



## **Resolution 2017-127**

**Resolution Approving Minneapolis Park and Recreation Board Comments in Response to the St. Anthony Falls Aesthetic Flow Survey, Prepared for Xcel Energy by Barr Engineering Company, Dated December 2016, Pursuant to United States of America 113 FERC ¶62,215 Order Modifying and Approving Aesthetic Flow Adequacy Plan Pursuant to Article 403 and Directing Staff to Submit a Comment Letter to Xcel Energy – Hydro License Compliance Consultant Resolution**

Whereas, The Minneapolis Park & Recreation Board (MPRB) is the steward of Minneapolis parks;

Whereas, The MPRB owns and manages property organized as the Central Mississippi Riverfront Regional Park, including parkland proximate to and surrounding St. Anthony Falls along the Mississippi River in Minneapolis;

Whereas, The Federal Energy Regulatory Commission (FERC) issued Order Modifying and Approving an Aesthetic Flow Adequacy Plan Pursuant to Article 403 (Order) on December 15, 2005;

Whereas, The Order requires the preparation and submission to local agencies, including the MPRB, of an aesthetic flow survey at regular intervals following the initial issuance of the Order;

Whereas, The Order stipulates certain requirements for the conduct of the aesthetic flow survey including, among other requirements, that the survey be prepared by a professional survey firm, that questions be directed to recreational user preferences for varying flows at St. Anthony Falls from specified locations proximate to St. Anthony Falls, and that a certain number of responses be collected from recreational users at specified times of the year;

Whereas, St. Anthony Falls is the only falls on the Mississippi River and is the natural focus of the Central Mississippi Riverfront Regional Park, a regional recreation asset that attracted more than 2.1 million visitors in 2015 according to estimates made by the Metropolitan Council;

Whereas, The MPRB has consistently and publicly indicated a position that flows over St. Anthony Falls significantly greater than those required by the Order are required to perpetuate St. Anthony Falls as a natural, cultural, visual, and economic resource, a position held by other agencies with interests in the area of St. Anthony Falls;

Whereas, The MPRB has reviewed the St. Anthony Falls Aesthetic Flow Survey, as prepared for Xcel Energy by Barr Engineering Company, dated December 2016, and finds numerous



deficiencies and inconsistencies in the report of the survey as well as potential non-alignment with aspects of the requirements of the Order;

Whereas, MPRB staff has summarized comments related to the St. Anthony Falls Aesthetic Flow Survey and has incorporated those comments into a letter to be directed, as required by the Order, to Xcel Energy's Hydro License Compliance Consultant; and

Whereas, This resolution is supported by the MPRB 2007-2020 Comprehensive Plan, which envisions "Dynamic parks that shape city character and meet diverse community needs;"

RESOLVED, That the Board of Commissioners approves Minneapolis Park & Recreation Board comments in response to the St. Anthony Falls Aesthetic Flow Survey, prepared for Xcel Energy by Barr Engineering Company, dated December 2016, pursuant to United States of America 113 FERC ¶62,215 Order Modifying and Approving Aesthetic Flow Adequacy Plan Pursuant to Article 403, and directs staff to submit a Comment Letter to Xcel Energy – Hydro License Compliance Consultant; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary actions to implement this resolution.



TO: Operations & Environment Committee

FROM: Michael Schroeder,

DATE: February 1, 2017

SUBJECT: Resolution Approving Minneapolis Park and Recreation Board Comments in Response to the St. Anthony Falls Aesthetic Flow Survey, Prepared for Xcel Energy by Barr Engineering Company, Dated December 2016, Pursuant to United States of America 113 FERC ¶62,215 Order Modifying and Approving Aesthetic Flow Adequacy Plan Pursuant to Article 403 and Directing Staff to Submit a Comment Letter to Xcel Energy – Hydro License Compliance Consultant Resolution

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## **BACKGROUND**

This action approves a comment letter regarding the St. Anthony Falls Aesthetic Flow Survey (Attachment A) and directs staff to submit the letter to Xcel Energy's Hydro License Compliance Consultant. The Aesthetic Flow Survey is intended to support Federal Energy Regulatory Commission (FERC) requirements pursuant to United States of America 113 FERC ¶62,215 Order Modifying and Approving Aesthetic Flow Adequacy Plan Pursuant to Article 403 (the Order).

Minneapolis Park & Recreation Board (MPRB) staff has reviewed the Aesthetic Flow Survey report and have assembled comments addressing:

- The methodology of the survey and the qualifications of the professional survey firm or group;
- The collection of data and the use of the results of that data in an uncorrelated manner;
- A potential lack of compliance with the Order as a result of an error in materials used in the survey; and
- An apparent lack of quality review in the report of the St. Anthony Falls Aesthetic Flow Survey that might suggest other concerns for the survey.

In addition, staff notes the lack of correlated data that might support the MPRB's and other agencies' contention that a low flow threshold of 2,000 cfs is not adequate to maintain St. Anthony Falls as a natural, cultural, visual, and economic resource. This is an important point as correlated data suggests that 68 percent of park users who are most familiar with the Falls indicated flows of 2,000 cubic feet per second (cfs) or 1,500 cfs as "optimal," and might prefer higher flow scenarios if given the choice in future surveys.



Finally, staff believes the survey should be re-conducted to address concerns noted and offers several points intended to reinforce a process aligned with the Order and MPRB goals.

**The deadline for comments is February 15, 2017. As a result, staff requests that this item, if approved at the Operations and Environment Committee at its February 1, 2017 meeting, be forwarded for consideration by the Board of Commissioners on the same date.**

## RECOMMENDATION

Staff recommends that the Board of Commissioners approves comments in response to the St. Anthony Falls Aesthetic Flow Survey, prepared for Xcel Energy by Barr Engineering Company, dated December 2016, pursuant to United States of America 113 FERC ¶62,215 Order Modifying and Approving Aesthetic Flow Adequacy Plan Pursuant to Article 403, and directs staff to submit a Comment Letter to Xcel Energy – Hydro License Compliance Consultant.

This action is supported by the following vision and goal statements in the MPRB 2007-2020 Comprehensive Plan:

**Vision Theme 3:** Dynamic parks that shape city character and meet diverse community needs.

**Goal:** Parks shape an evolving city.

**Goal:** Park facility renewal and development respects history and focuses on sustainability, accessibility, flexibility, and beauty.

### ATTACHMENTS:

- Xcel comment letter on St. Anthony Falls Aesthetic Flow Survey (Attachment A) (PDF)

Prepared By: Cindy Anderson, Executive assistant for Planning Division, Strategic Planning

Review:

Cindy Anderson	Completed	01/30/2017 10:51 AM
Adam Arvidson	Skipped	01/30/2017 11:08 AM
Michael Schroeder	Completed	01/30/2017 11:09 AM
Jayne Miller	Completed	01/30/2017 12:13 PM
Operations & Environment Committee	Pending	02/01/2017 5:50 PM