

Arroyo Colorado Habitat Restoration Workgroup Meeting formed under the Arroyo Colorado Watershed Steering Committee

Meeting Summary – February 16, 2004

ATTENDING WORK GROUP COMMITTEE MEMBERS:

Roger Miranda – TCEQ
Earlene Lambeth – TCEQ
Walter Berry – TX Master Naturalist
Donna Berry – TX Master Naturalist
Ernesto Reyes – USFWS
Tom Brown – Naismith Engineering
Lisa Williams – The Nature Conservancy
Neil Haman – TWDB
Kay Jenkins – TPWD
B. Eduardo Mendez - TSSWCB
Paul H. Bergh – Save the Arroyo Coalition
Jim Chapman – Various Conservation Organizations
Jesús Franco – TPWD
Kim Jones - TAMUK
Jennifer Pierce – Nueces River Authority

CALL TO ORDER/WELCOME/INTRODUCTIONS:

Roger Miranda (TCEQ) opened the second meeting of the Habitat Restoration Workgroup meeting held in Weslaco. The first meeting of the Habitat Workgroup was held as a joint meeting with the Education and Outreach Workgroup. Self-introductions were made around the room.

GOALS AND AGENDA ITEMS:

The main purpose for Habitat meeting was to set workgroup committee goals and a schedule to achieve the goals. Roger Miranda had handouts on his proposed short and long-term goals for the workgroup to review and edit and be used as a starting point. These goals are attached as a reminder and reference starting point. Please feel free to e-mail any corrections, deletions or additions to rmiranda@tceq.state.tx.us.

The next agenda item was an update on the 309 NOAA proposal that Roger Miranda had submitted to the General Land Office in the amount of \$100,000. The proposal has now been approved thorough the executive committee at GLO and at this time the funding has been reduced to \$94,000 and requires no match. The proposal has a very good chance of being funded by the end of March and accepted by the full reviewing committee. The proposal will then be sent to NOAA as a package with other proposals and NOAA is expected to issue comments by mid-May. The General Land Office (GLO) is expected to respond to the GLO comments by mid-June. If there are no serious issues remaining, the GLO will issue the draft cooperative agreement with the state effective around October 1, 2004.

These funds are to be used for a feasibility study to look at what would be possible to improve aquatic habitat for the Arroyo. That is very encompassing – what is feasible to do? Possibly

looking into stream bank stability or fish sanctuaries within the Arroyo tidal. Roger reminded the workgroup that the main goal should be to restore water quality in the Arroyo Colorado by reducing nutrients, BOD, or increasing the dissolved oxygen (DO) in the tidal segment.

The highlights of the items that need to be considered during the evenings meeting include two basic options:

- 1) Submit a Request for Proposal (RFP) or a Request for Qualifications (RFQ) to private sector for feasibility study (3 – 6 month timeframe)
- 2) Or, opt to contract with another state or federal agency or university

The workgroup evaluated all the options, timeframe, and discussed the most cost effective and efficient means of securing a qualified vendor (contractor). A scope of work needs to be developed and a timeframe by this summer. Another item to be considered was if a request for bid could be posted without actually having the funding from NOAA. If that were the case, the bid may not be posted until November 2004, which would be unfortunate but we are obliged to follow certain laws and rules. If that were the case, there may not be a contract until January 2005. There were many suggestions and considerations made by various workgroup members including indirect cost, etc.

For the sake of new stakeholders attending the evenings meeting for the first time, Roger Miranda presented a thumbnail sketch of the studies and work that has been done to improve water quality in the Arroyo Colorado, which began in 1998. The Arroyo is listed on the 303 (d) list as impaired water body and is not meeting its' water quality standards due to low dissolved oxygen (DO) and bacteria in the tidal segment. For more information, see previous information and meeting summaries located through the following web site:

http://www.tnrcc.state.tx.us/water/quality/tmdl/arroyo_group.html

The half-time Habitat Restoration Specialist position that is being funded through a TCEQ 319 grant, is coming along well and a contract should be in place soon. The half-time position will be through the TX Parks and Wildlife. Negotiations are taking place now with the TPWD to identify the tasks for the Habitat Restoration Specialist position.

