Minutes

Atascosa River Public Meeting
Aquatic Life and Recreational Use Attainability Analyses Projects
Pleasanton Volunteer Fire Department
219 West Hunt Street, Pleasanton, Texas 78064
Tuesday, August 2, 2011, 6:00 - 8:30 PM

Signed in Attendees	Representing (As Stated on Meeting Sign-In Sheet)
Yvonne Ackerman	Landowner
David Alviso Jr.	City of Pleasanton
W.T. Brazil	
Jay Bragg	Texas Farm Bureau-Waco
Kati Carberry	Nueces River Authority
Stan & Nancy Coughran	Coughran Ranch
Tomas Dominguez	U.S. Dept. of Agriculture Natural Resources Conservation Service
Richard & Jamie Franklin	Landowner
Rocky Freund	Nueces River Authority
Gernando H. Garza	U.S. Dept. of Agriculture Natural Resources Conservation Service
William Herbst	Atascosa Soil and Water Conservation District
Bettie & Lloyd House	Atascosa Farm Bureau
Jeanne Israel	City of Pleasanton
Michael Korus	Atascosa Soil and Water Conservation District
Carol Merchant	Local Farm
John Metting	City of Pleasanton
Raymond & Anna Meyer	Texas Farm Bureau
Sherry Orsack	Atascosa Soil and Water Conservation District
Pete J. Pawelek	Atascosa local
Jesse Pawelek	Atascosa Soil and Water Conservation District
Tina & Butch Pawelek	Rockin TP
Adrian Perez	Texas State Soil and Water Conservation Board
William Joe Shannon	Landowner
Billy Shannon	
Cody Shelton	San Miguel Electric Coop
Clifton H Stacy	Evergreen Underground Water Conservation District
Lloyd (Bubba) Stewart	Live Oak County Farm Bureau Board
Bill Torans	Atascosa County
Jay Troell	Evergreen Underground Water Conservation District
Aaron Wendt	Texas State Soil and Water Conservation Board
Patricia West	Franklin Ranch
Natalie Wolff	Pleasanton Natural Resources Conservation Service

Elected Officials

The Honorable Diana J. Bautista- Atascosa County
The Honorable Jim Huff- Live Oak County

Support Staff

Dania Grundmann- Texas Commission on Environmental Quality (TCEQ), Project Manager
Joe Martin- TCEQ, Project Manager

Larry Beran- Texas AgriLife Research
Tim Jones- Texas Institute for Applied Environmental Research (TIAER)
Ryan Novak- Atascosa Soil and Water Conservation District
Kelly Holligan- TCEQ, Water Quality Planning, Division Director
Jill Csekitz- TCEQ
Earlene Lambeth- TCEQ
David Pendergrass- TIAER

Administrative Issues

A public meeting on the Atascosa River Aquatic Life Use-Attainability Analysis (ALUAA) and Recreational Use-Attainability Analysis (RUAA) projects was conducted on Tuesday, August 2, 2011 from 6:00 pm – 8:30 PM at the Volunteer Fire Department in Pleasanton, Texas. The meeting was conducted to inform the public about the status of the ongoing Atascosa River RUAA and ALUAA projects. Hard-copies of the PowerPoint presentations were provided along with maps and the preliminary report for the Atascosa River RUAA.

Welcome

The Honorable Diana Bautista welcomed everyone. She suggested a 7 pm break for refreshments, which was seconded by Ms. Dania Grundmann.

The Honorable Jim Huff praised Hon. Bautista's work as a judge saying she represented the people well and had done much to promote water quality improvement in the Atascosa watershed. He noted that good water has been hard to find in south Texas.

Introductions

Dr. Larry Beran introduced himself and requested each attendee to introduce themselves and whether they represented an organization or were landowners in the watershed. Following audience introductions, Ms. Grundmann announced that the meeting was being recorded.

Presentation: *Examining the Water Quality Standards for the Atascosa River*

Ms. Grundmann presented basic information on water quality standards, designated uses, and the criteria used by TCEQ to determine whether water bodies in Texas are meeting their designated uses, such as primary contact recreation. She stated that TCEQ wants to make sure uses are assigned appropriately and ensure that criteria are being met. Although uses differ throughout the state, she said, the present designated uses for the Atascosa River are High Aquatic Life Use, for which dissolved oxygen (DO) is an indicator of stream health, and Primary Contact Recreation, for which *Escherichia coli* (*E. coli*) is the measure of health. Ms. Grundmann then credited the Nueces River Authority (NRA), the San Antonio Office of the TCEQ, and Surface Water Quality Monitoring Program at TCEQ with assessing the data collected by the TCEQ, the NRA, and other contracted entities. She said the standards apply to the entire stream: all 103 miles.

