

Copano Bay Bacteria TMDL  
Fourth Meeting Summary  
6-20-06

Attendees:

<b>First</b>	<b>Last</b>	<b>Initials</b>	<b>Organization</b>
Thomas	Blazek		City of Rockport
Ray	Allen		Coastal Bend Bays & Estuaries Program, Inc.
Herbert	Morrison		Coastal Bend Regional Advisory Council
J.D.	McGuill		Copano Bay SWCD
Joel	Hall		Copano Bay SWCD
Jack & Grace	Powers		Ford Ranch
R C & Helen	Allen		Ford Ranch
Kirk	Feuerbacher		McFaddin Ent. Ltd
Beth	Almaraz		Nueces River Authority
Rocky	Freund	RF	Nueces River Authority
Sam	Sugarek	SS	Nueces River Authority
Mark A	Wheelis		O'Connor-Braman Family Ranche
Mike	Barber		Papalote Ranch Corporation
Bob	McCan		Rancher
Hughes	Thomas		Rancher
Jeff	Rouke		Rancher
Kellie	Beall		Rancher
Garrett	Engelking		Refugio Groundwater Conservation District
Richard	Bianchi		Rockport Resident
C.Don	Reed		Rooke Family Group
Jim	Price	CP	San Patricio County Commissioner/Land Owner
David	Edwards		San Patricio County/Farm & Ranching
John & Debra	Barrett		San Patricio Farm Bureau/FSA
Donald	Swann		San Patricio Soil and Water Conservation District
Duane	Campion		Sherwin Alumina Company
Chad	Ahlgren		TCEQ Region 14-Corpus Christi
Gerardo	Arrambide		TCEQ Region 14-Corpus Christi
Earl	Matthew		Texas Committee on Natural Resources
Richard	Eyster	RE	Texas Department of Agriculture
Kevin	Wagner		Texas Water Resources Institute
Lucas	Gregory		Texas Water Resources Institute
David	McKee		TX A&M University - Corpus Christi
Jason T	James		TX A&M University - Corpus Christi
Joanna	Mott		TX A&M University - Corpus Christi
Rick	Hay		TX A&M University - Corpus Christi
Jeff	Stapper		TX Cooperative Extension
Steven	Ashley		TX Dept. of Transportation
Arthur L & Jeanytte	Bluntzer	ALB	TX Farm Bureau/Rancher
Ray	Kirkwood		TX Master Naturalist

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Alex	Nunez		TX Parks & Wildlife
Karen	Meador		TX Parks & Wildlife
Willy	Cupit		TX Parks & Wildlife
Adrian	Perez		TX State Soil & Water Conservation Board
Andy	Garza		TX State Soil & Water Conservation Board
John	Foster		TX State Soil & Water Conservation Board
Kendria	Ray		TX State Soil & Water Conservation Board
C.R.	Pickering		U.S. Fish & Wildlife Service
Craig	Giggleman		U.S. Fish & Wildlife Service
Sally	Applebaum	SA	University of Texas - Marine Science Institute
Leroy	Wolff		USDA-NRCS
Robbie Z	Davis		USDA-NRCS
Will	Blackwell		USDA-NRCS
Lynn	Drawe	LD	Welder Wildlife Foundation
Richard	Heidland		
Robert	Thomas		

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**Revised - Stakeholder Meeting Agenda  
for the Copano Bay Bacteria  
Total Maximum Daily Load (TMDL) Project**

**SPONSORED BY THE  
Texas Commission on Environmental Quality**

**Tuesday, June 20, 2006  
Smith Jr. High Cafeteria  
900 S. San Patricio  
Sinton, Texas  
6:00 PM – 8:30 PM**

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The purpose of the meeting is to inform the public of the status of an on-going TMDL Project in the Copano Bay Watershed including: Copano/Port/Mission Bay (segment 2472), Mission River Tidal (segment 2001), and Aransas River Tidal (segment 2003). The TCEQ will provide an opportunity for stakeholder input to the project. This meeting will focus discussions only on the Copano Bay Bacteria TMDL Project. If other issues arise that are not pertinent to this project, we will see that they are passed along to the appropriate individual(s).

- 6:00 Welcome, Introductions, and Purpose  
Sandra Alvarado, TCEQ Project Manager
  
- 6:10 Bacteria: What are they? Where do they come from? Why can they be a problem  
for human health?  
Mary Jo Kirisits, Assistant Professor  
University of Texas, Civil, Architectural and Environmental Engineering
  
- 6:40 Historical Data Review  
Sandra Alvarado, TCEQ Project Manager
  
- 7:10 Proposed Water Quality Monitoring Project  
Rocky Freund, Nueces River Authority
  
- 7:40 Implementation Plan Development  
Elizabeth Smith, Research Scientist  
Center for Coastal Studies, Texas A&M University Corpus Christi
  
- 8:10 Wrap up and Next Steps  
Sandra Alvarado, TCEQ Project Manager

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Sandra Alvarado (SA) with the TCEQ opened the fourth meeting of the Copano Bay bacteria TMDL stakeholders. She said they would not be reviewing the bacteria source tracking (BST) study performed by Dr. Joanna Mott but that it was available on-line at the projects web page at the following web address:

