



Long Creek Watershed Management District Governing Board

Minutes: May 1, 2015 – 9:00 a.m. meeting

Location: Maine Turnpike Authority Headquarters, Conference Room F, 2360 Congress St, Portland

1. **Call to order:** Mr. Bacon called the meeting to order at 9:01 am.
2. **Roll call:** Dan Bacon, Curtis Bohlen (late), John Branscom, Fred Dillon (late), Brad Fox (absent), Brian Goldberg, Craig Gorris (absent), Peter Newkirk (late), Adam Pitcher, Ed Palmer, Tom Raymond, Doug Roncarati, Michael Vail
3. Arthur Colvin from ecomaine will be replacing Tom Raymond as of July 1, 2015.
4. **Minutes:** Mr. Palmer made a motion to approve the March 27, 2015 minutes. Mr. Vail seconded the motion and the motion was unanimously approved.
4. **Treasurer's Report:** Mr. Brewer presented the Treasurer's Report and updated the Board on the Accounts Receivable status. Maine DEP is waiting for the Attorney General's office to issue a formal injunction on the delinquent payments and late fees.
5. **GGP Gravel Wetland:** We are waiting to hear back from the GGP legal department for the final approval of the easements. Mr. Gorris will be following up with them while he is in Chicago. Once we receive the executed easements we will be able to move forward with construction. Gorham Sand and Gravel is ready to start construction as soon as we have the easements in place.
6. **Expert Review Panel 2.0**
 - a. A smaller group of the Expert Review Panel has been convened to look at additional data to inform the plan update and how to focus our resources; and provide guidance on conducting targeted monitoring investigations.
 - b. Preliminary data is showing that in addition to removing/addressing impervious surface in urban impaired stream watersheds, stream bank restoration efforts, shading, and other improvements to the stream, itself, are beneficial for restoring the stream habitat to support aquatic life.
 - c. EPA and DEP are requiring us to meet the standards of aquatic habitat (happy bugs). There has been discussion regarding which sampling sites will represent the various stream segments. The Plan Update will include the agreed upon monitoring sites that will be reviewed and approved by DEP. The habitat assessments will only be conducted at the defined sampling sites identified in the updated plan.
 - d. There are some sections of stream (South Branch around Philbrook Avenue and North Branch near Western Avenue) where follow up is needed with DEP to define what is a stream. As an example, if the vegetated ditches in the North Branch on Western Ave are defined as a stream channel we can't provide treatment within them however, if the channels are defined as a ditch, there are potential treatment options.

- e. The Board concurred with the contracting decisions recommended by Ms. McDonald and approved by Ms. Pinard.
7. Continuation of Chapter 500 discussion
- a. Status of Chapter 500 revisions: The Environment and Natural Resources Committee of the Maine Legislature approved the recommendations proposed by DEP, including the language that LC submitted. The next step is for the legislature to vote on the recommended changes and the bill will be moved to the Governor's office once approved. After the bill is approved, the Board of Environmental Protection (BEP) has 60 days to finish the rule making process.
- b. Background: Current Chapter 500 rules don't allow flexibility in the installation of BMPs in the watershed. If new developments choose to meet Chapter 500 standards by installing a wet pond, but LC data shows that a gravel wetland would be better for the stream, it would be helpful for LC general permittees for a system that better meets the stream's needs to be installed. The municipalities in the watershed are holding new development to Chapter 500 standards, but are not required to consider suggested alternative BMPs that would be focused on restoring the stream rather than just meeting the letter of the law.
- c. What is the wish of the board regarding final language?
- LCWMD can suggest language that allows for a governing body (Long Creek or other management district) to provide stressor information to DEP for consideration during the permitting process.
 - Even if the rule making process doesn't allow us to change the existing suggested language, LCWMD can continue to work with DEP, the municipalities, and consultants to ensure they are aware of the unique needs of Long Creek and seek a seat at the table for discussion of new development in the Long Creek Watershed.
 - LCWMD needs to also consider if addressing the stressor is too cost prohibitive. LCWMD does not aim to penalize those looking to develop in the watershed. This could potentially be addressed through incentives.
 - The maintenance of BMPs is forever. The language in the easements state that if the District is no longer in place, then another entity must be in place to provide the maintenance. It is possible that offering long term maintenance of an installed system could be an incentive.
 - LCWMD would like to have the flexibility of being able to use technologies or BMPs that are not currently identified in Chapter 500.
- d. **ACTION: Ms. Pinard and Mr. Katsiaficas will compile a memo to the Board for consideration at the next board meeting.** This memo will outline the options for potential language suggestions for the rule making process.
8. Continued discussion of development/redevelopment incentives
- a. There are several clusters of less than one acre sites that are in key areas of the watershed. These clusters may provide opportunities for treatment.
- b. The Board appreciated the maps that were presented that showed the potential developable land in the watershed. To advance the discussion, the board requested some additions to the
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maps: add city lines to the maps and remove sable oaks and the ecoMaine parcels, color code the >4 acre parcels differently than the <.5 acre parcels.

- c. Create a land use map to show what parcels are under the threat of development. This could be taken a step further to do a full build out analysis to help towns create ordinances to address development concerns, as well as encourage Low Impact Development.
- d. This discussion will be continued at the next meeting utilizing the maps referenced above.

9. Executive Director's Report

- a. A presentation was given on the preliminary findings of the chloride study. Comments were as follows:
 - The time of flow is something to consider. Can we use technologies to flush the chloride from the stream before May
 - Winter maintenance trainings for contractors and municipalities would be helpful to ensure everyone is using the same practices.
 - Need to look at opportunities to reduce chloride inputs.
 - Before the report is released as a draft LCWMD should have a peer review completed, perhaps someone from the NH Stormwater center.

10. Public comments: None

11. Next meeting: May 29, 2015 at 10:00 am, location TBD.

12. Adjourn: Mr. Dillon made a motion to adjourn the meeting at 10:54 am. Mr. Roncarati seconded the motion and the motion carried unanimously.