Ms. Grundmann went on that the purpose of the current study is to determine whether the current assigned uses are appropriate for the Atascosa River. Twenty years ago TCEQ didn't have the man-power to assess whether the uses assigned to every water body were appropriate and thus "presumed" certain uses.

Comment (Jay Bragg): When the program was started by federal mandate we didn't have the manpower to evaluate the appropriateness of the standards and uses.

Ms. Grundmann continued her presentation by distinguishing between Aquatic Life Use-Attainability Analysis (ALUAAs) and Recreational Use-Attainability Analysis (RUAA). ALUAAs are two year studies consisting of DO and streamflow measurements, water quality sample collection, biological surveys, and habitat assessments. RUAAs examine historical and current recreational uses, bank access, and streamflow measurements; all during warm weather when recreation in and around the water body is most likely to occur. Ms. Grundmann said that the need for an ALUAA in the Atascosa watershed began around year 1996 when DO and *E. coli* were determined to be outside acceptable values. A subsequent ALUAA study in 2003 – 2005 was considered by the TCEQ to be too limited in geographical scope since the study was restricted to only a small segment of the stream in and below Pleasanton. TCEQ also wanted to expand the studies to include a RUAA, which will determine whether a TMDL is required.

At this point Rob Hinnant of the Texas Farm Bureau requested that Ms. Grundmann and other presenters make an effort to communicate more clearly, suggesting they substitute such phrases as "primary contact recreation" with "swimming." Ms. Grundmann apologized for the lack of clarity and said she would make an effort to communicate the information more effectively.

Ms. Grundmann continued with her presentation discussing the usefulness of the present RUAA. She showed a table with definitions of the different recreation categories and each criterion as geometric mean of *E. coli* colonies per 100 mL. She said that Primary Contact is the current presumed use category, which includes swimming, diving, wading by children, whitewater rafting, etc. She went on to say that some sites are not meeting the 126 colonies per 100 mL Primary Contact criterion but did fall below the Secondary Contact 1 criterion of 630. The next standards revision is to occur in 2013 to address new information about pollutants, new water quality data in specific water bodies—such as the Atascosa—and new state regulatory requirements. She drew the audience's attention to the URL provided on the slide where stakeholders could learn more about the standards revision process.

Ms. Grundmann acknowledged the help of the following project participants: the TCEQ Total Maximum Daily Load (TMDL) Program, the TCEQ Surface Water Quality Standards group, the Texas Soil and Water Conservation Board (TSSWCB), Texas AgriLife Research, and the Texas Institute for Applied Environmental Research (TIAER).

Ms. Grundmann concluded by offering her contact information.

Presentation: ***Atascosa River Recreational Use-Attainability Analysis Study Summary***

At the start of his presentation, Mr. Tim Jones thanked the landowners and Farm Bureau for help in gaining access to study sites on private property. He noted that the study required researchers to come onto some properties multiple times a year and that landowner cooperation was essential to the success of the study.

Mr. Jones began the presentation showing the online location of RUAA procedures, noting the extensiveness of the procedures. He then distinguished between basic and comprehensive RUAAs, pointing out that the comprehensive RUAA was required for the Atascosa because it was a classified stream where presumed uses may be inappropriate. He reminded the audience of the 2009 public meeting after which it was determined a comprehensive RUAA was needed.

During the next phase of the presentation Mr. Jones covered the procedures of RUAAs. Sampling conditions should be warm days and periods when stream use was most likely to occur such as during spring breaks and weekends. Three to five sites per 5 miles of stream were ideal, but Mr. Jones emphasized the difficulty in accessing such an even distribution of sites considering the layout of private land in the watershed. Many sites were chosen based on ease of public access such as parks and road crossings.