<http://www.tceq.state.tx.us/implementation/water/tmdl/42-copano.html>

Sandra acknowledged the many new stakeholders that were present and had self-introductions. She said that the meetings were being held in various parts of the watershed to allow all stakeholders to participate and be made aware of the on-going project. Sandra said that a draft agenda had been sent out but that there had been necessary changes to the agenda and that the presentations presented were a review of the historical data, the proposed monitoring plan and encouraged stakeholders to give feedback, and also a presentation by Dr. Liz Smith who is the Watershed Coordinator under contract by the TCEQ to develop and carry out the Implementation Plan for the watershed when it is developed. Liz's staff was also introduced that would be assisting her in the project. Sandra also said that Earlene Lambeth would be discussing the 24-member stakeholder committee that is being formed through the facilitation of the TCEQ.

The first presentation made was by Mary Jo Kirisits, Ph.D, (MJK) a micro-biologist at the University of Texas. Her presentation was an introduction on bacteria and answer questions that the stakeholders may have. This presentation can be viewed on the Copano Bay bacteria TMDL website. Highlights of the bacteria presentation were as follows:

- Bacteria, protozoa, viruses are microorganisms
  - May be carried by human and other animal hosts
    - Shed in feces
    - Transmitted to a new host by contaminated water
  - Some are human pathogens
    - Often cause diarrhea, nausea, and abdominal pain
  - Monitor indicator organisms for water quality
    - Simpler and less expensive than monitoring all pathogenic microorganisms

Mary Jo told the stakeholders that the main organisms of concern were bacteria protozoa, viruses which are the ones that have the biggest implications for human health. These can be carried by human hosts and other animal hosts and they are excreted in the feces. When the feces have contact with the water they can then be transmitted to another host – fecal to oral route of transmission. They can cause nausea, fever, and abdominal pain. She reported that she was putting together a summary document that would be available later in the summer on decay rates in water of micro-organisms in feces. She said that these organisms can last for days if not months. A stakeholder made the comment that her presentation was very good and that “that message had been lost in the previous meetings” was one that needed to be said and he congratulated her.

Question: Are you saying that all of this is a recent development within the last few years or has this always been the case? Are you asking if the levels have always been like this in Copano Bay, is this what you are asking? Sandra responded by saying at the third meeting was that very question. She said she would try and address that question through her presentation. She had compiled the available historical data that the state had in their database. She says she would present and hopefully that would be answering her question.

Mary Jo reminded the group that they were not monitoring for specific pathogens (such as salmonella or sporidrum, etc.). The purpose of the indicator micro-organisms is to have a routine test that would indicate pathogens in the water and are above the level set by the EPA.

Question: How far back does your historical data go?

Answer - SA: Because of the states' change in state water quality indicators in the late 1990's, both e-coli and *enterococci*, the data that Sandra will be presenting is from 1998 – '99 to the present.

Question: So, we don't have any idea what the quality of the water was in 1930, or 1950?

Answer – SA: No, we do have some fecal coliform data going back to the 1970's. The indicator has changes so based on the new indicator 1998 and 1999 is the longest we have for those.

Question: Do you think it would be a fair statement to say there were more cattle grazing in the surrounding watershed of Copano Bay in 1910 – 1920 than there is today?

Answer: That is something I would have to ask you all – the stakeholders, or the people that have lived in the watershed the longest. I would not know the answer to that question.

Question: What brought about the change in the water quality indicator? Why did they change it?

Answer – MJK: This was a result of new studies that fecal coliform was not the best indicator to use. Studies have shown that e-coli and *enterococci* is the better indicator.

Question: Do alligators contribute?

Answer – MJK: They might carry pathogens but I don't think they could proliferate in alligators – alligators are cold blooded. I could look up some information on that – I could look at some levels on that and see or talk to someone who is familiar with them.

Comment: It is pretty warm down here and their body temperature should be what the water temperature or land temperature is.

Comment: I think you should get some fresh samples.

Question: How do you relate these indicators to the species it comes from?

Answer – MJK: To the host organisms.

Question: How do you do that?

Answer - MJK: One way is through bacteria source tracking like what Joanna Mott did and presented at the last stakeholder meeting. There are other molecular typing methods you could use – there are molecular libraries that have been created to link to a host. Dr. Mott did antibiotic resistance not automated ribo-typing.

Comment - ALB: I think that is what we are going to have to use in order to get to where we need to because we have to be certain at what we are looking at; that and also the Eric PCR method. One of the concerns I have, I am with the Texas Farm Bureau, a Director. And we have been talking with Ms. White. We understand that the models – the way you do this is all going to be done the same eventually. And eventually it is going to have to be done this way because this is how it was done in the Bosque watershed to verify that all the micro-organisms weren't coming from the dairies solely. There was more from animals other than the dairy animals. And because of all that flip-flap going on, the Mayor of Waco was voted out of office because he spent a lot of money saying it was the dairies problem. So, you are aware of that?

Answer – MJK: No, I am not aware of that. No.

