

STAKEHOLDER COMMITTEE MEETING MINUTES - draft

A meeting of the Stakeholder committee was held as follows:

MEETING INFORMATION

Meeting Date and Time: **Wednesday, January 26, 2005, at 6:00 pm**

Meeting Location: **Oak Hill United Methodist Church**, located at 7815 Hwy 290 West, Austin, Texas 78736, on the south side of Hwy 290, west of the Y in Oak Hill, and opposite to the entrance to the ACC Pinnacle Campus, in Travis County, Texas.

ATTENDEES

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

[TABLE BELOW IS FROM 1/26/05 MEETING AGENDA DOCUMENT]

AGENDA - for the OPTIONAL Informal Roundtable Discussion on Water Quality Planning Goals and Objectives:

Time	Activity
5:30 pm	Roundtable Discussion on Water Quality Planning Issues Within the Planning Region. Guest Speaker – Robert Pine, Austin Office of the USFWS; Mary Ambrose, TCEQ.
5:55 pm	Break

AGENDA - for the January 26, 2005 Stakeholder Committee Meeting:

Time	Activity
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 the January 11, 2005 and January 19, 2005 Stakeholder Committee Meetings – Terry Tull (See attachments 1 and 2)
6:15 pm	Review, Discuss and Approve Updated Project Schedule and Milestones – Terry Tull/NEI (See attachment 3)
6:20 pm	Review, Discuss and Approve the Decisions and Recommendations Reached at the SHC Meetings of January 19 and January 24, 2005 (Group 1 and Group 2 Discussions) – Terry Tull/NEI (See attachment 2 and 4)
7:20 pm	Break
7:30 pm	What are the RIGHTS and RESPONSIBILITIES of the following participants in connection with New and Existing Development, and Water Quality Protection Measures: Citizens? Land Owners and Developers? Governments?
8:30 pm	Who receives the BENEFITS and should pay the COSTS of: <ul style="list-style-type: none"> • New Development? • Water Quality Protection Measures?
9:20 pm	Other Business (next meeting agenda, etc...)
9:30 pm	Adjourn

INFORMAL ROUNDTABLE DISCUSSION ON WATER QUALITY GOALS [OPTIONAL];

Meeting Time: Wednesday, January 26, 2005, at 5:30 pm

Guest Speakers: Robert Pine, Director, Austin office of the USFWS

Mary Ambrose, TCEQ.

Meeting Information: The roundtable discussion included a presentation by Robert Pine (US Fish & Wildlife Service – Austin Office) and Mary Ambrose (TCEQ – Austin Headquarters) on their agencies “Endangered Species Program/Edwards Aquifer Initiative”. The speakers outlined the reasons behind the initiative and what their agencies hope to accomplish. Topics discussed during the presentation included the current listed species involved in this effort, the area where this program will be in effect, their “Adaptive Management” program, and the “optional” water quality measures. According to the speakers, their agencies intend to release the “Optional Water Quality Measures” by the end of February 2005. A copy of the presentation may be found on the project website at URL: http://www.waterqualityplan.org/stakeholders/1.26/13_USFWS%2BTCEQ%20Ed%20Aq%20Presentation_color.pdf

Also, the speakers announced that the following documents were available for review and comments:

- (1) USFWS’s Draft Barton Springs Salamander Recovery Plan is now available for public review. The Austin Office of the U.S. Fish and Wildlife Service will be accepting comments on the draft recovery plan through COB Monday, March 28th, 2005.

Go to the URL:

http://ifw2es.fws.gov/Documents/R2ES/Barton_Springs_Salamander_DRAFT_Recovery_Plan_Jan-2005.pdf

Go to the Electronic Library @:

<http://ifw2es.fws.gov/Library/>

Scroll down the page and select the link for the Barton Springs Salamander DRAFT Recovery Plan January-2005.

- (2) TCEQ’s Draft Edwards Aquifer Technical Guidance Document is now available for public review and comment.

Go to the URL:

<http://www.tnrcc.state.tx.us/EAPP/index.html#manual>

And select the link to the Draft Technical Guidance Manual.

The TCEQ plans to hold two meetings to receive comments on the draft plan. The date and location for the meeting in the Austin area is as follows:

February 3, 2005 at 9:00 am (Thursday)

[TCEQ Headquarters](#)

Building E, Room 201S

12100 Park 35 Circle

Austin, Texas 78753

CALL TO ORDER

Executive Director Terry Tull served as Coordinator. Coordinator Tull called the meeting to order at approximately 7:00 p.m. Mr. Tull performed a roll call of members present, as outlined in the table above.