Mr. Jones continued by describing components of RUAAs. He commented on the vast number of pictures and their availability to the public. Photos were taken of stream obstructions, streambanks, wildlife, people, water color, etc. Weather information was also collected from the local airport to document meteorological conditions. Field information included stream flow, water and air temperature, ease of access to the bank, etc. Even the shiftiness of sands under one's boot was documented because of its relevance to potential recreation. Mr. Jones emphasized the intensive nature of the survey. He said teams visited every location at least twice, talking to as many people as could be found then submitted an RUAA report to the TCEQ. He opened the floor to questions and none came.

Results of the RUAA events were then presented by Mr. Jones who started with a map of study assessment units (AUs) and a description of the purpose and location of AUs in the Atascosa watershed. He said an effort was made to get an even distribution of sites in each AU but it was almost impossible due to difficulties in obtaining access to private land or the paucity of road crossings. Even at public-access points permission was still required to go 300 meters beyond the entry point in either direction. Mr. Jones then presented detailed results of each AU:

AU01 At one site in AU01 there was a bobber in a tree that indicated fishing *might* have occurred there or the bobber could have washed in from an unknown upstream location. Although the landowner indicated he had fished with grandkids in the past, no fishing was observed. Mr. Jones said he started focusing on obstructions in the river channel to demonstrate that canoeing and kayaking would be extremely difficult or not enticing.

AU02 In AU02 a couple folks talked about fishing years ago. Mr. Jones said he never encountered anyone at the sites and all information was derived from interviews with local landowners.

AU03 This AU was more challenging according to Mr. Jones as it included the City of Pleasanton park area and other sites required lots of landowner permission. He said teams observed someone fishing at the park during every visit, often families with children. Picnicking, biking, and various activities were observed. Mr. Jones was also told of wading and a baptism though this was not directly observed. In fact, Mr. Jones said, no one was ever observed in contact with the water. Water contact was only described from interviews.

AU04 No activities were observed at any of the 11 sites as most sites were dry during the study and no landowners indicated recreation in the stream. Mr. Jones related a conversation he had with a 76 year old woman who had grown up along the Atascosa River in AU04 and had never in her life seen anybody in the water.

Mr. Jones provided his contact information and asked for questions from the attendees. None were asked.

At 7:00 PM Mr. Beran suggested a 10-minute break, offered refreshments, and reminded attendees to record their names on the sign-up sheet.

At 7:15 Mr. Beran reconvened the meeting, reiterating the need for stakeholder participation. When no questions were asked Mr. Beran turned the meeting back over to Mr. Jones.

Presentation: *Atascosa River Aquatic Life Use-Attainability Analysis Preliminary Summary*

Mr. Jones restated that TCEQ was still accepting input and stakeholders could email or call them.

Q (Jay Bragg): Do you have any [RUAA] survey forms?

A (Joe Martin): We are just seeking general comments at this point, no need to use the interview form.

Mr. Jones again covered the purpose of ALUAAs. He mentioned that criteria may be modified depending on results. He then discussed the monitoring work effort stating that 8 sites were chosen (2 per AU) but that the 3 upper sites were not sampled except for some DO measurements because water was only present shortly after tropical weather had blown in.

Q (Jay Bragg): Which sites are routine for TCEQ assessments?

A (Tim Jones): Stations 12980 and 17142 had some pre-existing data but we added the rest for the current survey. [Ms. Grundmann also said she would get with the questioner to provide data.]

Mr. Jones described the habitat assessment methods with pictures.

Q (unknown name): What is a transect?

A (Tim Jones): It's a lateral cross-section, across the streambed. We divide the study reach into 11 equal segments. It depends on the width of the stream and how long the study reach is.

Mr. Jones then described the methods employed for the collection of macrobenthic organisms. He asked David Pendergrass, the collector, to clarify the definition of "macrobenthic organisms" which he did.

Mr. Jones' description of nekton (fish) collections included several pictures of some of the more charismatic-looking fish. He told the story of capturing a large flathead catfish with the electroshocker.

He concluded the presentation of results with a graph of 24-hr DO fluctuation and a brief description of what 24-hr DO can tell researchers about production and respiration in a stream. This was followed by a short list of the remaining work for the ALUAA.

He sought questions or comments from the audience but none were offered.