Comment - ALB: Well we do need some more modern up-to-date testing. I realize it would cost more but it has to be done because if you are going to say that these organisms are due from cattle and horses. And those numbers really haven't changed, in fact, they have decreased. People have replaced them around the bay. So then I would have to question that. If you replace animals with humans and septic systems, this has got to be coming from those septic systems. I think we have to look at that very carefully before we pinpoint saying that this is due to cattle or horses.

Trying to accommodate stakeholders and answer their questions and concerns from the last stakeholder meeting, Sandra compiled all of the historical data available and began to present. She said that with the limited data set she did not think it was possible to see a trend. The data source she looked into was comprised of the Texas Regulatory Assessment and Compliance System (TRACS) which is comprised of data collected from the TCEQ regional offices as well as the Clean Rivers Program partners, which in the Copano Bay watershed is the Nueces River Authority. It also includes data from the Department of State and Health Services (fecal coliform data). The data included e-coli and *enterococci* (starting in 1999).

A copy of historical data presentation can be viewed on the Copano Bay web page at the following web page:

<http://www.tceq.state.tx.us/assets/public/implementation/water/tmdl/42-june06-cophistdata.pdf> and

<http://www.tceq.state.tx.us/assets/public/implementation/water/tmdl/42-june06-cophistdata2.pdf>

Sandra presented the graphs for each of the stations monitored and they are broken down into the seasons of the year. The following is a summary of her historical data presentation:

Mission River Tidal

GM = 78

35% samples > SS Criterion

Aransas River Tidal

GM = 193

57% samples > SS Criterion

Copano Bay Area 2

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Median fecal coliform was met  
More than 10% of the samples > 43 cfu/100 ml  
(90th percentile = 79 cfu/100 ml)

Copano Bay Area 3

Median fecal coliform criterion was met  
More than 10% of the samples > 43 cfu/100 ml  
(90th percentile = 49 cfu/100 ml)

Question: Why the fluctuations?

Answer – SA: Rainfall for one has been well documented as a reason for fluctuations. Perhaps temperature also.

Question: Last time we met we talked about taking samples around the Bayside sewer plant, did you ever do that?

Answer – SA: No we have not done that; that is what the next presentation is going to cover – some of the upcoming monitoring that we are proposing. No, we have not done any monitoring since the last meeting.

Question: Am I understanding this correct? One of the four areas is in compliance and the other two is just very near in compliance with oyster quality water?

Answer – SA: 2 of the 4 areas are not in compliance.

Question: And they just very near?

Answer - SA: Correct.

Comment: Kind of like going 72 miles an hour in a 70.

Comment – RE: One thing I would like to point out is that those areas for oystering, are right along the shoreline and not in the middle of the bay. In that area – who cares? It is such shallow water that I doubt that anyone would go out there on foot.

Sandra stated that based on the data that we currently have and the assessment method that the agency uses, the above tidal portions of both rivers are not impaired. They meet the water quality standard. The tidal portions of both rivers do not meet the water quality standard.

Question: If the landowners agree, can we get an individual or two to go with you when you go to tests these waters? To also get a water sample for verification? Is there any objection to that? You know we don't know who is taking the test.

Answer – SA: I don't see why not.

The next presenter was Sam Sugarek with the Nueces River Authority (NRA) who is a program partner with the TCEQ through the Clean Rivers Program. Rocky Freund was also present and showing the stakeholders maps of where they monitored and explained what they monitored for. They reported that Nueces River Authority had received funding for three additional monitoring sites. The Nueces River Authority web site is: <http://www.nueces-ra.org/>

Water quality monitoring protocol is always followed with monitoring at 29 sites total.

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The NRA asked the stakeholders for input – to take the maps home and get in touch with them or ideas that evening on locations they would like on of the additional three sites to be, they would like to hear from the stakeholders. Sam or Rocky can be reached at the following e-mail addresses: [rfreund@nueces.ra.org](mailto:rfreund@nueces.ra.org) or [ssugarek@nueces.ra.org](mailto:ssugarek@nueces.ra.org).

Question – RE: Do ya'll or the TCEQ plan on putting a sampling site below the nine wastewater treatment plants? Also, why are ya'll adding fecal coliform to the analysis?  
Answer – RF: We are adding fecal because that is what was used at Copano Bay on the 303(d) list for a comparison. As far sampling below all the wastewater treatment plants in the watershed, I don't know exactly where they all are. We would need to get with you.

Comment – RE: Well, Sondra should have that information; they are permitted through the TCEQ.

Again, the NRA would very much like the stakeholders input into the three additional monitoring sites. They should contact the TCEQ (Ward Ling at [eling@tceq.state.tx.us](mailto:eling@tceq.state.tx.us) or 512.239.6238) or Rocky or Scott at the NRA.

Dr. Elizabeth Smith with TX A&M – Corpus Christi (LS), Center for Coastal Studies, presented an overview of the implementation plan (IP) process. Index cards were distributed to the stakeholders and they were asked to jot down any questions – her and her staff would then be able to identify what the most frequently asked questions or general questions are about the IP process. Liz would like to begin starting to develop the communication necessary to get to the end point. Liz introduced her staff that would be assisting her in the project this summer as well as another staff member that will continue throughout the rest of the project. The staff from Texas A&M are as follows: Jason James, Lauren Young, Suraida Nanez-Young, and Tami Beyer.

