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TEXAS STATE SOIL AND WATER CONSERVATION BOARD

Monthly Program News and Activities

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October 2010

The TSSWCB produces this monthly update of the agency's activities as an informational service to local soil and water conservation district directors. I hope you find this information helpful, and if you have any questions please don't hesitate to call your local field representative or our state headquarters.

REX ISOM, Executive Director

The Texas State Soil and Water Conservation Board (TSSWCB) administers Texas' soil and water conservation law and coordinates conservation and nonpoint source pollution abatement programs throughout the State. Headquartered in Temple, Texas, the TSSWCB offers technical assistance to the state's 216 soil and water conservation districts. A seven member State Board governs the TSSWCB. The State Board is composed of two Governor appointees and five landowners elected from across Texas by the more than 1,000 local SWCD Directors. The TSSWCB is the lead state agency for the planning, management, and abatement of agricultural and silvicultural (forestry) nonpoint source pollution, and administers the Texas Water Supply Enhancement Program. The TSSWCB maintains regional offices in strategic locations in the State to help carry out the agency's responsibilities.

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STATE BOARD WORK SESSIONS AND MEETINGS

The State Board has scheduled a Work Session for 1:30 p.m. on **Tuesday Nov. 9, 2010**. A formal State Board Meeting is scheduled for **Wednesday, Nov. 10, 2010** in Temple.

For more information on past and pending State Board Work Sessions and Meetings, please visit the agency's website at <http://www.tsswcb.state.tx.us/boardmeetings>, or contact Karen Preece at (254) 773-2250, ext. 245.

Board Meeting Minutes

Minutes from the Sept. 16, State Board Meeting will be considered for approval at the meeting scheduled for Nov. 10, 2010. To view any past Board Meeting minutes visit the agency's website at <http://www.tsswcb.state.tx.us/boardmeetings/minutes>

BUDGET AND ACCOUNTING

October 31st is the deadline for submitting 2010 Annual Financial Statements.

For more accounting and budgeting information contact Kenny Zajicek at (254)773-2250 or kzajicek@tsswcb.state.tx.us

HUMAN RESOURCES

TSSWCB is not currently recruiting for any positions.

SPECIAL PROJECTS

Program Overview

Special Projects is a department within the TSSWCB that provides coordination for the Annual State Meeting of Soil and Water Conservation Directors, facilitates open government functions required by the Texas Administrative Procedures Act, and directs the completion of other mandatory

agency responsibilities such as compiling the agency's Semi-Annual Report and rule making.

Annual State Meeting of Texas Soil and Water Conservation District Directors

The 70th Annual State Meeting was held October 25-27, 2010 in Lubbock. We hope you attended and enjoyed the opportunity to see your fellow district director's again and share in the program.

For next year, please mark your calendars for the 71st Annual Meeting scheduled for October 24-26, 2011 in San Antonio.

Proposed Rule Amendment

The Texas State Soil and Water Conservation Board (State Board or agency) proposes amendments to Rule §517.33, Contracts for Cost-share to specify that follow-up brush control will now be required to be carried out as agreed to in an eligible persons brush control plan.

The State Board proposes to amend 31 TAC §517.33 by deleting language that currently specifies brush control follow-up is subject to funding availability and inserting new language to state that brush control follow-up will be carried out as to in an eligible person's brush control plan with the agency.

The proposed rule amendment was published in the October 1, 2010 issue of the *Texas Register* for a 30 day review and comment period.

Rule Reviews

The Texas State Soil and Water Conservation Board has filed notice of intent to review rule Chapter 518, Subchapter A, §§ 518.1 - 518.2, Employee Training Rules; Chapter 523, §§ 523.1 - 523.8, Agricultural and Silvicultural Water Quality Management; and Chapter 525, Subchapter A, §§ 525.1 - 525.9, Technical Assistance Program For Soil And Water Conservation Land Improvement Measures, of the Texas Administrative Code (TAC) in Accordance with the Texas Government Code, §2001.039. The Agency finds that the reason for adopting the rules continues to exist.

As required by §2001.039 of the Texas Government Code, the Agency will accept comments and make a final assessment on each rule regarding whether the

reason for adopting the rule continues to exist. The comment period will last 30 days that began with publication in the October 1, 2010 issue of the *Texas Register*.

PUBLIC INFORMATION AND EDUCATION

Media Outreach

Multiple press releases have been generated by agency staff in the last month. Press releases are distributed to over 2,500 individuals, entities and media outlets with an interest in TSSWCB programs. Archived press releases are available on the agency website at <http://www.tsswcb.state.tx.us/media>.

Follow us on Twitter and Facebook!

<http://www.facebook.com/tsswcb>

<http://twitter.com/TSSWCB>

Program Development Workshop

A program development workshop for SWCD directors, employees, and select NRCS district conservationists has been scheduled for January 25-26, 2011. An initial information flyer was sent electronically to all SWCDs in mid October as a reminder to mark calendars for those interested in attending the training.

Region IV Wildlife Contest

Approximately 50 FFA and 10 4-H teams with a combined total of about 150 students are expected to compete in the annual Wildlife Alliance for Youth (WAY) regional wildlife contest to be held November 9, at the Stephen F. Austin Experimental Forest located near Nacogdoches.

The contest challenges students in the areas of plant identification, wildlife plant food preferences, wildlife biological facts, wildlife habitat evaluation, habitat management, fish and game laws, safety in the outdoors, wildlife identification techniques and navigation in the field.

FFA and 4-H teams from the entire Northeast Texas to deep east Texas to the gulf coast regions of the state vie for top honors in the contest. The top

scoring teams in both categories will advance to compete in the state contest which will be held in the spring of 2011.

The contest is conducted under the auspices of the Wildlife Alliance for Youth which is a consortium of state, federal and private organizations. The consortium consists of the TSSWCB, Association of Texas Soil and Water Conservation Districts, local SWCDs, USDA Natural Resources Conservation Service, Texas Parks and Wildlife Department, Texas AgriLife Extension 4-H, Welder Wildlife Foundation, Instructional Materials Service, Texas A&M University; Texas FFA Association, Texas Wildlife Association, Texas Education Agency-Agricultural Science and Technology and Texas Wildlife Association.

Llano SWCD Hosts Conservation Tour

U. S. Representative K. Michael Conaway was the guest of honor and speaker at a conservation tour October 15, hosted by the Llano SWCD. The tour was held on the Slator Ranch which is a century-old family operated ranch renown for its extensive wildlife management program. Brush management, using a combination of mechanical, chemical and prescribed burns, was the focus of the tour as well as some water development projects.

Other guest speakers at the event included Jose Dodier, chairman of the TSSWCB, Jule Richmond, vice president, Association of Texas Soil and Water Conservation Districts, and Deputy State Conservationist, Salvador Salinas.

Central Texas Association of SWCDs

The Central Texas Association of Soil and Water Conservation Districts (CTASWCDs) met October 14, in Brownwood at the Brownwood Country Club for its fall meeting, and to hear a legislative report from State Representative James Keffer (Dist. 60).

Prior to the business meeting conservation district directors toured two flood prevention structures and observed renovation work made possible by the Operation and Maintenance Grant Program (O&M) administered by the TSSWCB.

The program reimburses SWCDs 90 percent of the cost of an eligible O&M activity while the remaining ten percent must be paid with non-state funding. State grant funds are also available to provide 95 percent of the cost of allowable repair activities, including match funding for federal projects through the Dam Rehabilitation Program and the Emergency Watershed Protection Program of the Texas NRCS.

TSSWCB Conservation Video Library About The Catalog

There are over 200 conservation-related videos available; the 2009 catalog can be downloaded from the TSSWCB website at <http://www.tsswcb.state.tx.us/files/docs/infoed/2009VideoLibraryCatalogue.pdf>. The 2009 Catalog includes 30 new titles in DVD format. No rental fees are assessed to those wishing to borrow the videos from the library. However, the borrower is responsible for paying the return postage.

Borrowing privileges are for a length of two weeks and must be returned upon the date specified by the librarian. Videos can be ordered through your local SWCD or by contacting the Public Information/Education department of the TSSWCB.

Shipping

The Association of Texas Soil and Water Conservation Districts' Public Information/Education Committee will pay the first transit postage costs to mail the video(s) to the requester. Postage for returning the video(s) will be the responsibility of the borrower. All videos must be insured upon return.

Ordering a Video

Select a video from the TSSWCB Conservation Video Catalog, then contact Meredith Whitley at mwhitley@tsswcb.state.tx.us to check it out.

