

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

A meeting of the Stakeholder committee was held as follows:

### **MEETING INFORMATION**

Meeting Date and Time: **November 17, 2004, at 6:00 pm**

Meeting Location: Oak Hill United Methodist Church, 7815 U.S. Highway 290 West, Austin, Travis County, Texas 78736.

### **ATTENDEES**

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

**OPTIONAL - Informal Roundtable Discussion on Water Quality Planning Goals and Objectives:**

Prior to the official Stakeholder Committee Meeting an optional, informal Roundtable Discussion on Water Quality Planning Goals and Objectives Within the Planning Region was convened at approximately 5:00 pm. This roundtable discussion was open to all interested stakeholders. The guest speaker was Brian Smith, Senior Hydrogeologist with the Barton Springs Edwards Aquifer Conservation District.. Mr. Smith spoke about the District’s groundwater modeling efforts and the development of the Sustainable Yield Report. The Sustainable Yield Report may be accessed from the home page of the District’s web site at [www.bseacd.org](http://www.bseacd.org). The informal roundtable discussion was ended at approximately 6:00 pm.

**CALL TO ORDER**

Executive Director Terry Tull served as Coordinator for the meeting, and Grant Jackson of the NEI Consulting Team served as the Secretary for the meeting. 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.

**[TABLE BELOW IS FROM 11/17 MEETING AGENDA DOCUMENT]**

**AGENDA - for the November 17, 2004 Stakeholder Committee Meeting:**

<b>Time</b>	<b>Activity</b>
6:00 pm	Convene Stakeholder Committee Meeting, Opening Remarks, Roll Call – Terry Tull
6:05 pm	Open Public Comment
6:10 pm	Discussion and Action to approve Minutes of October 20, 2004 Stakeholder Committee Meeting – Terry Tull <b>(See attachment 1)</b>
6:15 pm	Review, Discuss, and Approve an updated version of the Standard Operating Procedures and a list of nominees for the outside Technical Review Group (TRG) - NEI <b>(See attachment 2a)</b>
6:25	Review and Discuss the 1 <sup>st</sup> Draft of the Guiding Principles for the Regional Water Quality Protection Plan developed by the Guiding Principles Subcommittee – Terry Tull/NEI <b>(See attachment 2b)</b>
6:35 pm	Review, Discuss, and Approve the Updated Draft Version of the Goals and Objectives for the Regional Water Quality Protection Plan – NEI <b>(See attachment 3)</b>
6:50 pm	Break
7:00 pm	Review and Discuss the 1 <sup>st</sup> Draft Version of the Regional Water Quality Protection Plan - NEI <b>(See attachment 4)</b>
8:00 pm	Break
8:10 pm	Review and Discuss the 1 <sup>st</sup> Draft Version of the Regional Water Quality Protection Plan - NEI <b>(continued)</b>
9:00 pm	Discuss the preparation and submittal of a Stakeholder Committee report to the LCRA prior to the LCRA Board Meeting on December 7, 2004 (tentative date)
9:10 pm	Review and Discuss Updated Project Schedule and Milestones – presentation and discussion of current project schedule - NEI <b>(See attachment 5)</b>
9:15 pm	Discussion on Possible Formats, Methods, and Subject Matters for Technical/ Informational Presentations to the Stakeholder Committee – Terry Tull/NEI
9:25 pm	Other Business (next meeting agenda, etc...)
9:30 pm	Adjourn

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

Mr. Ken Manning from the LCRA announced that the LCRA Board of Directors have planned a Special Board meeting on December 7, to discuss issues relating to water service contracts serving the Hamilton Pool Road area. The regular LCRA Board meeting later in December will address other issues relating to water services in the areas of western Travis County and northern Hays County, including the LCRA's current CCN application. Mr. Manning stated that the Board should finalize plans for the December 7th meeting in the next few days and that he would notify the SHC members via e-mail.

### **2. Discussion and Action to Approve Minutes from the October 20, 2004 Stakeholder Committee Meeting (Meeting Attachment No. 1).**

Coordinator Tull reviewed the previously posted copies of the minutes from the October 20, 2004 Stakeholder Committee (SHC) Meeting. The minutes were approved by consensus with minor changes.