To contact Dr. Liz Smith by phone (361) 825-6069 or by e-mail at [esmith@falcon.tamucc.edu](mailto:esmith@falcon.tamucc.edu).

A copy of Dr. Smith's presentation can be viewed at the following web address: <http://www.tceq.state.tx.us/assets/public/implementation/water/tmdl/42-june06-copiplanproc.pdf>

Earlene Lambeth (EL) next tried to show the stakeholders a list of volunteers that had asked to be considered as one of the 24-member Watershed Steering Committee (WAG). The presentation that had been prepared was unable to be viewed due to a problem with the TCEQ computer in which the data was on. Earlene recommended that 3 Texas Parks and Wildlife volunteers consolidate and have one member serve, and two serve as proxies on the WAG – freeing up 2 additional members to the board. The two listed for TDA were reduced to one by an attendee's request. Also, three volunteers have asked to serve on the WAG representing the Texas Master Naturalist. She asked that they also consolidate; choosing only 1 member and the other 2 serve as a proxy. There were a couple of corrections to the list. Earlene asked the stakeholders to make suggestions.

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Question: How many landowners do you have on the list now?

Answer – EL: 2, the O’Conner Ranches and...

Question: Don’t you think you have way too many government people and not near enough land owners.

Answer – EL: Yes I do. That is exactly what we are saying. We want to slim that number down and free up some spaces. We need only one representative for local government, one for state government, and one for federal government.

Question - RE: Why weren’t landowner included in the group to start with from the very get go?

Comment – SA: The individuals that Earlene has listed up here are people who volunteered for this position. At all the past meetings we have been asking for people to volunteer to serve and participate. These are not people that the TCEQ has assigned. Anyone who has come to any of the past meetings we mention it and ask on the sign-in sheets as well. Do we have the right composition? Do we need more diversity in the representation in the individuals on the committee? This is not final – it is still a work in progress. We are trying to slim down the number of representatives from one department. We want it to be more representative of the land owners in the watershed.

Question: I would like to know what your objective are in the group? Why are you formed...to do exactly what?

Answer – SA: This group will eventually have a vote on the allocation on the bacterial load when we get to that point. So they will vote on the decisions being made about the various bacteria sources identified; the allocation of those sources. They will also work with the Watershed Coordinator, Liz Smith in developing the Implementation Plan.

Question: So you are saying that you are going to set the rules and regulations in our...the entire watershed out of this group and the restrictions or whatever you are going to make the rest of us do – will be made by them? There will be no voting or any thing from the members or the people effected. Everything that will be affected will be made by the members of that group? We have no chance to vote or have any input into it from the final resolution.

Answer – SA: When you refer to “we” I am not sure who you mean? The idea behind the WAG is to have a broad representation of the stakeholders in the watershed.

Comment: I guess what I am saying is that I see restrictions on the ability of the people in the watershed to continue the way they have been doing business in the watershed. Isn’t that your objective? In order to change and get the water quality to where you want it? What I have heard in the past is that you have these different things affecting the river water and the majority being horses and cattle. If it’s horses and cattle, most of the people that are affected in that position are generally ranchers and they are the ones that have most of the land in that area. So, if you are going to restrict what is polluting the water, it would appear to me to be fecal matter. And so, is that your objective? What is your objective? How do you plan to control fecal matter in the water?

Answer – SA: The goal of the project, of the TMDL Program, is to restore water quality. In doing so, we must meet the water quality standard. One of the things the Implementation Plan will do is to work the local land owners, stakeholders in the watershed...interruption...to address the sources that are identified in the TMDL. This WAG designed to guide that process. How exactly we are going to restore water quality

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is not yet determined, that is part of the process. It is an on-going dialog that will occur over time. I cannot sit here and tell you it's cattle (interruption).

Comment: You have to get to a solution. What do you see as a solution?

Answer – SA: We do not have a solution – we are still trying to pin-point the problem.

Comment: You are creating something that everybody is going to be interviewing for – stakeholders, land owners, state agencies, other people.

Comment: The only state agency that I am aware of that has any regulatory authority to deal with non-point source problems is the Texas State Soil and Water Conservation Board. Is that correct?

Answer – SA: That is correct. And they are a major player (interruption).

Question: So why are ya'll taking the lead?

Answer – SA: We (the TCEQ) are the agency that is federally mandated to develop TMDLs in waters that are impaired. We take the lead but the Soil Board is definitely a partner in this whole process. They are not here today, I don't believe....

Comment: Yes they are...

Answer – SA: OK, maybe I don't know who is present. **(Note: the TSSWCB had been asked to give presentations and the agenda was distributed, but then the TCEQ was told no one from the TSSWCB would be able to attend or present).**

Question: How did this get on an impaired watershed list? I am not clear on how that happened. The 303(d) list...how did we get there?

Answer – SA: I presented the monitoring data and compared it to the standard and it indicated exceedance of the standard. Every 2 years the TCEQ conducts their assessment, assesses the data for each individual segment and we develop the Texas Water Quality Inventory and the 303(d) list.

Question: Do you work for TCEQ?