WATER QUALITY MANAGEMENT PLAN PROGRAM

Program Overview

The passage of Texas Senate Bill 503 (1993) directed the TSSWCB to implement water quality management plans (WQMPs) in Texas. A WQMP is a site-specific plan developed through and approved by SWCDs for agricultural or silvicultural lands. The agency has been implementing WQMPs since the mid 1990s and has completed over 14,000 plans in the State of Texas.

<http://www.tsswcb.state.tx.us/wqmp>.

A total of 657 water quality management plans were certified by the State Board in FY10. The yearly goal was 620 plans.

Cost-share allocations for FY11 were approved at the July, 2010 State Board meeting. The period for obligating FY11 cost-share funds will be from September 1, 2010 to April 30, 2011.

The lapsed fund report for the FY08 funding cycle was presented at the State Board meeting in September, 2010. Between the FY03 and FY08 funding cycles, lapsed funds have been reduced by 73%.

POULTRY WATER QUALITY MANAGEMENT PLANS

Overview

In 2001, the 77th Texas Legislature amended the Texas Water Code to require all persons who own or operate a poultry facility to implement and maintain a WQMP that is certified by the TSSWCB. In 2009, the 81st Texas Legislature amended the Texas Water Code to require TSSWCB to assess whether the siting and construction of all new poultry farms or existing farms that expand by more than 50% within ½ mile of permanently inhabited residences, businesses, or places of worship is likely to cause a persistent nuisance odor. An odor control plan may be required for those farms. The new law also requires

all poultry producers and most receivers of poultry litter to keep records of poultry litter usage. For more information on Poultry WQMPs, please visit <http://www.tsswcb.state.tx.us/poultry>.

Program Activities

TSSWCB continues to conduct inspections of poultry CAFO facilities to ensure they are meeting all the necessary requirements. In addition, staff continues to review and update existing WQMPs and develop plans for newly constructed farms.

Contact the poultry office at (936) 462-7020 if you have questions about the poultry program.

TEXAS NONPOINT SOURCE MANAGEMENT PROGRAM

Program Overview

The federal Clean Water Act (CWA) requires states to develop a program to protect the quality of water resources from the adverse effects of nonpoint source (NPS) water pollution. The *Texas NPS Management Program* is the state's official roadmap for addressing NPS pollution. The program publication is updated every five years. The most recent revision was submitted to the U.S. Environmental Protection Agency (EPA) by the governor in December 2005. The *Texas NPS Management Program* is jointly administered by the TSSWCB and the Texas Commission on Environmental Quality (TCEQ).

The *Texas NPS Management Program* utilizes baseline water quality management programs and regulatory, voluntary, financial and technical assistance approaches to achieve a balanced program. NPS pollution is managed through assessment, planning, implementation and education. The TCEQ and TSSWCB have established goals and objectives for guiding and tracking the progress of NPS management in Texas. Success in achieving the goals and objectives are reported annually in the *NPS Annual Report*, which is submitted to EPA in accordance with the CWA.

Implementation of the *Texas NPS Management Program* involves partnerships among many organizations. With the extent and variety of NPS issues across Texas, cooperation across political boundaries is essential. Many local, regional, state and federal agencies play an integral part in managing NPS pollution especially at the watershed level. They provide information about local concerns and infrastructure and build support for the kind of pollution controls necessary to prevent and reduce NPS pollution. SWCDs are vital partners in working with landowners to implement best management practices (BMPs) that prevent and abate agricultural and silvicultural NPS water pollution. By establishing coordinated frameworks to share information and resources, Texas can more effectively focus its water quality protection efforts.

More information on the *Texas NPS Management Program* is available at <http://www.tsswcb.state.tx.us/managementprogram>.

The following is a compilation of relevant information pertaining to the multiple water quality programs administered by and/or coordinated through the TSSWCB Statewide Resource Management (SRM) group that collectively represent the agency's efforts in supporting the goals and objectives of the *Texas NPS Management Program*.

Watershed Approach

Protecting the state's rivers, streams, lakes, bays and aquifers from the impacts of NPS pollution is a complex process. Texas uses a Watershed Approach to focus efforts on the highest priority water quality issues of both surface and ground water. The Watershed Approach is based on the following principles:

- Geographic focus based on hydrology rather than political boundaries;
- Water quality objectives based on scientific data;
- Coordinated priorities and integrated solutions; and,
- Diverse, well-integrated partnerships.

For groundwater management, the geographic focus is on aquifers rather than watersheds. Otherwise, the approach is the same. Wherever interactions between surface and ground water are identified, management activities will support the quality of both resources.

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of watershed protection plans (WPPs) and total maximum daily loads (TMDLs) in those watersheds where agricultural and/or silvicultural NPS pollution is contributing to a water quality impairment or concern to an extent which TSSWCB believes is sufficient to justify expenditure of agency resources. A list of these watersheds including links to on-going restoration projects within those watersheds is available at <http://www.tsswcb.state.tx.us/watersheds>.

Texas Nonpoint Source Management Program – 2010 Revision Status

TSSWCB SRM staff and TCEQ staff are in the process of updating the *Texas NPS Management Program* document. Staff personnel from both agencies are currently reviewing the revised draft chapters of the 2010 program publication. The revised program publication must be submitted to EPA to ensure continued CWA §319(h) funding.

After discussions among TCEQ, TSSWCB, and EPA staff about the current timeline for updating the *Texas NPS Management Program* document by December 2010, it was decided that an extension would be necessary to incorporate the new Watershed Action Planning initiative. A letter was sent by TCEQ to EPA requesting to extend the applicability of the current *Texas NPS Management Program* document until May 2012 to allow the new initiative to be incorporated in the revision. All other matters related to the *Texas NPS Management Program* document including goals and objectives, priorities, programs and BMPs would remain unchanged during this extended period. Staff personnel are currently waiting on EPA's response to this request for an extension.

Nonpoint Source Grant Program

The NPS Grant Program is administered by the TSSWCB for the purpose of providing funding as grants to cooperating entities for activities that address the goals and objectives stated in the *Texas NPS Management Program*. The Texas Legislature and the U.S. Congress (through the EPA) provide funding to the TSSWCB to administer the agricultural and silvicultural components of the *Texas NPS Management Program* through the TSSWCB NPS Grant Program.

Agricultural and silvicultural NPS pollution prevention and abatement activities that can be funded through the NPS Grant Program include: implementation of WPPs and the NPS portion of TMDL Implementation Plans (I-Plans), surface water quality monitoring, demonstration of innovative BMPs, technical and financial assistance for the development and implementation of WQMPs, public outreach and education, development of WPPs, and monitoring activities to determine the effectiveness of specific pollution prevention methods.

Summaries of the TSSWCB's activities within specific watersheds funded through this NPS Grant Program are available in the *Water Quality Planning and Implementation* section of this report.

Clean Water Act §319(h) Grant Funding

Background

Congress enacted §319(h) of the CWA in 1987, establishing a national program to control NPS water pollution. Through §319(h), federal funds are provided through the EPA to states for the development and implementation of each state's NPS Management Program. The §319(h) funding in Texas is divided equally between the TCEQ and the TSSWCB. Over the past several years, the State's allocation has been approximately \$9 million.

FY2004 – FY2009 CWA §319(h) Grant Status

There are currently 45 ongoing §319(h) grant-funded projects addressing a wide array of agricultural and silvicultural NPS issues. Unliquidated federal funds for these 45 ongoing

projects total approximately \$13 million and are primarily being used to implement BMPs to abate NPS pollution from animal feeding operations, grazing livestock operations and row crop operations; provide technical assistance through SWCDs for the development of WQMPs; support various NPS outreach/education programs; develop and implement WPPs and implement the NPS portion of TMDL I-Plans.

FY2010 CWA §319(h) Grant Application Status

TSSWCB submitted the FY2010 CWA §319(h) grant application to EPA on July 6, 2010 requesting \$4,578,700 for 11 projects. On October 8, 2010, TSSWCB received notification that EPA approved 10 projects for \$4,212,724.

State General Revenue Grant Funding

Background

The 80th Texas Legislature appropriated \$3.1 million dollars in general revenue funds, for the FY2008-FY2009 biennium, to the TSSWCB for the purpose of planning, implementing and managing programs and practices for preventing and abating agricultural and silvicultural NPS water pollution in impaired watersheds. The 81st Texas Legislature renewed this appropriation for the FY2010-FY2011 biennium. TSSWCB is committed to funding projects encompassing monitoring, assessment, modeling, planning, education and implementation that address the goals and objectives stated in the *Texas NPS Management Program*. The Board has approved operating budgets for FY2009, FY2010, and FY2011 that allocated a total of \$3.6 million in state general revenue to the NPS Grant Program. On Sept. 17, 2009, the Board approved a revised *TSSWCB Policy on TMDLs and Watershed Planning, Assessment and Implementation Activities* which provides guidance to SRM staff on directing these state appropriations for the NPS Grant Program. The policy is available at <http://www.tsswcb.state.tx.us/managementprogram#StateGR>.

