

Contentious Issues Identified and Discussed at the December 15, 2004 SHC Meeting REGIONAL WATER QUALITY PLANNING PROJECT

[The following are contentious issues with regard to the Regional Water Quality Protection Plan identified by the NEI Consulting Team or by the Stakeholder Committee (SHC at the December 15, 2004 SHC Meeting. These issues have not been listed in any particular order.]

Contentious Issues – General/Philosophical*

❖ Standard for Selection of Measures

- No Net Increase v. % Reduction
- Mandatory Measures – maintain
- Voluntary Measures - enhance

❖ Level of Detail for Implementation Plan

* - indicates these contentious issues were identified by the NEI Consulting Team and included in their presentation on the 2nd draft of the plan at the December 15, 2004 SHC Meeting.

SHC Member Comments On: Contentious Issues – General/Philosophical

- favors “No Net Increase” – justifiable, fair, engineers can do if asked.
- need to define “No Net Increase”
- too much fluff – not enough specifics
- distinguish between storm flow and base flow
- Is affordable housing still possible?
- Use “required” instead of “recommended”
- land preservation (#1) and enforcement (#2) in dot voting – this is not reflected in the plan
- Correlative Rights as a way
- supports “non-degradation”
- more discussion of interaction between aquifers
- need to clarify terms: “no net increase”, “maintain”, etc... - is not zero.
- need to look at role/function of “buffer zone”
- impervious cover implications – not just an average, it is site specific
- level of implementation detail
- OSSFs – on lot irrigation issues
- timeline issues – need to focus on meaty issues
- “no net increase” – need to define outcome standards
- “Mandatory” (not “voluntary”)
- legitimize process – need to fully explain positions/reasons
- plan should be as detailed as possible
- more meetings/dialogue
- “no net increase” is achievable, but sacrifices off-site flow and recharge with negative results
- level of detail – general is better; new technology will come along and plans needs to provide flexibility for it
- must be science-based – not another negotiated plan
- recommend “% reduction” vs. “no net increase”
- it is reasonable to apply % across entire recharge zone, do not have to study each site

Contentious Issues Identified and Discussed at the December 15, 2004 SHC Meeting REGIONAL WATER QUALITY PLANNING PROJECT

[The following are contentious issues with regard to the Regional Water Quality Protection Plan identified by the NEI Consulting Team or by the Stakeholder Committee (SHC at the December 15, 2004 SHC Meeting. These issues have not been listed in any particular order.]

Contentious Issues – Water Quality Protection Measures**

❖ Conservation Easements/Mitigation

- Voluntary or Mandatory
- Transfer of development rights

❖ Buffer Zones/Offsets

- Too high, too low or just right

❖ Impervious Cover Limits

- Net site area vs. gross site area
- Too high, too low or just right

** - indicates these contentious issues were identified by the NEI Consulting Team and included in their presentation on the 2nd draft of the plan at the December 15, 2004 SHC Meeting.

SHC Member Comments On:

Contentious Issues – Water Quality Protection Measures

- buffer zones – using them to achieve water quality goals is questionable, especially in small areas; also, difficult to define in small drainage basins
- use “gross” site area vs. “net” site area; reference studies to defend recommendation
- taking steep slopes out of site area calculations is reasonable
- not counting buffer zones in site area calculations results in “double-dipping”
- T.D.R. is a good thing
- buffer zones – look at minimum reasonable acreage & define better what can be done within the buffer zone areas
- for mitigation within watershed – respect primary & secondary conservation zones
- buffer zones should be “site-specific” based on a “site-specific” analysis
- use “net site area”
- not “one size fits all”
- use more examples in plan to explain positions
- T.D.R. – issues with multiple jurisdictions and enforcement
- need criteria – performance-based standards
- exclude buffer zones from impervious cover calculations
- T.D.R. can be good – apply to entitlements (e.g. LCRA water); w.r.t. impervious cover – can still have “no net increase”
- T.D.R. – keep in the same watershed
- site specific assessments & performance-based standards
- T.D.R./mitigation – a way to limit cumulative impacts; should be used to limit overall development in a region; supports large set asides
- question “conservation easements” – voluntary measures
- buffer zones/impervious cover limits – need exemption clause if they take the full site
- if the plan uses “gross site” must use low % impervious cover

**Contentious Issues Identified and Discussed
at the December 15, 2004 SHC Meeting
REGIONAL WATER QUALITY PLANNING PROJECT**

[The following are contentious issues with regard to the Regional Water Quality Protection Plan identified by the NEI Consulting Team or by the Stakeholder Committee (SHC at the December 15, 2004 SHC Meeting. These issues have not been listed in any particular order.]

**SHC Member Comments On:
Contentious Issues – Water Quality Protection Measures (cont.)**

- need to recognize integrated effects of actions
- support “net site area” – at least exclude floodplain area, steep slopes, and irrigation areas
- support concentrating impervious cover in urban centers
- T.D.R. – not good to allow transfer to rural areas, transfers should flow the other way
- T.D.R. idea – having “safe area”; need to address risk & cost of measures
- who pays? affordable housing? cost to public?
- Land?
- buffer zones?
- “net site area”
- impervious cover adjustments
- buffer zones
- buffer zones – mitigation of undisturbed site and flow
- T.D.R. – as impervious cover increases, so will off-site mitigation
- site specific analysis (300’ buffer zone may not be enough)
- for net site area calculations omit irrigation areas/slopes/lawns
- typical house lawn is compacted and acts more like impervious cover
- T.D.R./mitigation – need to manage land transfers
- set asides need to have plant and soils management
- “mandatory” – not “voluntary”
- if using “net site area” should allow higher impervious cover limits

Abbreviations

BMPs – best management practices

O&M – operation and maintenance

TCEQ – Texas Commission on Environmental Quality

T.D.R. – transfer of development rights