

## **STAKEHOLDER COMMITTEE MEETING MINUTES - draft**

A meeting of the Stakeholder committee was held as follows:

### **MEETING INFORMATION**

Meeting Date and Time: **Wednesday, March 2, 2005, at 6:00 pm**

Meeting Location: **ACC Pinnacle Campus**, located at 7748 Hwy 290 West, Austin, Texas 78736, on the north side of Hwy 290, west of the Y in Oak Hill, and opposite to the entrance to the Oak Hill United Methodist Church, in Travis County, Texas.

### **ATTENDEES**

<b>Present</b>	<b>Member</b>	<b>Present</b>	<b>Member</b>
	Andrew Backus	<b>X</b>	Bryan Jordan
<b>X</b>	Jon Beall	<b>X</b>	Gene Lowenthal
	Alan Bojorquez	<b>X</b>	Nancy McClintock
<b>X</b>	Robert (Robbie) Botto	<b>X</b>	Charles O' Dell
<b>X</b>	Henry Brooks	<b>X</b>	Jim Phillips
	S. Tim Casey		Randy Robinson
<b>X</b>	Colin Clark		Hank Smith
<b>X</b>	Joe C. Day		J. T. Stewart
<b>X</b>	Karen Ford	<b>X</b>	Donna Tiemann
<b>X</b>	David Fowler	<b>X</b>	David Venhuizen
<b>X</b>	Mark Gentle		Michael Waite
<b>X</b>	Karen Hadden	<b>X</b>	Hugh Winkler
	Rebecca Hudson	<b>X</b>	Ira Yates
<b>X</b>	Charles Johnson		
<b>Present</b>	<b>Alternate</b>	<b>Present</b>	<b>Alternate</b>
<b>X</b>	Jack Goodman		Chris Risher
<b>X</b>	Dana Blanton	<b>X</b>	S.H. (Tary) Snyder
	Carlotta McLean	<b>X</b>	Randall Thomas
	Bret Raymis		
<b>Present</b>	<b>Staff/Consultants</b>	<b>Present</b>	<b>Staff/Consultants</b>
<b>X</b>	Terry Tull – Executive Director	<b>X</b>	Tom Brown – NEI
<b>X</b>	Grant Jackson – NEI	<b>X</b>	David Fusilier – NEI

**[TABLE BELOW IS FROM 3/02/05 MEETING AGENDA DOCUMENT]**

**AGENDA - for the March 2, 2005 Stakeholder Committee Meeting:**

	<b>Time</b>	<b>Activity</b>
	6:00 pm	Convene Stakeholder Committee Meeting, Opening Remarks, Roll Call – Terry Tull.
1.	6:05 pm	Open Public Comment.
2.	6:10 pm	Discussion and Action to approve Minutes of the February 16 and 23, 2005 Stakeholder Committee Meeting – Terry Tull <b>(See attachment 1a and 1b).</b>
3.	6:15 pm	Review, Discuss and Approve Updated Project Schedule and Milestones – Terry Tull/NEI <b>(See attachment 2).</b>
4.	6:20 pm	Review and Discuss Illustrative Case – NEI. <b>(See attachment 3).</b>
5.	6:50 pm	Discuss the <b>updated, revised</b> Table 10 - Recommended Maximum Impervious Cover Limits Table and provide input to the Consulting Team. <b>(See attachment 4).</b>
	7:20 pm	Break
5.	7:30 pm	Discuss the <b>updated, revised</b> Table 10 - Recommended Maximum Impervious Cover Limits Table and provide input to the Consulting Team. <b>(cont.)</b>
6.	8:00 pm	Identify remaining SHC “Showstopper” issues and “Important” issues as they relate to the 5 <sup>th</sup> Draft of the Regional Water Quality Protection Plan.
7.	9:00 pm	Discuss process for resolving remaining issues and reaching final SHC decision on the Plan at March 9 <sup>th</sup> SHC meeting.
8.	9:25 pm	Other Business (next meeting agenda, etc...)
9.	9:30 pm	Adjourn

## **CALL TO ORDER**

Executive Director Terry Tull served as Coordinator. Coordinator Tull called the meeting to order at approximately 6:00 p.m. Mr. Tull performed a roll call of members present, as outlined in the table above.

### **1. Open Public Comment Period.**

Donna Tiemann announced that the Greater Edwards Aquifer Alliance was hosting a regional summit in San Antonio this weekend, March 4-6, 2005 (“A Regional Summit on The Edwards Aquifer and the Hill Country”). She had sent e-mails to the SHC suggesting that the group put together an informational handout on this current planning effort.

Robbie Botto stated that he thought this was a good idea.

It was suggested that the Executive Director prepare a summary about the Regional Planning process for distribution at the Summit. The Regional Director agreed to review the materials regarding the Summit and to let the SHC know of his decision in this regard.