One of the first tasks of the Specialist will be to recruit workgroup participants and finalize participation from representatives and entities such as the IBWC, Port of Harlingen that has been missed, and the Corp of Engineers. Members from these entities should be engaged in the Watershed Protection Plan discussions. Other task will be for the Specialist to facilitate and set up the Habitat Workgroup meetings, identify and track the activities of the workgroup, locate resources for the workgroup through grant applications and proposals, recruit someone that can review hydrologic models, prepare an assessment, and design a plan that will prevent flooding issues in the Valley and still achieve the habitat restoration needed in the watershed. Another item to keep in mind and work on is to keep all the "uses" in place for the Arroyo such as navigation in the channel. And finally, the Specialist will develop the Habitat component portion of the Watershed Action Plan through the Habitat Restoration Workgroup that should be complete in April 2005.

A question was raised about the wastewater treatment discharges along the Arroyo and how that was going to be addressed or whether the Habitat Restoration Workgroup should be addressing that issue also. Roger Miranda stated that issue was being addressed through the Wastewater Infrastructure Workgroup, and the workgroup has not been formed at this time. There is a

detailed action plan that is being worked out to address the wastewater problems. He commented that there will be room for workgroup interaction, especially through the Steering Committee, but encouraged members to attend the Wastewater Infrastructure Workgroup meeting when it was scheduled.

Roger Miranda explained that the reason the Wastewater Infrastructure meeting had not been held is that the TCEQ has regulatory control over the entities and it will not be voluntary for the permitted treatment sites to attend a meeting. A tailor-made plan is being prepared that both the state and the permittees can live with. Many other organizations are involved such as the Water Development Board, Nad-Bank, and USDA Rural Development. He stated that considerations were being made to address non-compliance issues as well as issues such as a lack of funds to make necessary repairs, etc. to the facilities.

A review is being done of each permitted facility, their self-reported data and trying to “home in” on what problems each facility has. Findings will be verified through the Wastewater Infrastructure Workgroup members. A plan is also being made to meet with the Secretary of State’s office regarding colonias and what can be done to improve this situation. Roger told the Habitat Workgroup members that they have a spot at the table and encouraged public participation in this process.

A plea was made to encourage active participation in the workgroup from the International Boundary and Water Commission (IBWC) that controls the stream bank along the Arroyo Colorado. Roger believed that was an item that the Habitat Restoration Specialist would probably work on. He said many attempts have been made in the past and that IBWC receives regular meeting notices. But at this point, no active participation from IBWC has occurred. A request was made to have IBWC come to a Workgroup meeting and give a presentation on the Arroyo. Everyone agreed and comments were made that the workgroup works very hard and without the participation of the IBWC, the workgroup could possibly have to take a few steps back if their plans were not in-line with IBWC. Certainly the workgroup does not want to put the citizens of the Valley in danger of flooding through a major storm event, but members expressed their desire to negotiate a compromise with IBWC to improve the water quality through a riparian environment, wetlands, or habitat restoration.

Another item on the agenda was the assignment of needed tasks. Roger Miranda brought two main tasks to the attention of the workgroup. One of the tasks was to inventory the available public sectors capability. That would be to develop the pros and cons of the feasibility study and help decide whom to go with – state or federal or RFP/RFQ.

Kay Jenkins from the TPWD suggested looking at a list of pre-approved list of engineers and consultants through the GLO that might assist in streamlining the task. Kay agreed to get a copy of the list and to also check with other consultants as to charges, qualifications and experience in such a study. Kay expressed her belief that the scope of work should be a task for the TPWD and all agreed.

The long-term goals revolve around the main purpose of the workgroup. That would be to draft the Habitat Restoration component of Watershed Action Plan. That would involve looking into historical water quality and historical habitat data. Roger agreed to share the original data collected with Kay Jenkins through previous studies. Kay Jenkins agreed to meet with Roger after the meeting to discuss grant writing and funding under the associated contract with the TPWD.