FY2009 – FY2010 State General Revenue Grant Status

There are currently 16 ongoing general revenue-funded projects addressing an array of agricultural and silvicultural NPS issues. Unliquidated state funds for these 16 ongoing projects total approximately \$1.7 million dollars and are primarily being used to implement agricultural NPS components of TMDL I-Plans; conduct recreational use attainability analyses (RUAAAs); provide technical assistance for the development of WQMPs on agricultural lands; demonstrate innovative BMPs on animal feeding operations and grazinglands and collect and analyze water quality data for watersheds with impaired waterbodies.

Summaries of the TSSWCB's activities within specific watersheds funded through these grants are available in the *Water Quality Planning and Implementation* section of this report.

FY2011 State General Revenue Grant Status

On July 22, 2010, the Board approved an operating budget for FY2011 that allocated \$1.1 million in state general revenue to the NPS Grant Program. SRM staff are in the process of developing workplans and budgets with collaborating entities for various projects.

Total Maximum Daily Load Program

Background

The CWA requires Texas to identify lakes, rivers, streams and estuaries failing to meet or not expected to meet water quality standards and not supporting their designated uses (swimming, drinking, aquatic life, etc.). This list of impaired waterbodies is known as the *Texas 303(d) List* and must be submitted to the EPA for review and approval every two years.

The state must then establish a TMDL for certain water bodies identified on the *Texas 303(d) List*. A TMDL defines the maximum amount of a pollutant that a waterbody can assimilate on a daily basis and still meet water quality standards. The pollution reduction goal set by the TMDL is necessary to restore attainment of the designated use of the

impaired waterbody. The maximum amount of a pollutant is determined by conducting a detailed water quality assessment that provides the information for a TMDL to allocate pollutant loads between point sources and nonpoint sources. It also takes into account a margin of safety, which reflects uncertainty and future growth.

Based on the environmental target of the TMDL an Implementation Plan (I-Plan) is then developed that prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of that pollutant in that waterbody. The I-Plan specifies limits for point source dischargers and recommends BMPs for nonpoint sources. It also lays out a schedule for implementation. Together, the TMDL and the I-Plan serve as the mechanism to reduce the pollutant, restore the full use of the waterbody and remove it from the *303(d) List*. EPA must approve the TMDL but the I-Plan only requires state approval.

With authority as the lead agency in Texas for planning, implementing and managing programs and practices for preventing and abating agricultural and silvicultural NPS water pollution, TSSWCB shares responsibility with the TCEQ for the development and implementation of TMDLs. TSSWCB is committed to funding and collaborating with TCEQ on TMDL projects encompassing monitoring, assessment, modeling, planning, education and implementation. More information on TMDLs is available at <http://www.tsswcb.state.tx.us/tmdl>.

The TSSWCB's efforts to restore water quality are channeled through TMDL and WPP development and implementation. Impaired waters may be addressed through either mechanism depending on the specific situation. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

Watershed Protection Plan Program

Background

Watershed Protection Plans (WPPs) are locally-driven mechanisms for voluntarily addressing complex water quality problems that cross multiple jurisdictions. WPPs are coordinated frameworks for implementing prioritized and integrated water quality protection and restoration strategies driven by environmental objectives. Through the WPP process, TSSWCB encourages stakeholders to holistically address all of the sources and causes of impairments and threats to both surface and ground water resources within a watershed.

WPPs serve as tools to better leverage the resources of local governments, state and federal agencies and non-governmental organizations. WPPs integrate activities and prioritize implementation projects based upon technical merit and benefits to the community, promote a unified approach to seeking funding for implementation and create a coordinated public communication and education program. Developed and implemented through diverse, well integrated partnerships, a WPP assures the long-term health of the watershed with solutions that are socially acceptable and economically viable which achieve environmental goals for water resources. Adaptive management is used to modify the WPP based on an on-going science-based process involving monitoring and evaluating strategies and incorporating new knowledge into decision-making.

TSSWCB-sponsored WPPs are consistent with guidelines promulgated by the EPA in 2003. These guidelines describe nine elements fundamental to a potentially successful plan. TSSWCB provides technical and financial assistance to local stakeholder groups to develop and implement WPPs to address significant agricultural or silvicultural NPS issues. While WPPs sponsored by TCEQ have significant water quality issues related to urban NPS pollution or wastewater treatment, most, to varying degrees, have agricultural or silvicultural NPS pollution components. There are several other watershed planning projects across the state which are funded and sponsored by entities and agencies

other than TSSWCB or TCEQ. These third-party WPPs may or may not adequately satisfy EPA's nine elements. More information on WPPs is available at <http://www.tsswcb.state.tx.us/wpp>.

The TSSWCB's efforts to restore water quality are channeled through WPP and TMDL development and implementation. Impaired waters may be addressed through either mechanism depending on the specific situation. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

Coastal NPS Pollution Control Program

Background

The Texas Coastal Management Program (CMP) was created to coordinate state, local and federal programs for the management of Texas coastal resources. The program brings in federal Coastal Zone Management Act (CZMA) funds to Texas to implement projects and program activities for a wide variety of purposes. The Texas General Land Office (GLO) is responsible for coordinating activities associated with the CMP. The Coastal Coordination Council (CCC), established by the Texas Legislature, administers the CMP; the TSSWCB is a statutorily-authorized member of the CCC.

The CCC is charged with adopting uniform goals and policies to guide decision-making by all entities regulating or managing natural resource use within the Texas coastal area. The CCC reviews significant actions taken or authorized by state agencies that may adversely affect coastal natural resources to determine consistency with CMP goals and policies. In addition, the CCC oversees the CMP Grants Program and the Small Business and Individual Permitting Assistance Program.

The federal Coastal Zone Act Reauthorization Amendments (CZARA) §6217 requires each state with an approved CMP to develop a federally approvable program to control coastal NPS pollution. The National Oceanic and Atmospheric Administration (NOAA) and the EPA jointly

administer §6217 at the federal level. In Texas, the TSSWCB and the TCEQ hold primary responsibility for the development and implementation of the *Texas Coastal NPS Pollution Control Program*.

More information on the CMP is available at <http://www.glo.state.tx.us/coastal.html>.

Conditional Approval Status of Coastal NPS Program

Texas submitted the *Texas Coastal NPS Pollution Control Program* to EPA and NOAA in December 1998. In July 2003, NOAA and EPA issued conditional approval of the *Texas Coastal NPS Pollution Control Program*. The agricultural and silvicultural portions of the program were approved without conditions. Texas had five years to meet the remaining conditions to gain full approval. States that fail to submit an adequate program (full approval) face penalties including loss of EPA and NOAA funds, including CWA §319(h) NPS grant monies.

In July 2008, the CCC again responded to the remaining conditional approval findings of NOAA and EPA. It was anticipated that this response would address the remaining conditions resulting in a fully approved program.

On May 29, 2009, GLO received e-mail comments from NOAA and EPA which stated, in part, that:

“NOAA and EPA find that enough progress has been made to lift only the hydro modification condition. For several urban management measures, Texas identifies planned activities to meet the conditions. While those activities may result in the measures being met in the future, NOAA and EPA must evaluate the actual activities, rather than a plan for future actions, in order to lift the conditions.”

TCEQ is finalizing a letter to NOAA and EPA that describes the state's approach to addressing the conditional approval findings. TSSWCB, TCEQ and GLO plan to meet with NOAA and EPA staff in

the near future to discuss requirements for Texas to fully meet all conditions.

Coastal Coordination Council (CCC)

CCC meeting information is available at <http://www.glo.state.tx.us/coastal/ccc.html>. The next meeting is scheduled for December 9, 2010 in Austin.

Texas Groundwater Protection Committee

Background

Established by the Texas Legislature in 1989, the Texas Groundwater Protection Committee (TGPC) bridges the gap between state groundwater programs, improves coordination between member agencies and works to protect groundwater as a vital resource; the TSSWCB is a statutorily-authorized member of the TGPC.

The Texas Water Code sets non-degradation of the state's groundwater resources as the goal for all state programs and asserts that groundwater be kept reasonably free of contaminants that interfere with its present and potential uses. The TGPC implements the state's groundwater protection policy which:

- requires that pollution discharges, waste disposal and other regulated activities not harm public health or impair current or potential groundwater use,
- recognizes the variability between aquifers,
- acknowledges the importance of water quality,
- balances the protection of the environment and the long-term economic health of the state, and
- recognizes the use of the best professional judgment of the responsible state agencies to implement the policy.