Presentation: ***UAA Timelines and Current Water Quality of the Atascosa River***

Ms. Grundmann reported on milestones, timelines, and some results of the RUAA and ALUAA. Starting with milestones for the RUAA, Ms. Grundmann focused attention on the main purposes of the present meeting—to provide a summary of the RUAA study to the public and the public review and comment period for the RUAA report which runs August 1 – 31, 2011. Mr. Martin (TCEQ) commented that there were various locations around town to view the report and aid the comment process. Ms. Grundmann listed the library, city hall, and county courthouses among the locations. Ms. Grundmann continued by emphasizing the central message that TCEQ seeks further input. Mr. Martin interjected to say that comments should be directed to him through August 31st and his contact information was provided in various meeting handouts. Then Ms. Grundmann noted briefly that following the public comment period there would be a standards revision and review process lasting through 2013 during which time evaluation of public comments would occur and recommendations would be made to either maintain or revise the existing recreation use. She again mentioned that some hard copies of the RUAA report were available at the meeting and could be accessed at various locations around town and that specific questions and comments should be directed to Joe Martin.

Q (unknown name): The report is a compilation of the data collected?

A (Dania Grundman): Yes, it is about 200 pages long. It has pictures, historical review, interviews, etc., in one big report. Are there additional comments from staff? [none]

Q (Lloyd "Bubba" Stewart): On the geometric mean have you all come up with numbers?

A (Dania Grundmann): We'll get to that later in this presentation.

Q (unknown name): Has the sewage plant cleaned up the water alright? My cows were dying when the stream would dry up and they had to drink from puddles. This was 20 years ago.

A (David Ariso, City of Pleasanton WWTP operator) [Called upon by Dania to come to the microphone to provide the answer]: Our (wastewater treatment) plant has some of the strictest standards in the state. Our discharge is among the best in the state. We stay about 2 colonies per 100 mL on average which is well below the required 126. [Ms. Grundmann confirmed this.] We took it over about 18 years ago and we had to do some clean up. There's nothing coming out of the plant that would hurt anything downstream.

Q (unknown name): Are you using reclaimed water?

A (David Ariso): We have the ability but are not doing it. All our water is going downstream, about 800,000 gallons per day. We have approval to discharge above the park at several points.

Mr. Jones commented at this point that he has been stuck by catfish spines during the study and wasn't afraid to put his hands back in the stream. He trusts the water coming out of the WWTP. Dania also approved of the water quality based on discharge data.

Mr. Bragg made a comment in which he restated the standards-change process to make sure he understood the process correctly and Mrs. Jill Csekitz. affirmed his description.

Q (Jay Trell): Will the whole river get the same assessment? Even if it's dry?

A (Jill Csekitz): It will all get reviewed. Obviously there are differences upstream to downstream and there are different outcomes that could happen from the review.

A (Dania Grundmann): The presumption has been that the stream is perennial and the dryness indicates a change in that presumption so the stream needs to be treated differently moving forward.

Ms. Grundmann continued her presentation by explaining some general concepts of Texas water assessments. She emphasized that using AUs enables the TCEQ to apply TMDLs to sub-areas of streams instead of to entire watersheds, some portions of which may not be impaired. She then presented a portion of the 2010 Integrated Report related to Segment 2107 (Atascosa River), using it to explain specific problem areas in the Atascosa River watershed. This was followed by a table of the 2010 Integrated Report assessment results indicating geometric mean values in AUs 01 and 02 in exceedence of the 126 criteria for Primary Contact Recreation.

Out of concern that considerable effort was being made by TCEQ in sluggish or nearly-dry reaches of the Atascosa River, a gentleman asked Ms. Grundmann if she meant "stagnant" when she referred to stations near impoundments. She answered in the affirmative.

Q (Stan Coughran): What is the explanation for the high values below Pleasanton? Is it the treatment plant?

A (Dania Grundmann): It's not the wastewater treatment plant.

A (Jill Csekitz): Unknown non-point sources seem most likely.

Q (Stan Coughran): Can we know if it's human or animal?

A (Dania Grundmann with Jill Csekitz concurring): No, not from the numbers we have right now.

Ms. Grundmann then showed a table breaking down by station the results of the 2010 water quality assessment. She drew attention to the 3 stations below Pleasanton which had some of the highest *E. coli* values in the study. She noted that they were geographically relatively far apart and that even during baseflow conditions the *E. coli* was high.

Q (unknown name): When is the data for? What time period was it collected?

A (Dania Grundmann): The data was collected for the 2010 assessment.