Answer – SA: Yes, I do. I want to take a step back and identify the staff of the TSSWCB that are here. Because the members that I know, Aaron Wendt, Brian Koch, I know they're not here. Are they? Who is here?

Comment: How many miles of river do they own?

Answer – SA: OK – so we do have individuals here. I am sorry, I didn't recognize you.

Answer: I am John Foster. I am the non-point source program leader for the statewide management plan for the State Board at headquarters. Here are a few others.

I am Kendria Ray, I'm a field representative and I work with soil and water conservation districts in this area. My partner, Adrian Perez is here.

Answer—SA: Ok, so there are three here at least. Gosh – Andy, you are with the Soil Board, I am sorry. Would any of you like to comment (interruption)

Comment: Again, I would like to know how many miles of river these people own? The river that is supposedly polluted, how many miles do you own? Who is representing the people who own the river...or the banks of the river? I mean that I own from the Copano Bay to Skidmore ...is owned by our family. I don't see a representative on your board. That is maybe 15 miles of the river.

Answer – SA: That is what we are here for.

Answer – EL: That is what we are asking you for. Will you please step forward. We have been soliciting membership to the WAG for a year – please come forward, we want to meet with you. We want to talk – we want you on the board.

Comment: You don't eat at the Back Street Café.

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Comment: First of all, we (the stakeholders) don't think it is necessary.

Comment: This is the first meeting I ever heard about.

Answer - EL: If you have signed in on the sign in sheets tonight, I will put your name on the list, and I will either email it to you or send you a snail mail letter letting you know.

Comment: We have all been right here for years. How many meetings have you all had that no one knew about?

Answer – EL: This is the fourth meeting and we are trying to get the word out.

Comment: Meetings with the public – how many meetings have you all had?

Answer – EL: Four – we have had four public meetings.

Question: I know, but private meetings? How long have you been in operation?

Answer – EL: I work for the TCEQ.

Question: How often does the board meet, I think is what she's asking?

Answer – EL: The board will meet every quarter, this board right up here, and the public is welcome to come to all the meetings. We encourage you to come.

Question: Where do they meet?

Answer – EL: They will meet the same as us – right here. What we have been trying to do is throughout the watershed. We met in Rockport the last time we held the meeting. And we met at Welder Wildlife (Dr. Drawe). He hosted our first meeting for us. And we had another meeting in Refugio. We have been trying to cover the watershed and get the word out and let people know.

Comment: Well, surely someone should approach the landowners here.

Comment: It seems that if you are having a meeting to discuss something that would have a major impact on these people, and they have no idea you even exist or what you are doing, it seems like it would be incumbent upon you to let people know you are having a meeting.

Answer LS: From this discussion, I feel like I am needed and useful because this is the very first time I have been here in official capacity. Yes, Dr. Drawe?

Comment - LD: One of the reasons these people know about this is because I have been taking the email and other information I get, and I've got a fax list that I have been faxing folks out of the Welder. Something is lacking in the process.

Answer LS: Exactly. That is what I would like to start remedying now—is to make sure we do get information out.

Comment: Do you have Extension as part of your group? The extension is the number one way to get this out. Only reason we know of it is because of Dr. Drawe and the NRCS people. You are not utilizing all these other government agencies that can really – work everyday with the land owners. That is an aspect that really shows up that you are not really trying to work with us – the land owners.

Answer – LS: What I would like to make a point of is that one of the reasons why we went ahead with implementing the contract with us at the Center for Coastal Studies, is not that the implementation plan is by any means ready to be developed, but they needed assistance in exactly this way. We (Center for Coastal Studies) hope to help. If you will please put on the cards where to call you and we will get the network stronger. Certainly we can improve it.

Question: How many rivers in the state of Texas have an IP?

Answer – SA: Statewide – last count maybe 50 TMDLs completed, so I will say 50 give or take?

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Question: 50 have plans or at the stage we are at?

Answer—SA: No, 50 of them have been completed, have been approved or adopted by the Commission. TMDLs and Implementation Plans.

Question: What are their remedies? Ramifications? Give me some examples, what would they do?

Answer – SA: An example. The Bosque. I think a lot of people are aware of the Bosque TMDL because it was one of the first TMDLs to be completed. It's in Erath county, Erath, near Waco. There's a lot dairy operations there. And I think one of the major components to the Implementation Plan, anyone who is more familiar with this than I am, please feel free to chime in. I know there is a lot of composting of their manure that is being recycled. Developing compost. And it is being taken out of the watershed to reduce some of the phosphorus loadings from those dairies.

Comment: May I interject, you said there is an economic factor. You are trying to get the most bang for your buck – seems to me Copano Bay would be down on your list. I remember at the last meeting you showed the Aransas Pass area, where the ship channel comes out as just a cesspool. Why aren't you spending your time and money up there instead of getting these people who are speeding 72 MPH?

Answer – SA: It does not ring a bell what you are talking about –

Comment: Last time you showed a map with numbers, St. Charles Bay was clean, Copano had its numbers, Mission had its numbers, down at Aransas Pass it was solid red – where the ship channel comes out for the Nueces River.

Answer - SA: No, I do not recall looking at the Aransas Pass area.

Comment: You didn't focus on it – you were talking about Copano.