The Texas Groundwater Protection Committee:

- Reports on its activities and recommends new protection programs to the Legislature.
- Publishes numerous reports.
- Advises the TCEQ on the development of agricultural chemical plans for groundwater.

- Develops, implements and updates a comprehensive *Texas Groundwater Protection Strategy* and an annual *Joint Groundwater Monitoring and Contamination Report*.

On October 20, 2010, the TGPC discussed the draft text for the *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82nd Legislature*.

The TGPC Nonpoint Source Task Force will next meet December 1, 2010 in Austin.

More information on the TGPC is available at <http://www.tgpc.state.tx.us/>.

Water Quality Coordination Activities

MOA Coordination with TCEQ

On Sept 27, 2006, at a joint meeting, the TSSWCB and the TCEQ approved a new *Memorandum of Agreement (MOA) on TMDLs, I-Plans, and WPPs*. This framework for collaboration between the two agencies describes the programmatic mechanisms employed to develop and implement TMDLs and WPPs. TSSWCB SRM staff continue to work with TCEQ staff to implement components of the MOA. The MOA is available at <http://www.tsswcb.state.tx.us/tmdl#moa>.

New Watershed Action Planning Process

TCEQ staff have been working to develop a document that describes a new Watershed Action Planning approach to the state's water quality management programs. This document is expected to be finalized and published within the next several months.

The document will illustrate Watershed Action Planning and describe the approach including an overview of the state water quality planning programs, the role of stakeholders and the options available to address water quality impairments. The Watershed Action Planning process recognizes a range of tools and options for addressing impaired water bodies on the 303(d) List. The Watershed Action Planning process provides for a stakeholder-led evaluation of watershed-specific circumstances

and a deliberative and collective decision as to what tool to apply to move forward with addressing the listing.

TCEQ will maintain a database of information in the State Watershed Action Plan, such as the waterbody, the impairment or priority interest, the date it was first listed on the 303(d) List, the management strategy to address the impairment (e.g., UAA, TMDL, WPP), the timeline for completing the management strategy, the responsible agency and interim performance measures.

Watershed Action Planning will increase the transparency of the state's water quality management programs by presenting the list of impaired waters in such a manner as to communicate activities and intentions collectively to the public at large. Establishing the State Watershed Action Plan is key to providing for the collaboration being called for and the coordination necessary to achieve the goal of clean water for Texans.

Surface Water Quality Standards Revision

On June 30, 2010, the TCEQ adopted major revisions to 30 Texas Administrative Code Chapter 307, Texas Surface Water Quality Standards (Standards), and the *Procedures to Implement the Texas Surface Water Quality Standards, RG-194* (IPs). These major revisions to the Standards include the establishment of numeric nutrient criteria for large reservoirs and modifications to contact recreation use and bacteria criteria. The IPs are an in-depth protocol that provides guidance and explanation of the general and technical procedures used by TCEQ in applying the Standards.

Both the Standards rule and the IPs document were adopted with modifications from the versions published in the *Texas Register*. Specifically, the proposed Standards rule and IPs were modified by the Commission to retain the primary contact recreation bacteria criterion of 126 cfu/100 mL for freshwater (*E. coli*) and modify the high saline inland waterbodies' primary contact recreation criterion from 54 to 33 cfu/100 mL (*Enterococci*

spp.). The proposed revision would have set the *E. coli* criterion at 206 cfu/100 mL, which was the upper limit of risk levels recommended by EPA for primary contact recreation. The Commission did adopt expanding the categories of recreation use to create more options and differentiating the bacteria criteria to protect those uses, specifically by creating a four tier approach including primary contact recreation, secondary contact recreation 1, secondary contact recreation 2, and noncontact recreation; previously, there were only two options, contact recreation or noncontact recreation.

The adopted Standards rule (30 TAC Chapter 307) was published in the *Texas Register* and become effective as a state rule on July 22, 2010. TCEQ submitted the revised Standards and IPs to EPA on August 4, 2010. EPA must now take action to approve these changes to the Standards in accordance with the federal CWA.

Recreational Use Attainability Analyses

The recently adopted revisions to the Surface Water Quality Standards establish a four tier approach to recreation use including primary contact recreation, secondary contact recreation 1, secondary contact recreation 2, and noncontact recreation. In order to change the presumed level of recreation use of a waterbody (i.e., PCR) to any of the other 3 tiers and the associated bacteria criterion, a recreational use attainability analysis (RUAA) must be completed for each waterbody and approved by TCEQ and subsequently EPA. TCEQ has developed procedures for conducting RUAAs; previously there were no RUAA protocols in Texas. The May 2009 *TCEQ Procedures for a Comprehensive RUAA and a Basic RUAA Survey* is available at http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/swqsawg_handouts.html#proc.

The purpose of an RUAA is to ascertain the actual recreation occurring on a waterbody, establish or verify a presumed use, and, if necessary, assign a more appropriate use. During an RUAA information is collected on water recreation activities, stream flow type, and stream depth; additionally, interviews from users who are present during surveys and those familiar with the

waterbody may be conducted and a review of historical information may be completed. If the results of the RUAA indicate that a different, more appropriate use is warranted, the resulting change in the associated bacteria criterion may result in the waterbody no longer being identified on the *303(d) List* as impaired, thus negating the need to adopt a TMDL.

TCEQ, and their contractors, are in the process of conducting RUAAs on over 110 waterbodies across the state; TSSWCB is taking the lead on conducting RUAAs on another dozen waterbodies. Prior to conducting the surveys, local stakeholders are being contacted to seek input on each project's monitoring plan. Specifically, citizens are being asked to provide input on potential sites near stream crossings to perform evaluations, and landowners are being asked to provide access to evaluate those stretches of the river that are not readily accessible to the public. TCEQ contractors were asked to coordinate communication with SWCDs through TSSWCB SRM staff. Some of these RUAAs have been conducted in summer 2009 and 2010, and some will be completed in spring and summer 2011. After the RUAAs are conducted, TCEQ will evaluate the information and again consult with stakeholders regarding potential site-specific revisions to the surface water quality standards for each waterbody.

Because adopted changes to the surface water quality standards affecting recreation use tiers and bacteria criteria must be approved by EPA, any changes to specific waterbodies as a result of these RUAAs will not likely be reflected until the *2014 303(d) List* is published in April 2014.

Summaries of RUAA activities on waterbodies where TMDLs and/or WPPs are also on-going are available in the *Water Quality Planning and Implementation* section of this report.

More information on RUAAs for certain waterbodies is available at http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/standards/ruaas/index. These

RUAAs affect livestock operations in scores of watersheds across the state.

Texas Integrated Report for CWA §§305(b) and 303(d)

The *Texas Integrated Report (IR)* summarizes the status of the state's surface waters, including concerns for public health, fitness for use by aquatic species and other wildlife and specific pollutants and their possible sources, as required by CWA §305(b). The IR also identifies waterbodies not attaining water quality standards (i.e., impaired), as required by CWA §303(d).

On August 25, 2010, the TCEQ approved the *2010 Texas Integrated Report* for submission to EPA. The public comment period ended in March 2010. TCEQ staff developed a response to public comments received and revised the IR as appropriate. TSSWCB submitted written comments to TCEQ on the draft 2010 IR. TSSWCB comments were focused on the impact of the IR to how the agency implements its agricultural/silvicultural NPS water quality mandate. EPA must now take action to approve or disapprove the *2010 Texas 303(d) List of Impaired Waters*.

The IR is a compilation of many documents including:

- 303(d) List of Impaired Waters [Category 5 waterbodies]
- Waterbody Assessments by Basin [23 river and coastal basins, plus Bays/Estuaries and Gulf Waters]
- Index of Water Quality Impairments [Categories 4 and 5 waterbodies]
- Waterbodies with Concerns for Use Attainment and Screening Levels
- Sources of Pollution for Impairments and Concerns
- Waterbodies and Parameters Removed from the 303(d) List
- Schedule to Develop TMDLs in 2011 and Beyond

For the 2010 IR, TCEQ prepared a comprehensive assessment by evaluating 374 classified and 840 unclassified waterbodies; although, only 1,066 of

those waterbodies had sufficient data to evaluate). Data collected during the most recent seven-year period (December 2001 to November 2008) was included in the assessment. One hundred eighty-one (181) impairments (by segment, not assessment unit) were added to the 303(d) List while 76 were removed. A total of 621 impairments are now included in Category 5. Impairments due to elevated bacteria continue to dominate (51%) the list of impairments. Impairments due to Dissolved oxygen and organics in edible fish tissue each have the next highest percentages (15% each). Overall, the number of segments assessed between 2008 and 2010 increased by 60%; however, the net increase in impairments was only 17%.