1. Open Public Comment Period.

Several individuals spoke during the Open Public Comment Period. The significant comments offered during this period were as follows:

Mr. Robert Botto (SHC Member – Neighborhood Interests) – (1) expressed concern with the absence of some SHC members and reminded everyone that the adopted by-laws stated that SHC members that miss two consecutive meetings could be removed as a member of the SHC and replaced with an alternate; also concerned as to whether the members' absences will result in possible disruption to the process later on when the absent member(s) may express an idea or opinion counter to the groups' consensus, or introduce a new idea into the process [Coordinator Tull stated that he had been in contact with some (unnamed) SHC members concerning their attendance, and if this issue became a problem to the process later on it would be addressed at that time. The SHC was in general agreement with this approach.]; (2) concerned that participation in the SHC meetings by non-SHC members may reduce the ability of the SHC members to discuss the issues [Coordinator Tull said that he understood the concern and that generally, non-SHC members that were allow to participate and provide input during the meetings were members of the Technical Review Group (TRG) whose expertise had been sought by the SHC. Other interested public who wished to have matters raised during the deliberations of the SHC should pass their requests to their representatives on the SHC.]

Mr. Bret Raymis (SHC Member – Concerned Citizens) – Reminded everyone that the USFWS's Draft Barton Springs Recovery Plan has been issued for review and comments and recommended that all SHC members review this document.

Mr. Colin Clark (SHC Member – Public Interest Organizations) – Informed the group that it appeared that the LCRA was in the process of approving the extension of a wholesale water line along Hwy 71 (west from Bee Cave).

Mr. Tim Casey (SHC Member – Property Owners/Agricultural Interests) – Stated that he hoped this plan would give consideration to the value of the land and how that value was being impacted. He stated that it was time to get specific on this subject.

Ms. Margot Clark (Member of the General Public in attendance) – Ms. Clark informed the group that she was a candidate for the City of Austin City Council and expressed her support for the planning effort and the group's hard work.

2. Discussion and consensus Approval of Meeting Minutes from the January 11, 2005 and January 19, 2005 Stakeholder Committee Meeting (Meeting Attachments No. 1 and 2).

Coordinator Tull stated that the minutes from these two meetings had been posted on the web site. Due to the fact that the SHC members had not had adequate time to review these minutes Coordinator Tull suggested that action on these two items be postponed until the next meeting. The SHC agreed to this action.

3. Review and Discussion of the Proposed Meeting Schedule for the Remainder of the Project (Meeting Attachments No. 3a and 3b).

Coordinator Tull stated that the schedule the group was working was basically the same as had been provided at the previous SHC meetings. Coordinator Tull then handed out the SHC members present an updated meeting schedule that he had updated based on the previous SHC meetings. There were no comments from the SHC regarding the current schedule.

4. Review, Discuss and Approve the Decisions and Recommendations Reached at the SHC Meetings of January 19 and January 24, 2005 (the Group 1 and Group 2 Discussions)(included in Meeting Attachments Nos. 2 and 4).

Grant Jackson/NEI summarized the subject of the discussions that took place at the January 19, 2005 and January 24, 2005 SHC Meetings.

The SHC members were given an opportunity to comment on the discussion summaries that were included in Meetings Attachments Nos. 2 and 4. The comments received from the individual SHC members in attendance at the meeting are summarized below:

Group 1 - Where are the measures to be applied?

- How does acquisition of mitigation land for an already polluting subdivision reduce the pollution caused by that subdivision?
- Existing developments causing problems need to be retrofitted.
- Retrofits should not be reserved solely for existing developments causing problems.
- Some existing developments, that aren't egregious polluters, should still be required to retrofit before it becomes a major problem.
- Plan could recommend that highway construction/expansion projects be required to conform to the plan.
- Mitigation is a practical solution, although it does not reduce the pollution coming off an existing development, it helps to reduce the overall impervious cover, and is a simpler solution than retrofitting with structural BMPs.
- The Group 1's discussion of retrofitting acknowledged the high cost of retrofitting existing subdivisions with structural BMPs.
- What if we allowed the developer of a new project, using his own resources, to retrofit an existing development in exchange for allowing increased impervious cover limits on the new development (vs. purchasing mitigation land)?

Group 2 – Do we accept the standards in The Plan regarding Impervious Cover Limits, Buffer Zones, and Mitigation Offsets for Higher Density?