Answer – SA: This project focuses on waters that are on the 303(d) list of impaired waters. And that is Copano Bay and the tidal portions of both rivers.

Comment: But there are others in the state of Texas that are worse?

Answer – SA: Worse? I don't know that is an accurate statement.

Comment: Don't sound like you have done your work.

Answer – SA: The focus of this project is Copano Bay and the tidal portions of both rivers.

Comment: Why don't you get with your authorities and say hey folks, let's look at the big picture. Let's look at the state. Let's nail down Galveston Bay, Corpus Christi Bay.

Answer – SA: There are on-going projects throughout the state. You can go to our website and see, there are approximately 150 segments across the state that are being addressed very much like this one.

Comment: What you are really talking about doing is starting to regulate “us”. Right?

Answer – SA: The goal of the program is to restore water quality.

Comment: You are going to start regulating ranchers and farmers and taking control over their property in some manner.

Answer—SA: The TCEQ does not regulate cattle grazing and the private land owner like a concentrated animal feeding operation (CAFO) or a point source discharger. The TCEQ is not here to regulate that type of industry – that is not our role.

Comment – RF: One of the objectives of the IP is to develop a list of best management practices (BMPs) that can be shared with the land owners and anyone else as possible solutions. Correct me if I am wrong – it is purely voluntary. It is for the benefit of the

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entire watershed. No one is going to come and tell you that you have to take off so many cattle off your land.

Comment: No one is going to come and tell you to close off your pastures or anything like that. It doesn't work that way.

Comment: How many solutions are there?

Answer – SA: That is part of Liz Smith and her staff's development of the implementation plan – that is part of the process.

Answer – LS: What I would like to do, since we are running past the time we were going to quit, I strongly urge you to contact us with your recommendations of how the watershed advisory group should be composed – what stakeholders. Who do you believe would be a good representative on that group that would take care of your interest? We also suggest, having additional subcommittees or work groups to assist in developing the IP. We would like to suggest to develop those work groups by interest so that as many people that would want to be on the groups would meet and deal with those issues.

Question: HB 2912 restricts the stakeholder committee or WAG to 24. Is there any restrictions on subcommittees?

Answer – SA: I don't believe so, as long as members of the subcommittees are represented and they can feed their comments on to the WAG.

Comment: I think we would like to see some kind of admission or statement whereby its fine to get the water quality better but you are not going to affect the land owners. You are not going to make them sell cows, you are not going to push them off the creeks and rivers, we will all rest assured and go on down the road.

Question: We also want to see a list of your membership and how that membership came to be?

Answer – LS: It hasn't been finalized. That is what we are doing right now. We would like the input of all of you, as to what that group is going to be composed of. The group will be decided by everyone – we don't want to go thru this and 6 months from now, and say we forgot to include someone. That was just a group of people that came and said "I am interested". Now we need to get it to 24 composed of the right.....

Question: How many members of the main board are open right now?

Answer – LS: It is not finalized

Question: We want to vote some people in – right now it is full.

Answer – LS: No sir, it is not finalized.

Question: How are you going to get much input if there is nobody available on the board?

Answer – LS: It is happening – and that is what we would like to accomplish as soon as possible.

Question: How many board seats are you saying is available for the people in this group?

Answer – EL: I was trying to say that there will be 4 or 5 more seats as soon as we can consolidate some of the ones that have more than one representative.

Question: Will that happen before the next meeting or when?

Answer - EL: Yes, that will happen before the next meeting. That will free up 4 more slots for people such as landowners. We want that balanced representation, and that is what we are saying.

Question: Does that house bill mandate that people from those agencies, that you've got listed on there, a certain number from each of those?

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Answer – EL: No, it does not. It just says a balanced representation.

Comment: I think what you are hearing in here tonight you better get more than 4. You better purge those agency people to get off and get all these land owners on there. I might be very – very wise.

Comment – LS: I would like to make the suggestion that we decide what that proportion needs to be and not be limited by what we have up there now. I am sure that the people on that list want to see this work as well. If they need to remove themselves or limit themselves to one person then that is what we need to do so we have more representation from all the different groups.

Comment: Can we see that list again?

Comment: Liz, I think I can solve your problem for you. If you will back up and look at what the legislation has said in Texas – they turned over non-point source pollution for agriculture and forestry to the Texas State Soil and Water Conservation Board. They take care of the TMDLs, they worked on the Bosque, I was on the State Board when that happened. We got the problem taken care of. They know how to do it. I am not on the board now but there is very qualified people on that board and qualified staff to do the work. They work with the farmers and the land owners on a volunteer basis and get the job done. I don't see why TCEQ has to come up and go in and try to take care of what the state board has been doing properly for all these years. And the state legislation has designated them as the non-point source pollution control agency. And I think this ought have been turned over to them after you found out that this was a polluted body of water and it is non-point source. If it is a point source that is a different story. If it is coming out of a pipe and you can see it – that is point source. If it is coming from somewhere and you don't know where – that's a non-point source. And the State Board has been given legislative authority to take care of that problem. I don't think any other agency needs to come in and tell them what they need to be doing 'cause they come in on the side doing their job.