More information on the *Texas Integrated Report*, including the 305(b) Assessment and 303(d) List, is available at http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305_303.html.

Texas Clean Rivers Program

The Texas Clean Rivers Program (CRP) is a state fee-funded program for water quality monitoring, assessment, and public outreach administered by the TCEQ. CRP is a collaboration of 15 partner agencies who conduct water quality monitoring and assessments in the 23 river and coastal basins in Texas.

Each river or coastal basin is assigned to one of the designated CRP partner agencies. Each CRP partner agency has an established steering committee to set monitoring and assessment priorities within its basin. These committees bring together the diverse interests in each basin and are designed to allow local concerns to be addressed through regional solutions.

The Texas Water Code requires the TCEQ and CRP partner agencies to coordinate monitoring and assessment activities with local SWCDs through the TSSWCB. Basin steering committee meetings are being scheduled and will be held throughout the state between March-May 2010. SWCDs should look for notices of these meetings as they are scheduled and make plans to attend.

The data generated by CRP partner agencies is used to identify significant long-term water quality trends and characterize water quality conditions. Each CRP partner agency develops and publishes an annual *Basin Highlights Report* and a five-year *Basin Summary Report*. The TCEQ also uses CRP-generated data in the biennial assessment conducted for the *Texas Water Quality Inventory and 303(d) List*.

More information is available at <http://www.tceq.state.tx.us/nav/eq/texcleanriver.html>.

Galveston Bay Estuary Program

Galveston Bay is an estuary of national importance and, through the federal CWA §320, is included in the National Estuary Program administered by the EPA. The Galveston Bay Council is the stakeholder advisory group that coordinates the implementation of the *Galveston Bay Plan*, which is a Comprehensive Conservation and Management Plan (CCMP) developed under the auspices of the National Estuary Program. The TSSWCB is a named member of the Galveston Bay Council.

Galveston Bay Council

On September 29, 2010, TSSWCB SRM staff [Brian Koch] attended a Budget and Priorities Subcommittee meeting for the Galveston Bay Council in Webster. The meeting started off with the subcommittee approving to submit approval letters for several projects from Armand Bayou Nature Center and Galveston Bay Foundation to be submitted for Coastal Management Program funding. There was also discussion on CCMP implementation issues, needs, and updates. Issues range from sea-level rise, changing regulations and policies that offer less wetland protection, continued population growth, loss of habitat, water quality degradation, and invasive species introduction and expansion. This discussion is designed to help get the program to 2015, the twenty year mark and beyond. Also, the 2012 State of the Bay symposium was discussed.

More information is available at <http://www.gbep.state.tx.us/>. The implementation of

the *Galveston Bay Plan* affects agricultural and silvicultural operations in watersheds that drain to Galveston Bay in Brazoria, Chambers, Galveston, Harris and Liberty Counties.

Coordination with U.S. Geological Survey

On October 21, 2010, TSSWCB SRM staff [Brian Koch] attended a meeting for the USGS Gulf Coast Cooperators in The Woodlands. This meeting was held to update and inform cooperators in water quality and quantity monitoring about the USGS programs and studies affecting the USGS Gulf Coast Region. USGS presented information on their online water data called NWISWeb, which allows public access to over 100 years of water data compiled by USGS, and includes historical and real time data. The website is <http://waterdata.usgs.gov/nwis/>. Another presentation focused on ongoing studies in the Gulf Coast Region, and the studies varied from groundwater, subsidence, surface water quality, bay and estuary studies, and natural disaster response. These and other studies can be found at <http://pubs.usgs.gov>. There was time allowed for questions, comments and discussion on the topics covered.

San Antonio Bay Partnership

On October 1, 2010, TSSWCB SRM staff [Brian Koch] attended workgroup meetings and a steering committee meeting for the San Antonio Bay Partnership in Victoria. The Science/Technical and Event and Outreach Subcommittees held a joint meeting. Updates were given from the partnership, and status of data gathering for the various status and trends reports being compiled. Also, planning for the two-day Science/Technical and Stakeholder Meeting which will be held November 1-2, 2010 in Victoria, the topics covered were the venue, agenda and activities, and promotion. The Funding Subcommittee met and the bulk of the discussion focused on the application of funding to the TSSWCB for CWA §319(h) to continue work in creating a management plan for the San Antonio Bay Estuary. The Steering Committee meeting followed and basically summarized the activities from the subcommittees, and reviewed the application for 501 (c)(3) status.

More information is available at <http://www.sabaypartnership.org/>. The development of a Comprehensive Conservation and Management Plan for San Antonio Bay has the potential to affect agricultural and silvicultural operations in watersheds that drain to the San Antonio Bay complex in Aransas, Calhoun, Goliad, Refugio, and Victoria Counties.

Upcoming Public Meetings

- November 1-2, 2010 – San Antonio Bay Science and Stakeholder Conference (Victoria)
- November 2, 2010 – Texas Forest Service Annual State Forest Stewardship Coordinating Committee Meeting (College Station)
- November 3-5, 2010 – 30th International North American Lake Management Society Symposium (Oklahoma City, OK)
- November 4, 2010 – Texas Water Environment 2011 Legislative Horizon (Austin)
- November 9, 2010 – *Building Better Environmental Models for Decision-Making* (USGS webcast)
- November 9, 2010 – Geronimo and Alligator Creeks Watershed Steering Committee (Seguin)
- November 11, 2010 – Plum Creek Watershed Steering Committee (Lockhart)
- November 13-17, 2010 – 5th National Conference on Coastal and Estuarine Habitat Restoration (Galveston)
- November 14-17, 2010 – ASABE TMDL Conference on Watershed Management to Improve Water Quality (Baltimore, MD)
- November 16, 2010 – Bacteria Implementation Group Meeting (Houston)
- November 16, 2010 – USGS West Texas Regional Cooperator Meeting (San Angelo)
- November 17, 2010 – USGS North Texas Regional Cooperator Meeting (Lubbock)
- November 17, 2010 – Red River Valley Association Annual Conference (Wichita Falls)

- November 18, 2010 – San Bernard River WPP Meeting (Wharton)
- November 18, 2010 – Lampasas River Watershed Steering Committee (Lampasas)
- December 1, 2010 – TGPC Nonpoint Source Task Force (Austin)
- December 1, 2010 – TGPC Education and Outreach Subcommittee (Austin)
- December 1, 2010 – Southeast and South Central Texas Regional Watershed Steering Committee (Columbus)
- December 6, 2010 – Big Cypress Creek Stakeholder Meeting (Mount Pleasant)
- December 7, 2010 – Cypress Creek CRP Basin Steering Committee (Jefferson)
- December 9, 2010 – Coastal Coordination Council (Austin)
- December 9, 2010 – Attoyac Bayou Watershed Steering Committee (Nacogdoches)

Water Quality Planning and Implementation

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of WPPs and TMDLs. A list of watersheds including links to on-going restoration projects within those watersheds is available at <http://www.tsswcb.state.tx.us/watersheds>; more detailed information on all watersheds described below is available at this website.

Adams and Cow Bayous

Impairment: Bacteria, Dissolved Oxygen, pH
 Mechanism: TMDL, I-Plan
 Lead: TCEQ

On October 5, 2010, TSSWCB SRM staff [Brian Koch] attended a meeting to discuss the I-Plan for the Adams and Cow Bayous TMDL in Orange. This meeting was held to bring stakeholders together to re-start the implementation planning process. There has been some work completed in replacing failing OSSFs in the watersheds. Sabine River Authority

staff discussed planning for regionalization of wastewater treatment and estimated costs of around \$50 million to complete this task, also the formation of a regional entity to operate and maintain the WWTF. TSSWCB staff indicated a commitment to help lead the agriculture/silviculture NPS workgroup and develop that section for the I-Plan. A section on Urban Stormwater management will be developed as part of the implementation as well. Education and Outreach will be a component in each of the sections.

More information is available at <http://www.tceq.state.tx.us/implementation/water/mdl/37-orangecounty.html>. These TMDLs have limited affect on livestock and forestry operations in the Adams and Cow Bayous watershed in Orange, Jasper and Newton Counties.

