by EPA's Office of Wetlands, Oceans, and Watersheds entitled "Healthy Watersheds," that is intended to catalyze nationally a "proactive approach to holistic aquatic ecosystem conservation & protection." The initiative will provide technical assistance and examples from other states in order to help states conduct integrated watershed assessments and develop and implement watershed management plans. Galloway believes that EPA's Healthy Watersheds approach will serve as a useful framework for discussions and recommendations by the Stormwater Collaborative. It will also build continuity with previous similar efforts such as the WCC. Galloway also noted the potential need for a funding program similar to the "Rhode Island Aquafund."

Galloway concluded by offering to facilitate the RI Stormwater Collaborative.

Revisions to RI Stormwater Design and Installation Standards Manual

The forthcoming revisions to the RI Stormwater Manual will entail important changes to stormwater management decisions in the public and private sectors; and will be central to the work of the RI Stormwater Collaborative.

Under the requirements of the 2007 Smart Development for a Cleaner Bay Act, DEM and CRMC were required to revise the RI Stormwater in order to:

implement comprehensive stormwater standards for development that will maintain natural hydrological systems and reduce pollution to the maximum extent possible by requiring the use of modern non-structural low impact design practices and techniques.

Millar reported that the Smart Growth and Low Impact Development (LID) principles have been embraced by DEM and CRMC in revising the Manual. The agencies plan to release a public review draft of the Manual's revisions this coming May, with two large public outreach meetings to occur this summer. Upon receipt of public comments, the manual's revisions will be finalized and formal approval by regulatory authorities sought. Manual should come into effect by late summer 2009.

The revised Manual will advance three main objectives:

- Minimize new development's stormwater impacts upon natural waterbodies.
- Minimize growth in impervious surface area state-wide.
- Manage existing stormwater discharges.

The Manual will continue to function as a guidance document, but its provisions will be enforceable via state and local permitting processes for new development.

Chateaufeuf emphasized five key reforms to the Manual:

1. Mandates maintenance of groundwater recharge rates.
2. Mandates Low Impact Development (LID) standards.
3. Offers a new suite of Best Management Practices (BMP's) that are based on recent findings that many existing BMP's are not as effective as previously thought.
4. Emphasizes the protection of existing channels and streambeds by seeking to minimize scouring and riverbank sloughing.
5. Emphasizes greater consideration of downstream impacts.

Chateaufeuf discussed how the experience of development of the state's Pastori Complex demonstrated the need to assess downstream impacts comprehensively.

Chateaufeuf also summarized Manual recommendations for local government, with revisions to how roadway and parking permit reviews should be conducted, greater oversight of stormwater infrastructure maintenance and trash and debris removal, and an emphasis upon infrastructure with reduced maintenance requirements.

Uva cited a recent bill requiring local governments to inspect all storm drainage infrastructure at least annually and asked if it had been passed. Chateaufort said that it had been passed by the 2008 General Assembly (*RIGL §45-61.1-2-A.B Colt*), but that he didn't have information on compliance rates by local governments.

Boyd stated that he felt that in general efforts by local governments to address existing stormwater discharges was very incomplete and inadequate, and that the only efforts undertaken to date by local government entailed small-scale projects sporadically undertaken. Furthermore, Boyd felt that given the precarious state of local finances, local governments will struggle to even maintain adequately existing stormwater control infrastructure.

Walker asked how the Manual will define what "pre-development conditions" are (*such as with regard to existing groundwater re-charge rates-A.B. Colt*). Millar replied that there would be a process delineated in the Manual to define pre-development conditions. Chateaufort added that essentially it will be defined as the state of the property before design begins.

Walker emphasized the importance of clarity regarding the control performance standards that regulators will base their permitting decisions on, specifically clarity on what is expected in terms of infrastructure design, BMP's, and proposal review standards to minimize misunderstandings between the regulator and project proponents.

Millar stated that the Manual's revisions are not intended to discourage redevelopment because redevelopment done properly generally enhances the protection of water resources. Boyd added that there are will be a large range of BMP's recommended for new development. Hence the revised Manual should be a lot more flexible than the current Manual written fifteen years ago.

Millar said they are planning to ask a private engineering firm to review the revisions provide the agencies feedback on their implementation.

Scott reported on the current effort by DEM Office of Water Resources to audit municipal Stormwater Phase II planning and regulatory programs. She noted the existence of DEM Water Quality Restoration Plans (TMDL's) for 40 stormwater impacted waterbodies that directly incorporate Phase II stormwater permits. She stated that local governments need to develop comprehensive stormwater management plans using the comprehensive water supply management planning overseen by the WRB as a model.

Recommendations for RI Stormwater Collaborative

BRWCT should focus on funding options and opportunities for stormwater management, including RI Department of Transportation (DOT) support for maintenance of road runoff infrastructure. This is a challenge because DOT does not receive federal funds for such maintenance. Other questions that should be examined include: should the state mandate local stormwater utility districts?

It will be important to contact municipalities before setting up a plan of action for the Collaborative. It was recommended that the RI Floodplain Managers Association would be a good means to reach out to local governments.

Given that there is substantial variation between communities in terms of their capacity to address stormwater, means for sharing resources across communities should be explored.

Scott recommended that the BRWCT develop a specific list of to-do's on what needs to be done to prevent the expansion of stormwater impacts upon natural waterbodies.

It was agreed that the initial steps of the Collaborative will be coordinated with public release and outreach of revised Stormwater Manual during summer of 2009.

Colt concluded the meeting with two points:

- The Collaborative should be formally launched upon conclusion of outreach process for new Stormwater Manual
- However carefully the agencies vet the manual through the public outreach process, implementing the final version of could well ignite a grass-roots opposition against the new manual as another unfunded state mandate being imposed on local governments.

Meeting adjourned at 4:00 pm.