

STAKEHOLDER COMMITTEE MEETING MINUTES - draft

A meeting of the Stakeholder committee was held as follows:

MEETING INFORMATION

Meeting Date and Time: **Wednesday, March 9, 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

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

[TABLE BELOW IS FROM 03.09.05 MEETING AGENDA DOCUMENT]

AGENDA - for the March 9, 2005 Stakeholder Committee Meeting:

	Time	Activity
	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 March 2, 2005 Stakeholder Committee Meeting – Terry Tull (See attachment 1) .
3.	6:15 pm	Review and Discuss the Updated Project Schedule and Milestones – Terry Tull/NEI (See attachment 2) .
4.	6:20 pm	Present the 6 th Draft Version of the Regional Water Quality Protection Plan - NEI (posted on the web site) .
	6:50 pm	Break
5.	7:00 pm	Identification of, and resolution of, remaining SHC “Showstopper” issues as they relate to the 6th Draft of the Regional Water Quality Protection Plan. SHC members will present their “Showstopper” issues and their developed solution for these issues. If unable to reach consensus on an identified issue in a timely manner, the SHC will vote to resolve the issue (in accordance with the SHC By Laws).
6.	9:00 pm	SHC Vote on the Pre-Final Version of the Regional Water Quality Protection Plan to be presented to the Executive/Core Committee on March 21, 2005.
	9:30 pm	Break
7.	9:45 pm	The Way Ahead. Discussion on the role the SHC will play at the March 21, 2005 EC/CC Meeting; discussion on the future involvement of the SHC with respect to finalizing the Regional Water Quality Protection Plan.
8.	10:00 pm	Adjourn

CALL TO ORDER

Executive Director Terry Tull served as Coordinator. Coordinator Tull called the meeting to order at approximately 6:15 p.m. Mr. Tull performed a roll call of members present, as outlined in the table above.

1. Open Public Comment Period.

Suzanne Pierce, a doctoral graduate student in Geological Sciences at The University of Texas at Austin Jackson School of Geosciences spoke to the SHC. Ms. Pierce had previously addressed the SHC (the February 16, 2005 SHC Meeting) concerning her participation, as part of a research team, in a process to look at ways of creating tools that can enhance a stakeholder decision making process. The project involves design and development of an interactive decision support tool that could possibly aid groundwater management practices. The tool is an integrated, systems model that is based on Texas Water Development Board Groundwater Availability Model (GAM) for hydrologic performance, linking GIS, and stakeholder preferences with a relational database.

She indicated that she had recently attended a conference where she was able to become familiar with several tools and methods that will aid in making this project a success. She encouraged the group to continue their good work, as they are helping to serve as a guide for the development of the integrated, systems model. Any SHC member that would be interested in participating in this project should contact Ms. Pierce through the Executive Director (Terry Tull) via e-mail.

SHC Member Colin Clark showed an animated presentation CAMPO's current proposed toll roads within the planning region. The projects' estimated costs total approximately \$1.6 billion dollars. Mr. Clark stated that a more complete presentation is available on the Save Our Springs Alliance web site (www.sosalliance.org).

SHC Member Robbie Botto addressed the group and requested that the SHC Members carefully consider their "Showstopper" issues and hoped that all the members would help in getting the group to come to a consensus on what is, as currently drafted, a fairly sound plan.

2. Discussion and Approval of Meeting Minutes from the March 2, 2005 Stakeholder Committee Meeting (Meeting Attachment No. 1).

Coordinator Tull stated that the minutes from the March 2, 2005 SHC meeting had not been finalized and had not been posted to the web site, and therefore consideration by the SHC of these minutes would not take place.

3. Review and Discuss the Updated Project Schedule and Milestones (Meeting Attachment No. 2).

Coordinator Tull presented the latest Project Schedule (meeting handout) that showed the tentative dates of some of the remaining tasks including: delivery of The Plan to the EC/CC members (March 14-16); presentation of The Plan to the EC/CC at their meeting on March 21; a workshop for EC/CC members to help familiarized them with The Plan's features and requirements; deadline for submittal of The Plan to the Texas Water Development Board (March 31).

Coordinator Tull also stated that additional important dates to remember that have not been included on the schedule handout presented at this meeting are as following:

- April 30, 2005** - Comments on The Plan expected back from TWDB;
- May 31, 2005** - Final Plan due to TWDB;
- June 30, 2005** - TWDB deadline to accept or reject The Plan.

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

SHC members expressed concern with the process of finalizing The Plan, and the possibility of a lack of SHC input into changes proposed to The Plan during the revision process. Grant Jackson/NEI stated that it was his and the Executive Director's intent that the SHC would be engaged in some manner during the revision process.