Aquilla Reservoir

Impairment: Atrazine
 Mechanism: TMDL, I-Plan
 Lead: TSSWCB

More information is available at <http://www.tsswcb.state.tx.us/watersheds#aquillareservoir>. This TMDL and I-Plan affect farming operations in the Aquilla Reservoir watershed in Hill and Johnson Counties.

Armand Bayou

Impairment: Bacteria
 Mechanism: RUAA
 Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/mdl/89-armandbacteria.html>.

Arroyo Colorado

Impairment: Bacteria, Dissolved Oxygen
 Concerns: Nutrients, Sediment
 Mechanism: WPP, TMDL, I-Plan
 Lead: TCEQ

On October 21, 2010, TSSWCB SRM staff [Pamela Casebolt] and Regional Office staff [Andy Garza, Ronnie Ramirez, Richardo Chapa] attended the Arroyo Colorado Watershed Partnership

Agricultural Issues Workgroup meeting in Mercedes. The workgroup meeting was held in conjunction with the Texas Irrigation Expo. Discussion focused on implementation activities of the Arroyo Colorado WPP, including the technical and financial assistance programs available to area producers, and the upcoming soil testing campaign.

More information is available at <http://www.arroyocolorado.org/>. This WPP affects farming operations in the Arroyo Colorado watershed in Cameron, Hidalgo and Willacy Counties.

Atascosa River

Impairment: Bacteria, Dissolved Oxygen
Mechanism: UAA
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/mdl/31-atascosa.html>. This project affects livestock operations in the Atascosa River watershed in Atascosa, Bexar, Frio, Karnes, Live Oak, McMullen, Medina and Wilson Counties.

Attoyac Bayou

Impairment: Bacteria
Concern: Nutrients
Mechanism: WPP
Lead: TSSWCB

More information is available at <http://attoyac.tamu.edu/>. This WPP will affect livestock, farming and silvicultural operations in the Attoyac Bayou watershed in Nacogdoches, Rusk, San Augustine and Shelby Counties.

Bastrop Bayou

Concern: Bacteria
Mechanism: WPP
Lead: TCEQ

On October 21, 2010, TSSWCB SRM staff [Brian Koch] attended a stakeholder meeting for the Bastrop Bayou WPP in Lake Jackson. HGAC staff updated stakeholders on the progress of the WPP, and stated it would be up for review on the project

website, and after comments are addressed, the WPP will be sent to TCEQ and EPA for consistency review. The Tidal Prism Model is almost complete, and those results will be incorporated into the WPP before it is posted. The community of Demi-John, which is experiencing negative issues with OSSFs will be voting on November 2, 2010 to put in a wastewater collection system in order to get the community off of septic all together. Discussion on sustainability then followed, exploring many options for the future of the WPP.

More information is available at <http://www.bastropbayou.org/>. This WPP has the potential to affect livestock and farming operations in the Bastrop Bayou watershed in Brazoria County.

Big Cypress Creek

Concern: Bacteria
Mechanism: Assessment
Lead: TSSWCB

More information is available at <http://www.tsswcb.state.tx.us/watersheds#bigcypresscreek>. This project will affect poultry and livestock operations in the Big Cypress Creek watershed (including tributaries Hart and Tankersley Creeks) in Titus, Camp, Upshur and Morris Counties.

Brady Creek

Impairment: Dissolved Oxygen
Mechanism: WPP
Lead: TCEQ

More information is available at <http://www.ucratx.org/NPSBrady.html>. This project has the potential to affect agricultural operations in the Brady Creek watershed in McCulloch, Concho, San Saba and Menard Counties.

Buck Creek

Impairment: Bacteria
Mechanism: WPP
Lead: TSSWCB

More information is available at <http://twri.tamu.edu/buckcreek/>. This WPP will affect livestock and farming operations in the Buck

Creek watershed in Donley, Collingsworth and Childress Counties.

Buffalo and Whiteoak Bayous

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

The Bacteria Implementation Group (BIG) is focused on implementing bacteria TMDLs in the greater Houston area, including Buffalo and Whiteoak Bayous. The BIG is responsible for receiving input, establishing workgroups, facilitating communications, developing recommendations and providing oversight in the development of the I-Plan designed to achieve the load reductions called for in these TMDLs. Current activities of the BIG are detailed in the *Lake Houston* section of this report.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/22-buffalobayou.html>. This TMDL will have limited affect on livestock operations in the Buffalo and Whiteoak Bayous watershed in Harris, Fort Bend and Waller Counties.

Caddo Lake

Impairment: Dissolved Oxygen, pH
Mechanism: WPP
Lead: TCEQ

More information is available at http://www.netmwd.com/Caddo%20Lake%20Protection%20Plan/Caddo_index.html. This WPP has the potential to affect poultry, forestry and other agricultural operations in the Caddo Lake watershed in Upshur, Camp, Titus, Morris, Cass, Harrison, Marion, Wood, Gregg, Franklin and Hopkins Counties.

Carters and Burton Creeks

Impairment: Bacteria
Mechanism: TMDL
Lead: TCEQ

More information is available at [http://www.tceq.state.tx.us/implementation/water/t](http://www.tceq.state.tx.us/implementation/water/tmdl/85-carterscreek.html)

[mdl/85-carterscreek.html](http://www.tceq.state.tx.us/implementation/water/tmdl/85-carterscreek.html). This TMDL will affect livestock operations in the Carters Creek watershed in Brazos County.

Cedar Creek Reservoir

Impairment: pH
Concerns: Nutrients
Mechanism: WPP
Lead: Third party

More information is available at <http://nctx-water.tamu.edu/>. This WPP will affect agricultural operations in the Cedar Creek watershed in Henderson, Kaufman, Rockwall and Van Zandt Counties.

Clear Creek

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

The Bacteria Implementation Group (BIG) is focused on implementing bacteria TMDLs in the greater Houston area, including Clear Creek. The BIG is responsible for receiving input, establishing workgroups, facilitating communications, developing recommendations and providing oversight in the development of the I-Plan designed to achieve the load reductions called for in these TMDLs. Current activities of the BIG are detailed in the *Lake Houston* section of this report.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/68-clearcreekbacteria.html>. This TMDL has limited affect on livestock operations in the Clear Creek watershed in Galveston, Harris, Brazoria and Fort Bend Counties.

Concho River

Impairment: Bacteria, Dissolved Oxygen, Macrobenitic Community
Mechanism: WPP
Lead: TSSWCB

On October 21, 2010, TSSWCB SRM staff [Loren Henley] attended a Concho River WPP stakeholder meeting in San Angelo. Topics of discussion

included the many educational activities provided by the Concho River Basin Aquatic Research and Education Center, and the Stormwater Management Program that City of San Angelo is currently drafting. Also, an update on the ongoing brush control activities that are occurring, along with an update about the grant funding that was awarded to UCRA from the Texas Parks and Wildlife Department.

More information is available at http://www.ucratx.org/CRiverRest_UCRA.html. This WPP affects farming and livestock operations in the Concho River watershed in Coke, Concho, Crockett, Glasscock, Howard, Irion, Menard, Midland, Reagan, Runnels, Schleicher, Sterling, Tom Green and Upton Counties.

Copano Bay and Mission and Aransas Rivers

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/42-copano.html>. This TMDL will affect livestock operations in the Copano Bay and Mission and Aransas Rivers watershed in Bee, Goliad, Refugio, Karnes, Aransas and San Patricio Counties.

Cypress Creek

Concerns: Dissolved Oxygen, Bacteria
Mechanism: WPP
Lead: TCEQ

More information is available at <http://www.cypresscreekproject.org/>. This WPP has the potential to affect livestock and farming operations in the Cypress Creek watershed in Hays County.

Dickinson Bayou

Impairment: Bacteria, Dissolved Oxygen
Mechanism: WPP, TMDL, I-Plan, UAA
Lead: TCEQ

This WPP is proceeding in tandem with the ongoing TMDLs for bacteria and dissolved oxygen.

More information on the TMDL is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/17-dickinson.html>.

More information on the WPP is available at <http://www.dickinsonbayou.org/>. Both the WPP and the TMDLs have the potential to affect farming and ranching operations in the Dickinson Bayou watershed in Galveston and Brazoria Counties.

Eagle Mountain Reservoir

Impairment: Bacteria
Concerns: Nutrients
Mechanism: WPP, UAA
Lead: Third party

More information on the WPP is available at <http://nctx-water.tamu.edu/>. This WPP has the potential to affect agricultural operations in the Eagle Mountain Reservoir watershed in Clay, Jack, Montague, Parker, Tarrant and Wise Counties.