PRESENTATION:

Mr. Tom Brown from Naismith Engineering in Austin on a non-point source water quality project called, "Green Valley Farms". In the San Benito area there are numerous water quality problems that Naismith Engineering has been hired to look into by the drainage district and Nueces River Authority in Cameron County. There is a two thousand acre colonia on septic tanks (on-site waste water) and the site is about 33% developed and the remaining in active agricultural use that is located in the 100-year flood plain. This area floods with a lot of rain and drains directly into the Arroyo Colorado and the Laguna Atascosa Wildlife Refuge. A 135-acre track was purchased to assist this problem by the drainage district. A retention pond is being developed along with a constructed wetland to alleviate the problems of low DO and bacteria.

The goals and objectives of the project are:

- Reduce non-point source pollution into the Arroyo Colorado from the "Green Valley Farms" watershed
- Educate the residents of the district on water quality issues and the impact that it has on the watershed and neighborhood
- Educate the residents on best management practices (BMPs)
- Improve waterfowl habitat – possibly through Ducks Unlimited

A 135-acre retention pond is being developed that will have tall banks, constructed wetlands, and designed for a learning center. The building site is now being used for agriculture (hay) that will be converted for the pond. Several of these areas have been built in the Houston area through TPWD funding and set up as an interactive program with schools, monitoring/sampling area, and involve as many people as possible. Other activities will include the waterfowl habitat and a large educational component for schools, etc.

Total cost of the "Green Valley Farm Wetlands" will be in the range of \$4,489,000 that will be a shared cost between local entities and federal funding. This project is quite unusual in the fact that the water district has taken such great strides and planning to protect the water quality, educating the public on the related issues, and providing a refuge and habitat for wildlife and waterfowl.

CLOSURE

Expectations for the next meeting are to have the goals solidified and to have the new Habitat Restoration Specialist on board. The next meeting will be held in about two month or the middle of April.

**Suggested Options for Short-term and Long-term Goals
and Goal Achievement Schedules
Arroyo Colorado Habitat Restoration Workgroup
February 16, 2004
Roger Miranda, TCEQ**

Introduction

From the perspective of the Texas Commission on Environmental Quality (TCEQ), the primary goal of the Arroyo Colorado Habitat Restoration Workgroup is to produce the habitat restoration component of the Arroyo Colorado Watershed Action Plan (WAP). Associated with the development of this document is the development of a consensus-based strategy for the restoration/improvement in aquatic habitat in the Arroyo Colorado and associated water bodies (i.e. Lower Laguna Madre). Competing uses in the Arroyo will make this goal challenging.

Short-term Goals

1. Confirm leadership, complete recruitment, confirm and document membership (by March 16, 2004).
2. Reach consensus on a Scope of Work for the (NOAA/GLO) 309-funded Feasibility Study (by June 14, 2004) Does it need a QAPP?
3. Assign short-term tasks to members of the workgroup (by March 16, 2004)

Tasks:

- A. Inventory available public sector capabilities (for IAA/ILC vs RFP determination)
- B. Identify deadlines and due dates for successful RFP award by October, 2004.
4. Identify contracting mechanism for 309-funded study (by March 16, 2004)
5. Establish contract for 309-funded study (by October 16, 2004)

Long-term Goals

1. Develop a strategy to restore/improve aquatic habitat in the Arroyo Colorado (by November 15, 2005)
 - A. Inventory, analyze and summarize all available (historical) information on aquatic habitat (and water quality) in the Arroyo Colorado (by May 16, 2005)
 - B. Review USCOE/IBWC hydrologic/hydraulic modeling of non-tidal segment of the Arroyo Colorado. Draft a summary of findings (by June 14, 2005)
 - C. Identify potential funding sources for long-term habitat restoration activities (by June 20, 2004)
 - D. Develop a list of options for recommendations to be included in the habitat restoration component of the Arroyo WAP including suggestions for funding for each option (by September 19, 2005)
 - E. Reach consensus on preferred option(s) for the habitat restoration component of the Arroyo WAP (by November 14, 2005)
2. Draft the habitat restoration component of the Arroyo Colorado WAP incorporating the strategy developed under #1 above (by January 20, 2006)

3. Produce habitat restoration component of the WAP and present to Steering Committee
(March 20, 2006)

TCEQ - TX Commission on Environmental Quality