### **3. Review, Discuss, and Approve the Updated Draft Standard Operating Procedures for the outside Technical Review Group (TRG), as well as the draft list of nominees (Meeting Attachment No. 2a).**

Coordinator Tull reviewed the previously posted copy of the Updated Draft Version of the Standard Operating Procedure for the outside Technical Review Group. One comment received from the SHC was that members of the TRG should be informed as to the degree of completion (or version) of the documents they are being asked to review (i.e., 1<sup>st</sup> draft, 2<sup>nd</sup> draft, final). After receiving no other comments, the SOP document was approved by consensus.

Coordinator Tull then reviewed the current list of nominees for the TRG that was transmitted to the SHC via e-mail on November 16, 2004. There being no objections, the nominees were confirmed as members of the TRG. Following some additional discussion, the SHC decided that other candidates could be nominated for the TRG and presented at the next SHC meeting for confirmation.

### **4. Review and Discussion of the 1<sup>st</sup> Draft of the Guiding Principles Document for the Regional Water Quality Protection Plan developed by the Guiding Principles Subcommittee (Meeting Attachment No. 2b).**

Coordinator Tull presented the 1<sup>st</sup> Draft of the Guiding Principles document as developed by the Guiding Principles Subcommittee (draft dated November 15, 2004). After discussion by the SHC, a wording change was made to the draft document (Item No. 6), and the revised document was approved by consensus later in the meeting.

### **5. Review, Discuss, and Approve the Updated Draft Version of the Goals and Objectives for the Regional Water Quality Protection Plan (Meeting Attachment No. 3).**

Coordinator Tull introduced the latest Updated Draft Version of the Goals and Objectives document. He explained that it was intended that the SHC would adopt the Goals and Objectives document at this meeting.

Grant Jackson then conducted the review of the Updated Draft Version of the Goals and Objectives, with the results:

- A suggested wording change to the Goal Statement by Henry Brooks (Property Owners) conveyed prior to the meeting via e-mail from Coordinator Tull on November 16, 2004 was discussed and agreed upon.
- There were \_\_\_\_#\_\_\_\_ sections of the document about which there were comments but not sufficient time to reach agreement on any changes. The SHC agreed that the remainder of the Goals and Objectives were accepted, but that these \_\_\_\_#\_\_\_\_ provisions would be the subject of further discussion at the next meeting. NAISMITH will post the revised Goals and Objectives document with these \_\_\_\_#\_\_\_\_ provisions highlighted, along with accompanying comments, on the website for discussion at the next meeting.

## **6. Review and Discussion of the 1<sup>st</sup> Draft Version of the Regional Water Quality Protection Plan (Meeting Attachment No. 4).**

Grant Jackson reviewed the 1<sup>st</sup> Draft Version of the Regional Water Quality Protection Plan with a PowerPoint presentation.

After Mr. Jackson's presentation the SHC members were given an opportunity to comment on this draft version. The comments were solicited by the individual SHC interest groups (the order of the groups had been selected at random by the NEI Team). The comments from the SHC are summarized as follows:

### **Neighborhood Interests**

- Density. How do you address this issue outside of city limits? Counties may not have the authority to control density.
- Don't confuse the issues of density vs. impervious cover. They are not the same.
- BMPs: need to identify constituents; removal levels; and, be mindful of groundwater effects from the BMPs.
- Recommend the detention of the 2-yr, 3-hour storm event, and releasing this volume over a 24-hour period.
- Amend the net site area calculations.
- The more environmentally sensitive areas within the planning region should be identified. In some way, these more sensitive areas should receive more attention.
- The plan doesn't "hang together" well.
- The plan is "inside out"/"backwards" – should have parameters/goals first.

### **Economic Interests**

- Irrigation/Retention BMPs: the pollutants are discharged onto the land and wait for a big flood event to be washed downstream. Need to look at what happens to pollutants.
- A big threat to the aquifer is that current pumping rates exceed recharge rates, creating a deficit.
- Current OSSF rules are inadequate (e.g., spray irrigation systems don't use chlorine when they should and are required to.)
- Preferred growth corridors should be identified within the planning region.
- Education is a key to public acceptance/actions.
- Need to recognize the "public good" of water in aquifer/streams/natural lands, and the resulting economic and social benefits to the region.

### **Government Entities**

- Scientific justification needs to be provided with the plan. None shown with this version.

