

# Stormwater U

## Stormwater Pond Management: Easements & Vegetation Management

*The third in a series on stormwater pond management*

# Round Table Discussion Summary Easements and Vegetation Management

Wednesday, November 5, 2008  
North St. Paul Community Center



This material was used at a presentation sponsored by University of Minnesota Extension and other listed partners.

# Question 1. Do you have a stormwater / drainage easement and vegetation maintenance policy or ordinance for your constructed stormwater ponds?

- Mahtomedi has a Wetland Management Plan in place and it is being implemented.
- In Golden Valley, ordinances are currently under review and revision.
- In White Bear Lake different approaches are being suggested; the draft ordinance has been completed.
- The drainage easement policy is based on state law. Also creating an encroachment ordinance.

## Vegetation management policy:

- Rochester has a vegetative management policy for municipal but not private ponds.
  - Unless there is a maintenance agreement for those ponds (they have not done a good job of following up with private owners to determine how closely they are following the maintenance agreements, mostly because they are struggling to maintain their own ponds).
  - Conducting vegetative “rehab” for ponds with invasive species
  - Several ponds are mowed many times per year to reduce fire danger to nearby buildings; others that are in natural corridors are not mowed.
- Ramsey County policy: Invasive species removal is not just for aesthetics, it also helps them to maintain access to the ponds.

## Question 2. What has been your experience in dealing with stormwater easement and vegetation maintenance issues?

### Maintenance issues:

- Older ponds are the problem; older ponds need inlets/outlets maintenance;
- Some old design plans didn't considering maintenance.
- Newer ponds have few problems.

### Scheduling issues:

- Have easements, but doing too much request-based maintenance.
- Ramsey County has about 30 ponds on public land and road right of ways. They have turned many over to cities for maintenance, but are now discovering that the cities aren't necessarily doing the maintenance.

## Procedural issues:

- Right-of-entry, license of trespass best way to go when you don't have an easement.
  - Legal discussion should be integrated into pond design.
- City has a stormwater pond inspection form, but now we will include easement component to that as well.
- We (the City) are at early stages, have started a stormwater fund and are beginning the investigation on establishing easements for accessing these ponds.
- Right of entry or license to trespass is the best way to go when you don't have a pond easement; just get in and get the work done.
- The information is not always shared with all people involved.
- We need to include all departments of the City. Inspectors, engineers, & public works need to have stronger communications.
- There is a need for additional training & coordinate with public works in taking measurements of the stormwater ponds for their maintenance.
- One concern is that the original stormwater pond designs are not readily available in many cases.
- Some are developing policies by the seat of their pants and are trying to go back now and create an orderly process for maintenance and inspections.
- Ramsey County plans to follow the Stormwater Manual guidelines as to dredging when the pond has reached 50% capacity. However, both Ramsey County and Rochester mentioned that this was not necessarily the best guidance because many problems could be avoided by clearing out sediment deltas more often.

## Vegetation management issues:

- The public insists on mowing city property if they perceive that the city is not maintaining the easement.
- The public will mow city property to keep noxious weeds out of their yards.
- Residents usually won't want natural buffers around treatment ponds and the city cannot manage natural vegetation around its total of 430 ponds.

## Education issues:

- Public education is very important to gain support for appropriate management of easements and vegetation.
- Public education would work best around city-owned ponds, asking adjacent landowners not to mow natural vegetation on the city property and explain the value of vegetation and approaches to management.
- The city would like to move toward natural landscaping around their ponds, like Golden Valley has done, but they first need to change the public norm for what people expect to see.
- The more private owners the harder it is to decide what to do. However sometimes interested property owners get permission from all adjacent owners to treat vegetation. Education is very important.

## Water quality issues

- There is fishing pressure on their ponds because there are no natural lakes in the area. When they created the ponds, they envisioned them as having multiple uses, but they haven't tested the water yet to determine if there are high levels of heavy metals and other contaminants that would make fishing unsafe. Catch and release only is an option.

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## Question #3: Future workshops

- Easement and vegetation maintenance issues related to dredging.
- Reed canary grass control project on 1200' Long Lake shoreline costs \$15,000. Browns Creek WD and homeowners split the cost 50/50. Rusty Schmidt is supervising.
- The field exercise of the workshop was very nice, and it would be better to move it to after lunch (to prevent the after lunch “attack”).
- Staking of the 1, 10, 100-year events was very effective.
  - How are other cities handling cattails?
  - Have any vegetation management practices actually spread invasive?
  - How do you deal with animal burrows?

## Legal issues:

- Invite an attorney to speak about the rights and obligations for HOA and developer owned ponds and transferring pond ownership from private to city ownership. Can the city require a developer to install native vegetation around a pond during the warranty period?
- Pitfalls of not following the engineering guidelines.
- How do you track down the responsible party when a developer creates a pond then sells the land?
- How do you deal with private ponds? If you count their capacity in your stormwater plan, do you have to inspect them? Do you have the right to access them?
- Private companies aren't regulated by MS4 permits, but their pollution impacts the city's water bodies and storm sewer system. This also relates to street sweeping and winter salting and sanding.
- Use the plentiful and visible stormwater ponds as an educational tool for adjacent property owners in learning the functions and management approaches for maintaining pond functions while enhancing environmental aesthetics.

## Question #4: Additional Needs:

- Need for model pond buffer ordinance.
- Need to reign in developer's contributions to the MS4 systems, i.e., street sweepings, etc.
- Seek collaborative funding for cities to educate public about stormwater ponds.
- Need a Priority List of SW Pond Maintenance, a fool proof list, including how to get into the pond and options such as hiring a contractor.
- Need actual dollar (total per site, long term) comparison of native vegetation maintenance vs. the turf/lawn management systems.
- Take a closer look at the cost-benefit of long-term coordination of adopt a wetland/pond volunteers and contractor maintenance.

### Education:

- Need video tape of all field components of the workshop for future reference.