Elm and Sandies Creeks

Impairment: Bacteria, Dissolved Oxygen
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/31-elmsandies.html>. This TMDL will affect livestock operations in the Elm and Sandies Creeks watershed in Gonzales, DeWitt, Karnes, Wilson and Guadalupe Counties.

Galveston Bay

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/74-uppercoastoyster.html>. This TMDL has limited affect on livestock operations around the Galveston Bay complex in Chambers, Harris, Galveston and Brazoria Counties.

Geronimo Creek

Impairment: Bacteria
Mechanism: WPP
Lead: TSSWCB

On October 12, 2010, TSSWCB SRM staff [Brian Koch, Loren Henley] attended a Geronimo and Alligator Creeks Watershed Steering Committee meeting in Seguin. An update was given on the background introduction section of the WPP. The meeting focused primarily on the different management measures that were discussed in the different workgroups.

More information is available at <http://www.tsswcb.state.tx.us/watersheds#geronimocreek>. This WPP has the potential to affect ranching and farming operations in the Geronimo Creek watershed in Guadalupe and Comal Counties.

Gilleland Creek

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

The public comment period on an *Implementation Plan for One TMDL for Bacteria in Gilleland Creek (Segment 1428C)* ended September 27, 2010. A response to comments will be developed by TCEQ staff and, if appropriate, the draft I-Plan may be revised. Based on the environmental target of the TMDL (adopted by TCEQ in August 2007 and approved by EPA in April 2009), this I-Plan prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of bacteria in order to restore the primary contact recreation use of Gilleland Creek. The I-Plan specifies limits for point source dischargers and recommends BMPs for nonpoint sources. It also lays out a schedule for implementation. The Lower Colorado River Authority Creekside Conservation Program, which is supported through a CWA §319(h) grant from the TSSWCB, in concert with the TSSWCB WQMP Program, will be used to provide technical and financial assistance to landowners to implement BMPs that reduce bacteria from grazing livestock in riparian areas.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/69-gillelandcreekbacteria.html>. This TMDL has limited affect on livestock operations in the Gilleland Creek watershed in Travis County.

Lake Granbury

Concern: Bacteria
Mechanism: WPP
Lead: TCEQ

More information is available at <http://www.brazos.org/gbWPP.asp> or <http://lakegranbury.tamu.edu/>. This WPP has the potential to affect agricultural operations around Lake Granbury in Hood and Parker Counties.

Lake Granger

Impairment: Bacteria
Concern: Sediment
Mechanism: WPP
Lead: TSSWCB

More information is available at <http://www.tsswcb.state.tx.us/watersheds#lakegranger>. This WPP will affect farming and livestock operations in the Lake Granger watershed in Williamson and Burnet Counties.

Hickory Creek

Concern: Nutrients, Sediment
Mechanism: WPP
Lead: TCEQ

More information is available at <http://www.cityofdenton.com/pages/mygovenvironmentalwater319grant.cfm>. This WPP has the potential to affect farming and livestock operations in the Hickory Creek watershed in Denton County.

Lake Houston

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

On October 15, 2010, the TCEQ approved publishing and soliciting public comment on *Fifteen*

TMDLs for Indicator Bacteria in the Lake Houston Watershed (Segments 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011). During the 30-day public comment period a public meeting to receive comments on the proposed TMDL will be scheduled. Comments not submitted at the public meeting must be provided in writing to the TCEQ. A response to comments received will be developed by TCEQ staff and, if appropriate, the draft TMDLs may be revised. These TMDLs must be adopted by TCEQ and approved by EPA before they are effective.

The Bacteria Implementation Group (BIG) is focused on implementing bacteria TMDLs in the greater Houston area, including Lake Houston, Buffalo and Whiteoak Bayous, Clear Creek and others. The BIG is responsible for receiving input, establishing workgroups, facilitating communications, developing recommendations and providing oversight in the development of the I-Plan designed to achieve the load reductions called for in these TMDLs.

More information on the greater Houston area Bacteria Implementation Group (BIG) is available at <http://www.h-gac.com/community/water/tmdl/BIG/default.aspx>. More information on the Lake Houston TMDLs is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/82-lakehouston.html>. These TMDLs have the potential to affect livestock operations in the Lake Houston watershed in Grimes, Harris, Liberty, Montgomery, San Jacinto, Walker and Waller Counties.

Lake O' the Pines

Impairment: Dissolved Oxygen
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/19-lakeopines.html>. This TMDL and I-Plan affect poultry, dairy and forestry operations in the Lake O' the Pines watershed in Upshur, Camp, Titus, Morris, Cass, Harrison and Marion Counties.

Lampasas River

Impairment: Bacteria, Dissolved Oxygen
Mechanism: WPP
Lead: TSSWCB

On October 15, 2010, TSSWCB SRM staff [Pamela Casebolt] attended the Lampasas River Watershed Partnership Urban NPS Work Group meeting in Killeen. Discussion centered on the approved SELECT results (wastewater treatment facilities, on-site sewage systems, and dogs) and prioritizing subwatersheds for the implementation of BMP for bacteria reduction. The work group will concentrate their efforts in subwatersheds with the highest potential for elevated bacteria loads. BMPs discussed included but are not limited to repair, replace, or remove failing on-site sewage systems, installation of pet waste stations, and repair of old clay pipes.

On October 18, 2010, TSSWCB SRM staff [Pamela Casebolt] attended the Lampasas River Watershed Partnership Agriculture and Wildlife Work Group meeting in Lampasas. Discussion centered on the approved SELECT results (livestock, deer, and feral hogs) and prioritizing subwatersheds for the implementation of BMPs for bacteria reductions. The work group will concentrate their efforts in subwatersheds with the highest potential for elevated bacteria loads. BMPs discussed included but are not limited to the development and implementation of WQMPs, enrollment of landowners into Wildlife Management Areas, and control of feral hogs. Educational opportunities for each best management practice were also considered.

More information is available at <http://www.lampasasriver.org/>. This WPP will affect livestock operations in the Lampasas River watershed in Bell, Burnet, Hamilton, Lampasas and Mills Counties.

Leon River

Impairment: Bacteria, Dissolved Oxygen
Mechanism: WPP, TMDL, I-Plan, UAA
Lead: TCEQ (TMDL, UAA), TSSWCB (WPP)

On October 22, 2010, TSSWCB SRM staff [Pamela Casebolt, Aaron Wendt, TJ Helton] attended the Leon River Working Committee meeting in Hamilton. The purpose of the meeting was to receive an update on the RUAA and discuss the draft WPP, upcoming bacterial source tracking project and proposed site selection, public comment process, and institutional framework for implementation of the WPP.

More information on the postponed bacteria TMDL is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/34-leonbacteria.html>. More information on the WPP is available at <http://www.brazos.org/LeonRiverWPP.asp>. Both the WPP and the TMDL will affect livestock operations in the Leon River watershed in Comanche, Coryell, Mills, Erath and Hamilton Counties.

Little Brazos River Tributaries

Impairment: Bacteria
Mechanism: Assessment
Lead: TSSWCB

More information is available at <http://www.tsswcb.state.tx.us/watersheds#littlebrazosriver>. This project will affect livestock and poultry operations in the Walnut, Pin Oak, Campbells, Mud and Spring Creek watersheds in Robertson County.

Lower San Antonio River

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/34-lowersanantoniobac.html>. This TMDL

affects livestock operations in the Lower San Antonio River watershed in Karnes, Goliad, Refugio, DeWitt, Wilson, Victoria, and Guadalupe Counties.

North Bosque River

Impairment: Nutrients, Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/06-bosque.html>. This TMDL affects dairy operations in the North Bosque River watershed in Bosque, Erath, Somervell, Hamilton, Coryell and McLennan Counties.

Onion Creek

Impairment: None
Mechanism: WPP
Lead: Third party

More information is available at <http://www.waterqualityplan.org/>. This WPP affects agricultural operations in the Onion Creek watershed in Hays and Travis Counties.

Oso Bay and Oso Creek

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/67-osobaybacteria.html>. This TMDL may affect livestock and farming operations in the Oso Bay/Creek watershed in Nueces County.

Peach Creek

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at http://www.tceq.state.tx.us/implementation/water/tmdl/34-peachcreek_group.html. This TMDL will affect livestock operations in the Peach Creek

watershed in Gonzales, Bastrop, Fayette and Caldwell Counties.

Pecan Bayou

Impairment: Bacteria
Mechanism: UAA
Lead: TSSWCB

On October 20, 2010, TSSWCB SRM staff [TJ Helton, Aaron Wendt] and Field staff [Charlie Upchurch] attended the Pecan Bayou SWCD #553 meeting in Brownwood. The purpose of the visit was to discuss the preliminary steps in conducting an RUAA on the middle portion of Pecan Bayou southeast of Brownwood to the Mills County line.