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

- The plan, in its current state, is hard to review – hard to know if it works when we don't have a target or goal.
- Net Site Area – net site area calculations should exclude golf courses and wastewater reuse areas.
- Public Education should be emphasized (e.g., public schools, “Green Builder” Program, etc...).
- For construction plans: need specifics on temporary BMP requirements; reviewer qualifications should be standardized; the TCEQ's Stormwater Pollution Prevention Plan format should serve as a guide.
- For Permanent BMPs: an inspection/maintenance program should be established.
- Add scientific justification for buffer zone and critical environmental feature setbacks, impervious cover limitations, etc...
- Where does it say in the document that the BMPs will be required to function properly? Need guarantee of performance.
- Emphasize erosion control – provide help to builders
- Address landscape maintenance after construction – “grow green”

### **Development Interests**

- Stream offsets seem arbitrary. Where is the science behind these requirements? Needs better definition – recommend use TCEQ definitions.
- Defining the drainage areas (that establish stream offset requirements) is sometimes difficult.
- Utility lines and roads should be allowed to cross streams.
- Impervious cover limits seem arbitrary. The science behind these limits should be provided.
- Why are impervious cover limits different inside vs. outside city limits? What's the difference?
- The TCEQ would be a good start for protecting water quality within the planning region. We should work with them to identify and eliminate deficiencies in their Edwards Aquifer program.
- Not sure about the density and impervious cover limits. Need to have experts look at the “takings” issue this may create.
- Pollutants are assimilated in the environment. This fact needs to be considered with respect to the “no net increase” goal.
- Question the relevance of impervious cover limits for “inside/outside” of city limits. Are we pushing development elsewhere? We need to considerate of others and be sure we are not creating problems in other areas. We should not shut the door to development in this area.
- Impervious cover limits – need to look at the “Take Back Texas” issues on “takings”.
- Where is the science behind the limits established in the plan?
- When did we set a goal of no net increase in pollutants?
- We should start with the TCEQ rules, and build on them.
- The use of the “Net Site Area” concept should be dropped in favor of “Gross Site Area”.
- Pg. 21, Table 3 – Add column to table to include impervious cover limits if you use structural BMPs.
- Purpose of “semi-pervious” cover is not clear – what is the goal? What is achieved?
- Pg. 22, “Erosive Flow Control” – do need to control 2 year/3 hour event, but requirement for detention may be unnecessary if it converts back to storm flow.

### **Concerned Citizens**

- TCEQ is not a useful organization.
- Just because TCEQ regulates wastewater doesn't mean we can't address it in the plan.
- Standards need to be set. We don't have that with this current draft plan. What are we trying to achieve?
- “Maintain and Enhance” – doesn't that limit what we can add?
- There are good reasons to ban surface dispersal of effluent.

- Need for vulnerability assessment and micro-sensitivity analysis of sites.

### **Public Interest Organizations**

- Can you really measure the cumulative effects? Cumulative effects need to be an issue.
- CEF setbacks need to be looked at and justified.
- Regarding the issue of creating more density/impervious cover within City Limits – you are still over a sensitive area. This issue needs to be looked at.
- “Open Space Preservation” section. Change title to “Natural Area Preservation”.
- On Page 9, under “Water Quality Threat” section: add threats from infrastructure construction and threats from post-construction.
- Look at the transfer of development rights (from on the watershed to off the watershed).
- Look at discouraging major employers from locating within the planning region.
- Would like to incorporate what could be done to protect water quality (not just what can be done today) – want to see policy and process to protect aquifer long term.
- Land use – controlling this needs to be looked at.
- Land clearing – limit what and how much can be done.
- Discourage the use of St. Augustine grass.
- Control use of pesticides.
- The use of native vegetation should be encouraged.
- Emphasize open space preservation now. This preservation may be able to be developed for transportation purposes (hike & bike trails, etc...).
- Pg. 19 – expand on the first paragraph (is impervious cover the source of increased pollutant loads or is it an indicator parameter tied to additional human activity, which is the actual source of pollutants).

