

Technical Advisory Group

4/3/08 Meeting Minutes

6PM to 8PM

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ATTENDEES: Lee Cook, Chuck Courtney, Tom Crisman, Derek Doughty, Rhonda Evans (via phone), Steve Gran, Ann Hodgson, Alberto Martinez, Dale Meryman, Tim Neldner

EPC ATTENDEES: Chris Cooley, Pete Owens, Debbie Sinko, Kim Tapley, Mike Thompson, Andy Zodrow, Jason Fife (EPC intern)

HANDOUTS: Agenda
Meeting Minutes to be reviewed
Scott Emery & Tom Ries Reasonable Use Comments
Basis of Review Outline (with Wetland Delineation section, Miscellaneous in Activities section & Intent/History section)
Draft Reasonable Use (March 6, 2008 version)

Staff asked TAG for approval of certain prior meeting minutes, however due to reduced attendance all pending minutes were deferred until the April 18th meeting with one exception. The Classification sub-committee meeting minutes of January 18th were approved unanimously.

Staff reiterated the need for TAG to produce “white papers” on the chosen topics of discussion. At this point papers would be produced for the BOR, Classification of Wetlands, and Mitigation Banking.

A brief discussion on future topics took place and staff reiterated the current schedule to meet on April 18th to discuss mitigation banking, May 16th on classification of wetlands and a wrap up of miscellaneous topics on June 20th.

TAG then began a continuation of the review of EPC’s draft Reasonable Use definition from the previous TAG meeting. In the prior meeting, March 21st, the draft was reviewed down to item F, therefore the discussion picked up at item G. Mr. Courtney indicated that his first draft on defining reasonable use did not appear to have been used in the EPC version.

G. A lengthy discussion on this clause ensued and was debated. The discussion included vesting, grandfathering, detrimental reliance, and zoning. No changes were recommended to this section at this time.

H. Discussion on defining beneficial restoration and the difficulty in defining stormwater projects that will meet the requirement for being beneficial. No change to the existing language was proposed at this time.

I. Debate ensued regarding the term reasonable and how it would be applied. The concern centered on how much effort was necessary to prove that waivers and or

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variances were adequately pursued. No change to the existing language was proposed at this time.

J. Discussion ensued on the addition of the word “welfare”. Legal staff defended not including this term as it would incorporate issues such as esthetics. No changes to the existing language were proposed at this time.

K. Short discussion on the examples of “other circumstances”. No changes to the existing language were proposed at this time.

Legal staff requested that TAG members continue to provide suggested changes, clarification or substitute language for the Reasonable Use draft directly to Andy Zodrow. Andy will continue to make appropriate changes and post updated drafts in the future. Staffs intent is to have as complete a list of factors as possible to define reasonable use. The list developed thus far is meant to be an exhaustive list derived from the past 22 years of implementation of 1-11.

“Land” EPC legal staff provided an explanation of the term land and how it is used in the definition of reasonable use. The point being that land includes all wetlands and uplands on a given property and not the wetlands only.

Discussion ensued on the purpose of the TAG and the subject matter it is allowed to deal with. Some concern was expressed that TAG is not able to discuss certain topics or explore certain subjects. Staff reiterated the plan to have the TAG produce topic papers on the subjects they do discuss. Staff responded that in order to keep the TAG prepared to discuss a topic, schedules were prepared and approved by the TAG.

Discussion on the content of the BOR ensued. The appropriate specificity of the document was debated and the use of the BOR in conjunction with the Applicant’s Handbook was noted by staff. This approach was generally supported by TAG. The delineation methodology and labeling requirements and consistency was debated. Factors for considering physical changes at a property that would result in a change in the delineation lines were discussed. A discussion on nuisance plant species resulted in the conclusion to consider development of an updated and more comprehensive listing.

Next meeting is scheduled for April 18th, 2008 9:00-11:30 AM

Meeting adjourned.