Answer – SA: At this point we are still trying to figure out if it is point or non-point source. There were some comments made today about going to monitor at those point sources and it is something that we are definitely planning on doing. We are also looking at refining the non-point sources and whether or not those are the problems. I don't think we have made a distinguishment one from the other – and I think it is very clear to the TCEQ that we do not regulate non-point source. We understand that that is the Soil Board's role. Absolutely.

Comment: But we are going ahead with the plan of action and to me that is taking over someone else's job. If you are going to working on a plan of action you already know if it is point or non-point – if you are going to start a plan of action.

Comment – LS: I can see that, I am standing up here and I am here contracted to put together an IP. That makes it seem that we are further down the road than we are. I think that is something that we need to define – where we really are in the whole process and how those decisions have been made that really haven't been made.

Comment – SA: No, they have not been made. One of the things Liz identified when she became our contractor is the need to identify the local land owners. Obviously, we do need help. We do not live in the watershed and she does. That was the intent of hiring her - to start identifying all of the appropriate people and having dialog with the individuals at the ground level. We are not a point where we know exactly what the

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problem is. So we will continue to refine and pinpoint what the problem is, and move from that point on. But I think Liz's assistance at the ground level is crucial at this point.

Question: So if it is found to be a non-point source pollution, the State Board should have it and no one else. If it is point source the TCEQ can have it or anyone else.

Answer – SA: And if it is both, I hope we could all work together.

Comment—LS: I think I would like to move through the presentation so we can at least get together (interruption)

Question: Who is the point person for this board entry?

Answer – SA: We are in transition in hiring Liz.

Answer—LS: I want to be included in helping getting that accomplished. Right now it has been at TCEQ...(interruption)

Comment: You know, you should be contact Dr. Lynn Drawe, everyone knows him on the river. Use him as your source.

Answer – LS: Yes sir, I do. We depend on him a lot and appreciate his work and others. And to be able to get this up on everybody's radar screen and get the information out. That's our main role. And we see that needs to be done and its even more clear tonite.

Question: May I ask who do I contact about the board?

Answer—LS: You may contact Earlene or myself, and on my final slide I have my information and will send it out to everyone within the week, that's on the list, will get my information.

Comment: Earlene, while you are working on that, there only needs to be one Fish and Wildlife service person.

Comment: I think you need 16 land owners and 8 government people on that board. If you divide all that up, I think you break it down into basically about 4 different agencies, with basically 2 from each one. I think that's enough government people.

Answer – LS: I also think we need to look at the other potential sources. We have wastewater infrastructure that needs to be addressed. Maybe we should send out some possible scenarios of how that's broken up get feed back on it.

Comment: I don't know if Sandra misspoke, but she said that this WAG is going to be holding votes to decide the load allocation; I think that is a very wrong signal and think those load allocations and wasteload allocations should be decided by engineering and science and not by politics. But if it is going to be by politics, I am with Commissioner Price, we need to have the clear majority of voters on that board as land owners in this watershed rather than a Master Naturalist or Fennessey Ranch, or whatever. It needs to be the people in this room.

Question – LS: Do we want to discuss whether we want to have subcommittees that deal with in between these quarterly meetings, and actually meet and assist in clarifying these issues, getting these questions consolidated? How do you feel? Do you want to divide into groups at this point?

Question: What do you people do for the next three months while we wait for the next meeting?

Comment – LS: Well, I am hoping you are going to say let's divide into groups so we are able to work on issues specific to each one of those groups.

Comment: My concern is that there are no conclusions and we all...I doubt that there is a land owner here who doesn't feel that you all have decided that there is this mammoth

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problem out there and “we are to blame”. And I feel like there is no way you all..I mean, you have made your conclusions,

Comment – LS: No ma’am, there have been no conclusions made.

Comment: The whole presentation was to that end. We got this problem....

Answer - LS: We know, we know we have an issue and part of the process here is to find how we can resolve it. How we can restore the water quality. There is not an answer, there isn’t something there waiting to be implemented.

Comment: It just takes a little common sense.

Comment—LS: Well, would yall like to decide if you think that the subcommittees would be something that would be viable at this point?

Comment – RE: I think we need to get the membership on the committee finalized before we start talking about workgroups. Aren’t we getting ahead of ourselves here?

Answer – LS: We can do that and say that is our next step, and save the work groups for later. We can go ahead and get the advisory group in place and that group can make that decision.

Question: I want to know about the composition of the board now – is there anyone on there now who is qualified to validate the science that you are dealing with, with the conclusions that you have?

Question – LS: Would you like to have someone on the board that can do that?

Answer: I am asking you if you do? Do you have anyone qualified to evaluate science?

Answer- LS: I’m not sure who’s on it. That is noted that you think someone should be on there..... We are still in the modeling process and implementing more monitoring to give us more answers. If you think someone needs to be on the WAG that can do that then please let us know that.

Question: How long will it take to get the final model down to where we know for sure that we have a problem? What is the WAG going to do until we have all the testing in?