### **Local Environmental Preservation/Good Governance Groups**

- Pg. 19 - Net Site Area should not include steep slopes (> 18%).
- Pg. 21 – Runoff is a geometric increase, therefore, mitigation cannot be linear. Look at City of Austin requirements.
- Pg. 23 – Evapotranspiration has problems (retention/irrigation systems).
- Need to address the issue of dissolved pollutants in stormwater.
- Need to be able to measure and control new pesticides, not just existing.
- Link the need for certainty to scientific defensibility.
- Emphasize “non-degradation” – recognize that there are “property rights” and “takings” issues that flow both ways.
- Address economic benefits derived from preserving water quality.
- Address the concept of establishing a regional authority to regulate water quality.
- Need to discuss impervious cover limits. Why put this in now? What is the standard being achieved?
- Need a global target – then define strategies.
- Must recognize that we can regulate property rights without having a taking.

### **Property Owners/Agricultural Interests**

- We should avoid using the term “undeveloped” land. Other terms to use are: “natural land”, “rangeland”, “cropland”, “right-of-way”, “parks”, “public land”, etc..
- Need to address whether the right to develop should be on a first-come first-serve basis.
- “Voluntary” compliance is a viable technique for water quality protection and should be used when possible – can be effective without regulation.
- Pg. 22 – erosive flow – needs to get into retrofit.

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

- Nothing about retrofitting existing development. Should be addressed as a fairness issue.
- Concerning higher impervious cover limits in urban areas (vs. rural areas): developments in urban areas can put more money into the BMPs, thus protecting water quality even with higher i.c. levels.
- Need to address the “what” and “when” of using TDRs.
- The current draft is pretty boilerplate.
- TCEQ is an ineffective organization – doubts this plan can get them to do more, or get them more resources.
- Pg. 17 – instead of “Open Space Preservation” use “Natural Areas Preservation”.
- Not very receptive to a first-come first-serve development policy.
- Who will bear the operation and maintenance costs on structural BMPs?
- Urbanization is the main threat to the aquifer.
- Advocates “correlative rights” – helps to create a market.
- Need to address/change public policies that often are counterproductive to public good
- Need to address public responsibility to consider impact of decisions to promote utilities

### **Miscellaneous comments not attributed to any particular group**

- The “Guiding Principles” that were developed should be added to the plan.
- Pg. 4 – add Blanco County to “Other Entities”.
- Pg. 4 - Add a section on demographics.
- Pg. 9 – instead of using the term “Land Development”, use “Urbanization”.
- Pg. 10 – Wastewater Collection, Treatment, and Disposal Section should address land application, OSSFs, and utility lines crossing streams.
- Pg. 22 – Structural BMPs section – this section should include something about “wet” ponds.

After the discussion/comments by the SHC, Mr. Jackson stated that the NEI Team would attempt to incorporate the comments received at this meeting into the 2<sup>nd</sup> draft version of the Regional Water Quality Protection Plan that would be presented at the next SHC Meeting (tentatively scheduled for December 15, 2004).

### **7. Discuss the preparation and submittal of a SHC report to the LCRA prior to the LCRA Board Meeting on December 7, 2004 (tentative date).**

Coordinator Tull discussed the idea of the SHC formally submitting a report to the LCRA prior to the LCRA Board Meeting that would discuss the Hamilton Pool Road water line issue. After a brief discussion it was agreed that the SHC as a body would not give any presentation or report to the LCRA. Coordinator Tull stated that he would prepare a report to LCRA and would coordinate its content with the SHC.

## **NEW BUSINESS ITEMS**

### **1. Proposed December 15, 2004 SHC Meeting.**

In accordance with the SHC approved schedule, Coordinator Tull proposed the next SHC meeting to be held on Wednesday, November 17, 2004. Mr. Tull stated that a draft agenda would be circulated to SHC members and that the SHC members should review the proposed agenda and provide their comments to him as soon as possible.

## **2. SHC Report to the Executive/Core Committee.**

In accordance with the policy developed by the Process Subcommittee and adopted by the SHC, Coordinator Tull stated that the [Economic Interest](#) stakeholder group would be responsible for representing the SHC and reporting on the SHC's activities at the next Executive/Core Committee Meeting, currently scheduled for Wednesday, December 1, 2004 (rescheduled from the originally scheduled November 10, 2004 meeting).

## **ADJOURNMENT**

The meeting was adjourned at approximately 9:35 pm.

## **APPROVAL**

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