Q (Jay Bragg): Is there data from before that?

A (Dania Grundmann): Yes, as far back as the 70s and 80s but it was fecal coliform back then. There have been high counts for quite a long time.

Q (Nancy Coughran): Will we ever be able to find out what the sources are? Feed lots?

A (Dania Grundmann): If you want more information on sources local stakeholders can request more studies.

Q (Judge Huff): Is additional data something stakeholders need to request during the comment period?

A (Dania Grundmann): You don't have to but you could. We have an annual coordinated monitoring group that meets with the river authority and they decide where we need to sample. If there's a public need to sample in particular places I think the regional office that does a lot of this monitoring and, perhaps, the Nueces River Authority, can pick up some of that sampling.

Q (Nancy Coughran): You don't know when we might find out the sources? Is additional data something you can request during the comment period?

A (Dania Grundmann): Yes, you can request it but the current study doesn't address the sources.

Q (unknown name): If the river is reclassified to secondary recreation then the river would meet the standard?

A (Dania Grundmann): Yes, the river would be reassessed in 2012 for the 630 colonies per 100 mL criterion at which point it might no longer be considered impaired.

Q (unknown name): Is the pollution coming from a certain area? Can you tell from your data?

A (Dania Grundmann): I don't think so since the data is so spaced out temporally and geographically. Maybe in the future we can take more samples.

Comment (Jay Bragg): Bacteria source tracking has been done in other studies around the state showing wildlife and birds are common sources.

Ms. Grundmann solicited further questions or comments but there were none. She continued the presentation with a discussion of DO, noting that it was only a problem in AU02 where the 24-hr average DO was below the 5.0 mg/L criterion on several occasions.

Q (unknown name): Does any of this lead to proposed regulations?

A (Jill Csekitz): The recreation standard would be a new regulation, a relaxed one.

Presentation: *Technical and Financial Assistance for Cattlemen in the Atascosa River Watershed*

Mr. Ryan Novak of Atascosa Soil and Water Conservation District (SWCD) presented information to the stakeholders on aid available through the Conservation District for development of water quality management plans (WQMPs) and implementation of best management practices (BMPs). Mr. Novak began with a listing of partnerships with local, state, and federal entities then showed a map of the districts located in the Atascosa River watershed. He stressed that the role of the SWCD was not to enforce BMPs since it was not an enforcement agency but rather to aid voluntary development of WQMPs and implementation of BMPs through technical and financial assistance.

Mr. Novak then described the purpose and components of WQMPs including the multiple steps towards WQMP approval. He stressed the advantages to having a WQMP such as stronger immunity against claims brought by neighbors that your farm is a source of pollution. WQMPs also help local agriculture demonstrate that it is doing its part to protect water quality. Mr. Novak then listed various practices that were eligible for state or federal financial assistance including cross fencing, prescribed grazing, and riparian buffers, among others. He showed that over $31,000 in cost-share funds were allocated from the state to the Atascosa County SWCD for FY2012. A maximum of $15,000 cost-share was available per operation and a WQMP was needed to qualify. He then described the Environmental Quality Incentives Program (EQIP) designed to assist agriculture in the Atascosa River region in reducing bacterial contamination of streams by livestock. He pointed out that livestock operations with WQMPs were ranked higher for funding.

Mr. Novak stated that 8 WQMPs covering 2,948 acres have been implemented to date with nearly $230,000 in financial assistance coming from EQIP and WQMP funds.

Q (unknown name): Is that the total acres in the Atascosa watershed?

A (Ryan Novak): That's the acres within the watershed within Atascosa County.

Mr. Novak provided his contact information and finished his presentation.

Mr. Beran closed the meeting saying that the process doesn't end with this report. Local participation was needed the rest of the way—whether or not the Atascosa River is reclassified. He said the word "high" in regards to *E. coli* was such a relative term and conjures people to go after a source. The main point, he said, is that *E. coli* is elevated above a given standard and we need to work together to lower it. He directed people to Earlene Lambeth (TCEQ) to acquire hard copies of the RUAA report and asked for closing comments and questions.

Q (Rob Hinnant): If we think the classification of the river was wrong can we state that on the comment section of the website?

A (Joe Martin): Yes.

As there were no more questions Mr. Beran closed the meeting at 8:25 PM.