4. Presentation of the 6th Draft of the Regional Water Quality Protection Plan.

Grant Jackson stated that the 6th Draft of the Regional Water Quality Protection Plan had been posted on the web site as of end of the day on Friday, March 4, 2005. Subsequent to the posting of the 6th Draft, additional changes/updates have been made to the plan and are included in a 17 page handout (handout only includes those pages that have had changes made since March 4th).

5. Identification of, and resolution of, remaining SHC "Showstopper" issues as they relate to the 6th Draft of the Regional Water Quality Protection Plan.

The Executive Director reviewed the ground rules for identifying and voting on (if necessary) the "Showstopper" issues. Grant Jackson/NEI then began a review of a PowerPoint slide presentation that listed the SHC "Showstopper" issues currently identified by the Consulting Team. Each voting member of the SHC was then asked to identify any other showstopper issues that were not currently listed by the Consulting Team. Once this process was complete, a break was taken and the PowerPoint presentation was updated by the Consulting Team to include these additional issues.

The "Showstopper" issues addressed at the meeting were as follows:

1. Comprehensive Site Design

Issue:

- Page 51 still says "For areas to be developed, this strategy will require a thorough, site specific assessment of pre and post development conditions"... I thought we discussed this a long time ago and agreed to modify - I do see in version 6 that there is some discussion about what a "comprehensive site plan" must include and additional information in the implementation section but no clear relationship back to a "thorough site specific assessment of pre and post development conditions..." [DIG]
- What does the above sentence really mean?

Solution:

- Add a sentence that states there is "...no requirement for pre- and post-development monitoring of the site..."

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

2. TDRs

Issue:

- Do not support impervious cover credit for retrofits of existing developments. [IY]
- What does retrofit mean? If you add a BMP to an existing development, how do you calculate the benefit?

Solution:

- Amend the plan to state the following:
 - (1) Retrofits are to be encouraged;
 - (2) If the retrofit involves reducing (removing) impervious cover from an existing subdivision or development, then the developer can receive credit for this impervious cover removal.
 - (3) Local jurisdictions are encouraged to develop a retrofit program through the adaptive management process. The development of the retrofit program should include the determination of the amount of “credit” to assign to various retrofit options.

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

3. Buffer Zones/CEF Setbacks

Issue:

- Page 57-58 stream and CEF setbacks - in the lower 2 areas 32-120 and 120-320 these setbacks are too large (larger than COA today). Setbacks less than 64 acres would be acceptable if they could be included in the yards or development area but have a building setback on the lot and be tied to a pesticide management education program for homeowners. [DIG]
- [Grant Jackson: FYI – current plan (6th Draft) says buffer zones must be owned by a public entity.]

Solution:

- Change stream buffer zones to the following:

<u>Drainage Area</u>	<u>Buffer Zone from Stream CL</u>
16 – 64 ac.	50 ft.
64 – 120 ac.	75 ft.
16 – 64 ac.	100 ft.
- Buffer zone can be on private property, provided they are included in a dedicated easement and are outside building setbacks, and tied to pesticide management education program for homeowners.

Vote:

- The SHC voted to leave The Plan as is (did not want to consider the alternative).

4. Credit for Pollutant Removal in Buffer Zones

Issue:

- Further we continue to assert that the development should be able to recognize credit for these buffer zones since they do provide a water quality benefit and as I have stated before if credit is given for these structures we are only encouraging them to be properly constructed and maintained and not just an area left undisturbed that may not truly end up being a benefit at all. [DIG]

Solution:

- Credit for pollutant removal by stream buffer zones, as a vegetative filter strip, will be allowed with the following conditions:
 1. Sheet flow must be established into the buffer zone;
 2. A vegetative management plan must be developed (and areas inside the buffer zone improved if necessary);
 3. Areas receiving pollutant removal credit must be outside the 100-yr floodplain, and must not have steep slopes;
 4. Allow Consultant Team to set a standard for buffer zones that will receive pollutant removal credit.

Vote:

- A straw poll of the SHC was taken, and the SHC voted to leave The Plan as is (did not want to consider the alternative).

5. Wetlands in Buffer Zones and CEF Setbacks

Issue:

- Also Stream setbacks get widened when wetlands are encountered but wetlands also are considered CEF and have setbacks - this conflicts! All references to wetlands should be removed from the plan. Wetlands are the jurisdiction of the USACE (federal gov't). [DIG]

Solution:

- The following changes to The Plan were proposed:
 1. remove the mention of wetlands from the CEF setbacks section;
 2. include the term “jurisdictional wetland” in the section on stream buffer zones.