Buffer Zones

- Buffer zones on streams with drainage areas less than 5 acres?
- By protecting low order streams, you really do protect water quality.
- Recommend using a minimum of 5 acres for the drainage area.
- When establishing a minimum drainage area we should err on the side of caution.
- We should protect first order streams, what ever the correct number.
- Minimum buffer zone off-set of 25 feet off the centerline.
- Delineation of the stream is important: (1) bed and banks?; (2) min. 5 acre drainage area?
- Center for Watershed Protection document states that a minimum buffer zone should be 100 feet off the centerline of the stream.
- The 5 acre minimum drainage area may be acceptable, if we can determine that it is necessary, and what the economic impact is to the landowner
- Have we lost the proposed concept of grading the buffer zone (based on buffer zone soil quality, slope, vegetation, etc...)?
- Polluting utilities should not be allowed to run the length of the buffer zone, they should only be allowed to cross the buffer zone.

Impervious Cover

- Concept for mitigation is basin wide?
- Impervious cover limit is 10% across the planning region? Is that 10% overall including existing and new development, or just new development? [Grant Jackson/NEI – the 10% basin wide impervious cover limit would apply to new development]
- If we do not have a current mechanism to cap the planning region area at 10% impervious cover (because of multiple jurisdictions), can we place this limit in the plan as a recommendation, but put into the plan site specific impervious cover limits?
- What about selling development rights in cases where you don't use up your impervious cover "allotment"?
- Instead of setting site specific impervious cover limits, let the buffer zones, setbacks, and BMP removal calculations determine the impervious cover limit for a site.
- We need to specify an upper impervious cover limit for sites so that someone doesn't come in with a ridiculous impervious cover number (like 100%).
- The Plan should be based on a risk-based concept – high risk vs. low risk areas. Low risk areas could purchase mitigation land in high risk areas, but high risk could not purchase mitigation land in low risk areas (high risk area being defined as more environmentally sensitive than low risk areas).
- The concept of "trading" development rights sounds risky, and this plan should attempt to minimize risk.
- Why do we have to set an upper impervious cover limit for a specific site?
- The 3rd Draft of The Plan sets a limit of 10% impervious cover over the entire planning region, and caps the impervious cover on a specific site at 35%. [Grant Jackson/NEI]
- Will there be a process put in place to tell the developer that their proposed development is too dense and that they have to reduce the impervious cover? If not, let's be conservative.
- Why can't we specify an overall, planning region-wide, impervious cover limit, but recommend a site specific upper limit for impervious cover?
- Vulnerability and risk have not been addressed adequately in the draft plan.
- We should consider two approaches for crafting the plan: (1) "Passive" approach – low risk, conservative limits; (2) "Expert" approach – higher risk, higher cost, and requires much more expertise on both sides of the issue (Developer's side and the Regulating Entity's side).
- Why don't we define a preferred growth corridor. Higher impervious cover limits could be allowed in this corridor.
- The Plan should distinguish between residential and commercial development.

Meeting Summary – Wednesday, January 26 2005 Stakeholder Committee Meeting
Development of a Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone

- Allow Cities to designate a preferred growth area with the idea of mitigating to an overall impervious cover percentage.
- “Mitigation fund” – for smaller commercial developments (for example), you could offer a fee-in-lieu-of. The money collected in this fund would be used to purchase mitigation land.
- The plan should acknowledge the work of Envision Central Texas.
- The plan should specify the level of expertise of City reviewers (we should also require them to conduct on-site inspections of projects).
- We should scrap the table in the plan that allows increased impervious cover limits within City limits.
- The plan should differentiate between the recharge and the contributing zones.
- There should be a cap placed on the maximum amount of mitigation allowed for an individual project.

NEW BUSINESS ITEMS

1. Proposed February 2, 2005 Stakeholder Committee Meeting.

Coordinator Tull asked the SHC to vote on whether they would like to meet to discuss the items and issues that were not discussed in tonight's meeting. After a show of hands, it was decided that the next meeting would be the Stakeholder Committee Meeting already scheduled for Wednesday, February 2, 2005.

2. New Draft of Regional Water Quality Protection Plan

Grant Jackson of NEI stated that they would attempt to post the 4th draft of The Plan on the project web site by the end of the day, Monday, January 31, 2005.

ADJOURNMENT

The meeting was adjourned at approximately 10:00 pm.

APPROVAL

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