Answer – SA: The past three meeting we have focused a lot on model development and we received feed back on the approach used in portions of the model. We are refining the model now based upon some of the comments that were made. And that is one of the things that I wanted to talk about as part of the wrap up part of the meeting. We had some comments made about applying stocking rates to various properties. So, that was one of the things we were going to consider. Some of the other comments revolved around monitoring around the various wastewater treatment plants. So that was another thing we were going to look at in refining the model. So you are right, we don’t have a finalized model. Some of the monitoring that Rocky has mentioned today is going to feed into that model. We are a long way from having a final TMDL. We know what the levels in the water are currently based on, and that is what we based the model on. And I guess that is what a lot of the feedback has been, that we need to refine it, we need more data, we need to look at different approaches, stocking rates, and those kinds of things. And that is what we are planning on doing as part of our continuing process. And I think Liz made a good point about her diagram—it being more of a iterative process and not a linear process. So keep that in mind. We will never actually get to the end; it will be a continuous cycle. Even after we decide what the sources of pollution are and what you all think can be done to remedy them. There will still be on-going monitoring to monitor the effectiveness or, perhaps, looking at alternative BMPs. So, its not linear and we are a good ways from finalizing the watershed model, for sure.

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Comment – LS: Well, you certainly have given me a lot to think about. I think that what I would like to do is to do some research on how the composition on other WAGs are composed so I can give you some suggestions and get back with everyone as to how we want to compose that with the different stakeholder interest. And that would be our next step. Any suggestions for a meeting place in October for that group will follow that, because I certainly think we need to have that group finalized before we can move forward. Here is my information of how to contact me. I think the best way to handle this is for me to be the point person and help finalize the WAG. I will then work with Earlene for any advice that I need. I will certainly get with Dr. Drawe and others of you for input in how we can improve the information sharing throughout this process.

Question: Will you have the current list of membership on the website?

Answer—SA: It's not up now, but we can put it up.

Comment: why don't you mail it to everyone?

Answer—SA: sure, we can do that.

Comment: Can I make a suggestion before the October meeting? I represent the Oconnor—Braman family which, we're a lot of the watershed. If I could make a suggestion-- I found out about this meeting at 2:00 this afternoon. I was at Texas ...Board meeting, in Horseshoe Bay. Mr. Smith, or Bill, that works for us on some of our other water issues, he had gotten a letter from somebody. Had'nt responded since he didn't know what was going on. So, what I would suggest about contacting landowners, is get a county map of ownership and sending everybody, every landowner, in the watershed a letter, stating when this meeting is going to be. Then, everybody will know about it. And, I'm not jumping on yall—I know yall have a job to do, but I think that for all of us that are effected by this, we need to have everyone come to a meeting—if they choose to—but they need to be contacted.

Answer – LS: OK, and that's real important-- For me to be able to see the next step in getting the information out. That will be my goal – to do that.

Comment: Before we elect an advisory committee, I think that is what we should do, is have everybody that's effected to know about this. And to do this, go to the tax office to get the county ownership map. It has everybody's address on it.

Comment—LS: OK, thank you.

Comment -: It is very difficult to get county tax rolls when you are dealing with Aransas county and Refugio county, and to pinpoint those landowners actually adjacent to the river. It's difficult. One of the things we did was publish small adds in the local newspapers. That may be a way to get the message out in a more cost effective way.

Comment—LS: OK, alright. Any more comments or suggestions?

Comment—John Foster (TSSWCB): Dr. Smith, I have one observation. Earlier you made the comment that you were going to look at the advisory groups for other TMDLs around the state work groups. I just point out that there are only about a half dozen TMDLs on bacteria that are at this stage, or close to this stage, that this one is at that involve a lot of landowners and open space and runoff and rural issues. I will tell you, I have been to some of those groups, and they are as bad as this one is. You know the group that was started with, did not involve a lot of these people. You're dealing with a whole different group of constituents here; these are landowners, and I realize they can't make up the entire advisory group, but they are a significant portion of the people that will be effected by this thing. You're dealing with a totally different type of individual

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here than other TMDLs. So I would focus in on other ones that are similar to this, that are having the same issues with their groups. I've been to Comanche, I've been at Hamilton, I've been in Gonzales, I've seen these comments, and they all stem from the fact that you're not plugging into the landowners that are going to be effected. Yes, we've got the extension agent, and, yes, we'll get the guy from the state board, we'll get the guy from TDA here, and NRCS, but that's not the landowner. And at some point, they all wake up and they come to these meetings, and this, what happened here tonite, happens. So, there's not anywhere to look, but I would look in this room, and I would look at your industry organizations like cattle raisers and farm bureau. Find, or work thru them—they have email distribution lists, they have landowners. These folks that live up and down these creeks and streams, that's who you need to have here. Because if you don't, they are going to wake up a year from now, find out about it, and not be very happy. I would just offer that.

Comment—LS: thank you, thank you for that advice.

Comment--: I have one more comment. You know many of these families have been here for generations. They consider themselves stewards of the land—they love it. They are not wanting any kind of catastrophe. And I think you all need to look at it from that point of view.

Comment—LS: OK, yes?

Comment: Be very careful with nature itself. You know if mess around with it too much, you don't know what problems you're going to cause down the creeks, rivers, and bays. I don't think you have any idea what you might create by trying to eliminate lots of bacteria, which are very beneficial, especially (inaudible)...

Tape ends.