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

6. Wastewater Management

Issue:

- Page 75 - wastewater treatment and irrigation criteria needs to be left to TCEQ or we need to have several major discussions of these issues which we have not even talked about to date. [DIG]
- The section titled “Treated Wastewater Discharge Through Land Application” states in part “...a safety factor of 1.50 shall be applied to the measured infiltration rate to determine the design application rate.” What is the justification for this safety factor?
- [Grant Jackson – the safety factor was included as part of a set of requirements that, if met, would exclude wastewater irrigation sites from being included as impervious cover in the impervious cover calculations. This requirement was primarily aimed at spray irrigation systems.]

Solution:

- Eliminate the proposed safety factor.

Vote:

- A straw poll of the SHC was taken, and the SHC voted to leave The Plan as is (did not want to consider the alternative).

7. Structural BMPs

Issue:

- No Safety factor should be added to design of the structural BMP controls. [DIG]
- [Grant Jackson – the safety factor was included to account for the variability in BMP data available in the EPA database for structural BMPs. Formula used would be as follows:
Removal Efficiency from EPA Statistics/Safety Factor = Design Standard]

Solution:

- Eliminate the safety factor proposed for the sizing of structural BMPs.

Vote:

- A straw poll of the SHC was taken, and the SHC voted to leave The Plan as is (did not want to consider the alternative).

8. Structural BMPs

Issue:

- Innovation & Performance of Structural BMPs. The Plan does not encourage innovation of new BMP technologies. Also, The Plan does not adequately ensure that all BMPs are functioning properly, and providing the removal rates necessary to meet their design requirements.[JD]

Solution:

- Revise The Plan to better encourage innovation (such as the EPA stipulations for Innovative and Performance Studies).
- Modify language in The Plan's Adaptive Management section to more clearly indicate that BMP performance is important and should be considered.

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

9. Implementation

Issue:

- No Development Agreements. They are too political in nature and should be discouraged. [CC,IY]

Solution:

- Include the following wording, or something with the same meaning, in the existing Development Agreement section of the plan: "Development Agreements are intended as a tool to enforce the

provisions of The Plan, and are not intended to allow circumvention of any provisions of The Plan.”

Vote:

- A straw poll of the SHC was taken, and the SHC voted to approve the above solution (and modify The Plan accordingly).

10. Implementation

Issue:

- Perpetual funding for O&M of BMPs is necessary and should be required. The Plan does not specifically require the developer to pay for the on-going O&M of BMPs. [DV, IY]

Solution:

- Funding for BMP O&M shall be as follows:
 - Inside City Limits:
 - (a) City should be responsible for on-going O&M for residential developments;
 - (b) City can charge a fee for funding O&M for commercial developments.
 - Outside City Limits:
 - (a) The funding source for the O&M of the BMPs to be installed must be detailed in accordance with The Plan requirements.

Vote:

- A straw poll of the SHC was taken, and the SHC voted to approve the above solution (and modify The Plan accordingly).

11. Impervious Cover Table (Table 11 from 6th Draft)

Issue #1:

- Column #4 (Transitional period I.C. Limits) in the Option #1 – I.C. Table (Table 11 from 6th Draft) is not a good idea.

Solution:

- Eliminate this column from the I.C. Table.

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

Issue #2:

- What impervious cover percentages should be included in the I.C. Table to be included in The Plan (Table 11 from 6th Draft).

Solution:

- The following revisions/modifications were suggested:
 1. Allow the Consulting Team to prepare their own table, using their best professional judgment, to establish what they believe to be the proper impervious cover limit numbers.
 2. The Consulting Team should prepare a second version of the I.C. Table showing the range in values for the impervious cover limits suggested by the SHC.

Vote:

- The SHC approved the above solution by consensus (no SHC member voiced their objection to the proposed solution).

12. Additional “Showstopper” Issues Raised During the Meeting

Issue:

- Economic Analysis – assign value to loss of recreation, tourism, quality of life, etc...due to water quality degradation. [KH]
- Cost of implementation – provide more scenarios. [KH]
- Erosive flows. [DV]
- Economic Impact – relating to I.C. table (depends on what we decide about the table). [TS]

Solution:

- The above issues were raised by individual SHC members during the meeting, however, due to lack of time, no significant SHC member discussion on these issues occurred during the meeting. The Consulting Team will attempt to resolve these issues with the individual SHC members without altering the plan in such a way as to raise additional issues with other SHC members.

NEW BUSINESS ITEMS

1. Proposed March 21, 2005 Executive and Core Committee Meeting.

Coordinator Tull stated that the current schedule calls for The Plan to be presented to the Executive and Core Committees at their next meeting scheduled for Monday, March 21, 2005.

ADJOURNMENT

The meeting was adjourned at approximately 11:30 pm.

APPROVAL

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