### **2. Discussion and Approval of Meeting Minutes from the February 16 & 23, 2005 Stakeholder Committee Meetings (Meeting Attachments Nos. 1a and 1b).**

Coordinator Tull stated that the minutes from the February 16 & 23, 2005 SHC meetings had been posted on the web site and that he had received no comments from the SHC members. Coordinator Tull asked if anyone had any comments on the minutes, and hearing none, the minutes were approved by consensus.

### **3. Review, Discuss and Approve Updated Project Schedule and Milestones (Meeting Attachment No. 2).**

Coordinator Tull presented the latest Project Schedule that showed the tentative dates of the remaining meetings. The current schedule has the next SHC meeting scheduled for next Wednesday night, March 9th. It is currently the last scheduled SHC meeting. Additional meetings, if necessary, would have to be scheduled as necessary.

**Coordinator Tull stated that the Executive and Core Committee meeting to present the plan had been set for Monday, March 21, 2005.**

### **4. Review and Discussion of Illustrative Case s #1 and #2. (Meeting Attachment No. 3).**

Grant Jackson/NEI began a discussion of Illustrative Cases #1 and #2.

Grant Jackson presented the Illustrative Case #1. This imaginary case involves the development of approximately 218 acres of Hill Country property. Mr. Jackson showed the layout of the illustrative case in both the existing and proposed conditions. He stated that the intent of the illustrative case was to show people what can be designed under the requirements of the proposed plan. The proposed conditions result in an impervious cover of approximately 13.24%.

Mr. Jackson also presented an outline of Illustrative Case #2. This imaginary case involves the development of approximately 4.0 acres in a “Preferred Growth Area”.

The discussion of the illustrative cases generated the following comments:

- If the irrigation rate is set at the hydraulic conductivity of the soil, this is too high.
- Where in the Hill Country do we have 12” of soil as required by The Plan?
- Cost information would be helpful in evaluating the effects of The Plan.

**5. Presentation and discussion of Updated, Revised Recommended Maximum Impervious Cover Limits (Table 10 from the 5<sup>th</sup> Draft of the Regional Water Quality Protection Plan) (Meeting Attachment No. 4).**

Grant Jackson/NEI presented the following **updated, revised** Table 10:

**Table 10 – Required Maximum Impervious Cover Limits**

Column #:	(1)	(2)	(3)	(4)
Location	<100 Ac + No Review <b>(1)</b>	Sec. (LID) BMPs only <b>(2)</b>	Prim. BMPs & no TDRs <b>(3,4)</b>	BMPs + TDRs <b>(5)</b>
Recharge Zone	3	10	15	20
Contributing Zone, outside “preferred growth areas” (PGAs) <b>(6)</b>	5	15	20	25
Contributing Zone, Residential inside PGAs	5	15	20	30
Contributing Zone, Commercial inside PGAs	5	20	35	45 or No Limit <b>(7)</b>

- 1) Includes the following restrictions: **Only applicable to tracts less than 100 acres, no contiguous IC blocks greater than 20,000 sf, IC blocks must be separated from each other by at least 25 feet (excluding sidewalks), and no concentrated discharge of runoff (e.g. no curb & gutters, storm sewers or drainage ditches/swales).**
- 2) Site design must include demonstration of “no net increase” and comprehensive site design using Low Impact Design (LID) measures, including non-contiguous impervious cover, and the use of secondary BMPs (as described in the Plan) which do not require an operation component (vegetated buffer strips, grassy swales, etc)
- 3) Includes demonstration of “no net increase” and comprehensive site design relying on primary BMPs, as defined in the Plan).
- 4) **TDRs used in the RZ must be obtained from the RZ and the combined IC of all tracts considered together must be 10% or lower. TDRs used in the CZ may be obtained from either the RZ or the CZ**

**and should come from properties outside of PGAs. The combined IC of all tracts considered together must be 15% or lower.**

- 5) Includes demonstration of “no net increase” and comprehensive site design using BMPs, in conjunction with TDRs.
  - 6) Preferred Growth Areas as used in this Plan are areas defined by local governmental jurisdiction(s) through the comprehensive planning process (in accordance with the Texas Local Government Code, Chapter 213) as areas where future zoning is proposed to be industrial, commercial or high-density residential, provided these area are located within incorporated municipal boundaries.
  - 7) **The “No Limit” option requires that building roof runoff** be captured through rainwater harvesting with fourteen (14) days storage capacity, used for landscape irrigation.
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The discussion of the revised, updated Table 10 generated the following comments:

- How will the Preferred Growth Areas (PGAs) be established? Can Mountain City prepare a comprehensive plan?
- The I.C. limits shown in Columns 3 & 4 are too high.
- Construction site run-off is our biggest problem and we have not adequately addressed this issue.
- The underlying numbers are 10% for RZ and 15% for CZ. Higher numbers are site specific. The “no net increase” requirement still applies.
- TCEQ’s current rules for construction BMPs do not address sites under one acre in size. Recommend we require/provide some type of education for these types of projects.
- We started out with a basin wide 10% I.C. limit, because studies showed that I.C. limits greater than 10% cause problems. This table abandons that idea, and puts the plan at risk.
- The lack of maintenance and enforcement for BMPs is a problem. Footnote Column 33 with a requirement for a public entity to operate and maintain the BMPs. The entity could make sure the BMPs are functioning properly, not necessarily own the BMP.
- We wanted a basin wide I.C. limit. We have abandoned that idea. The amount of impervious cover is now dependent on BMPs. TDRs were to be used to increase risk. Now you can increase your I.C. limit (and therefore your risk), without the use of TDRs.
- Let’s produce a plan that is based on science. Let’s not negotiate I.C. limits now. That can be done later. Request that no negotiations be done outside this group on our behalf.
- Why can’t we recommend performance testing for BMPs (quarterly)? We can set performance limits that the BMPs must meet.
- Column #3 [CZ, Commercial Inside PGA] – now 35%, was 35%. Why would we want to allow this build-out in areas (PGAs) that we don’t know for sure what the boundaries are?

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Development of a Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone

- Need to produce a plan that can be implemented, otherwise all this time put in by the SHC members has been wasted.
- Politics are involved. How do we get past Column #3? We need to reach consensus.
- Column #3 is not needed. BMPs are given their due by Column #4.
- Column #1 – disconnect applies to parking lots and buildings (should not apply to roads, etc...). Public entities will own and operate BMPs. Column #3 is good and can be supported by science. Why limit Column #1 to 100 acres?
- Why limit Column #1 to 100 acres? [multiple comments on this subject]
- Why different I.C. limits for residential and commercial properties? [answer from other SHC members was that this was a concession to developers of commercial tracts]
- Column #3 is necessary/essential. [multiple comments on this subject]
- In Footnote #1 – strike the mention of ditches/swales. It would be difficult to development anything without them.
- The thought process for implementation is critical. Maintenance of BMPs needs to be in public hands, just like roads, sewers, water lines, etc...
- Agreed months ago to a basin-wide cap of 10% I.C. Some went along w/ concept of gross-site area basis because of this overall 10% limit. Need to move numbers down, or go to net site area concept.
- TDR concept is currently unclear and potentially problematic. Perhaps using the City of Austin concept (a concept not actually implemented at this time) of limiting TDRs/Mitigation to a two mile radius from the development.
- Why do we need Column #2? [Other SHC members – Column #2 will be a popular option.]
- Grant Jackson – Straw poll on how many agree to the following concept for BMPs, in exchange for increases in I.C.:
  - (1) Monitoring;
  - (2) Quarterly Inspection;
  - (3) O&M by public entity.

Yes – 14; No – 9.

- Supports 10% basin-wide I.C. limits. If there is not a 10% cap, then we will see degradation.
- Why allow greater I.C. for using more vulnerable BMPs (structural)? Vulnerability analysis should be required.
- Why would we want a “no limit” option?
- The proposed table is not as strict as the USFWS 2000 requirements.
- NEI hasn’t done a good job a selling the plan. The plan is more about landowners than developers.
- Footnote #1 is not workable.
- For Column #1 – delete 100 ac limit, instead require a maximum of 10% I.C. on any 10 acre tract of a development.
- We should assign numbers (acreage) to all of the tables cells so we can calculate an overall basin impervious cover percentage.
- Naismith should give the SHC multiple options for the I.C. table (based on SHC input received).

**6. Identify remaining SHC “Showstopper” issues and “Important” issues as they relate to the 5<sup>th</sup> Draft of the Regional Water Quality Protection Plan.**

Grant Jackson presented a graph showing economic implications resulting from the proposed plan. The graph generated the following comments from the SHC:

- We’re not seeing the base costs. Platted residential subdivisions are not at 30% I.C. in this area. We need to see this in relation to the overall base cost.
- Why is the current plan more expensive than USFWS 2000 requirements? [Grant Jackson – we judge the current plan to be more restrictive than the USFWS 2000 requirements.] Not giving enough credits to the “strictness” of the USFWS measures.
- Don’t start at 30% I.C. for existing developments, use something more like 20%.
- Concerned about the accuracy of these numbers. These are “guesses” – concerned about the implications of the numbers if we choose to put them in the plan.

## **NEW BUSINESS ITEMS**

### **1. Proposed March 9, 2005 Stakeholder Committee Meeting.**

Coordinator Tull stated that the next SHC meeting would be held on Wednesday, March 9, 2005, at the ACC Pinnacle Campus.

## **ADJOURNMENT**

The meeting was adjourned at approximately 10:00 pm.

## **APPROVAL**

These minutes were approved, with no changes, at the Stakeholder Committee meeting on \_\_\_\_\_.