More information is available at <http://www.tsswcb.state.tx.us/watersheds#pecanbayou>. This project will affect livestock operations in portions of the Pecan Bayou watershed in Brown County.

Pecos River

Impairment: Dissolved Oxygen
Concern: Salinity
Mechanism: WPP
Lead: TSSWCB

More information is available at <http://pecosbasin.tamu.edu/>. This WPP affects agricultural operations in the Pecos River watershed in Andrews, Brewster, Crane, Crockett, Culberson, Ector, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Val Verde, Ward and Winkler Counties.

Plum Creek

Impairment: Bacteria
Concerns: Nutrients
Mechanism: WPP
Lead: TSSWCB

On October 4, 2010, SRM staff [Brian Koch] attended a Riparian Workshop for Plum Creek, in Lockhart. The workshop was conducted by USDA NRCS, TPWD, and Nueces River Authority staff. This workshop was split into two sessions; the first was in a classroom setting, and focused on management of riparian areas, including restoration

of degraded areas, different indicators for riparian health, and factors that cause degradation. The second session was out on Plum Creek, and the presenters gave examples of the different parts and functions of the riparian area along the creek.

More information is available at <http://plumcreek.tamu.edu/>. This WPP affects livestock and farming operations in the Plum Creek watershed in Caldwell and Hays Counties.

San Bernard River

Impairment: Bacteria
Mechanism: WPP, UAA
Lead: TCEQ

More information is available at <http://www.h-gac.com/go/sanbernard> and <http://www.sanbernardriver.com/>. This WPP has the potential to affect farming and livestock operations in the San Bernard River watershed in Austin, Brazoria, Colorado, Fort Bend and Wharton Counties.

South Llano River

Impairment: None
Mechanism: Assessment and Planning
Lead: Third party

More information is available at <http://southllano.org>. This project has the potential to affect farming and livestock operations in the South Llano River watershed in Edwards, Kerr, Kimble, Real and Sutton Counties.

E.V. Spence Reservoir

Impairment: Salinity
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/04-spence.html>. This TMDL and I-Plan affect agricultural operations in the E.V. Spence Reservoir watershed in Borden, Coke, Howard, Mitchell, Nolan, Scurry and Sterling Counties.

Water Supply Enhancement Program

Background

Administered by the TSSWCB, the goal of the program is to enhance the state's quantity of water resources through selective control of brush species. The 81th Legislature continued funding for the Water Supply Enhancement Program by providing \$4,503,641.00 in General Revenue Funds in FY10.

These funds were directed to be used for continuation of brush control projects designated by the Soil and Water Conservation Board. Since the beginning of the Water supply Enhancement program in 1999 there has been over 700,000 acres of brush treated in various watersheds throughout the State.

The following SWCDs were provided Water Supply Enhancement Program Updates, Water Supply Enhancement Program Certification, and /or Contracts:

Area 1 District

Donley County SWCD

Area 2 Districts

Middle Concho SWCD
Eldorado-Divide SWCD
Tom Green County SWCD
Pedernales SWCD
Gillespie County SWCD
Kerr County SWCD
Kendall SWCD

Area 3

McMullen County SWCD
LaSalle County SWCD
Caldwell/ Travis SWCD
Comal/Guadalupe SWCD
Webb County SWCD
Frio SWCD

Upper Cibolo Creek

Impairment: Bacteria
Concern: Dissolved Oxygen, Nutrients
Mechanism: WPP
Lead: TCEQ

More information is available at <http://www.ci.boerne.tx.us/>. This WPP has the potential to affect livestock operations in the Upper Cibolo Creek watershed in Kendall County.

Upper Guadalupe River

Impairment: Bacteria
Mechanism: TMDL, I-Plan
Lead: TCEQ

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/65-guadalupeabovecanyon.html>. This TMDL affects livestock operations in the Upper Guadalupe River watershed in Kerr County.

Upper Oyster Creek

Impairment: Bacteria, Dissolved Oxygen
Mechanism: TMDL, I-Plan, UAA
Lead: TCEQ

On September 21, 2010, the EPA approved *Two TMDLs for Dissolved Oxygen in Upper Oyster Creek (Segment 1245)*. These TMDLs allocate maximum pollutant loadings of oxygen-demanding substances (CBOD and ammonia-nitrogen) between point sources and nonpoint sources in order to achieve the water quality criterion for dissolved oxygen, and effectively necessitate a 0% load reduction (for both pollutants) to restore attainment of aquatic life use. TCEQ will develop an I-Plan to implement these TMDLs.

More information is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/25-oystercreek.html>. These TMDLs will have limited affect on farming and livestock operations in the Upper Oyster Creek watershed in Fort Bend County.

Area 5

Archer County SWCD

Lower Clear Fork/Brazos SWCD

Pecan Bayou SWCD

Bosque SWCD

Little Wichita SWCD

Currently the Water Supply Enhancement Program is administrating 15 projects throughout the State. Listed below are the projects in their respective areas and the projects contact person.

- Twin Buttes- Tuffy Wood
- O.C. Fisher reservoir Project- Tuffy Wood
- Lake Ivie (Main Concho)- Johnny Oswald
- Pedernales Project- Melissa Grote
- Guadalupe River Project- Melissa Grote
- Edwards Aquifer Project (Bandera County)- Melissa Grote
- Fort Phantom Hill- Cody York
- Nueces River Project- Adrian Perez
- Frio River Watershed – Adrian Perez
- Lower Guadalupe River – Kendria Ray
- Carrizo-Wilcox Aquifer- Kendria Ray
- Palo Pinto- Cody York
- Bosque Project- Cody York
- Little Wichita River (Archer and Clay Counties)- Cody York
- Lake Brownwood Project- Cody York

Evaluating Watersheds are based on the following criteria as per Chapter 203.053:

In ranking areas under the plan, the board shall consider:

- (1) the location of various brush infestations;
- (2) the type and severity of brush infestations;
- (3) the various management methods that may be used to control brush;
- (4) the amount of water produced by a project and the severity of water shortage in the project area; and

any other criteria that the board considers relevant to assure that the brush control program can be most effectively, efficiently, and economically implemented

FLOOD CONTROL DAM PROGRAMS

Background

Nearly 2,000 floodwater retarding structures, or dams, have been built over the last 60 years within the State of Texas. The primary purpose of the structures is to protect lives and property by reducing the velocity of floodwaters, and thereby releasing flows at a safer rate. These are earthen dams that exist on private property, and were designed and constructed by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS). They were built with the understanding that the private property owner would provide the land, the federal government would provide the technical design expertise and the funding to construct them, and then units of local government would be responsible for maintaining them into the future.

Local sponsors of the dams were required before a federal project was begun. Local sponsors signed a watershed agreement which outlined the duties and responsibilities of the federal and local sponsors. In general, local sponsors are required to obtain and enforce easements, conduct operation and maintenance (O&M) inspections, maintain the structures, and implement land treatment measures in the watershed. SWCDs are one of the local sponsors in all watershed projects. Other local sponsors include counties, cities, and Water Control and Improvement Districts (WCIDs).

Due to the passage of time and difficulty in raising adequate funds locally, many sponsors approached the Texas Legislature with their concerns over amount of needed O&M and repairs. In recognition that these dams will continue to serve as a critical protection for our state's infrastructure, private property, and lives, the Legislature appropriated \$15 million dollars to the TSSWCB for grants to local SWCDs during the 2010-2011 biennium for O&M and structural repairs.

O&M Grant Program Update

All funds allocated to dam sponsors for FY10 (Sept. 1, 2009 through August 31, 2010) have either been dispersed or contractually obligated for use prior to

August 31, 2011 (contractually obligating the remaining funding allows sponsors an additional year to reimburse O&M work).

At their July 22, 2010 meeting, the State Board approved the FY11 O&M allocations. TSSWCB staff has prepared FY11 grant allocation letters for 81 SWCDs and three non-SWCDs for a statewide total of \$2,472,008.85. The grant allocation letters, representing the same total program budget as FY10, were mailed directly to the dam sponsor during the first week of September 2010. Fiscal Year 2011 O&M allocations will be available immediately for reimbursement and will remain so through August 31, 2011.

Structural Repair Grant Program Update

After receiving applications for funding for FY10 Structural Repair Grant Program funding, the TSSWCB staff conducted a ranking exercise and began contract negotiations with dam sponsors representing the highest ranking applications. A total of 18 flood control dams will receive state grant funding from FY10. Of the 18 dams, 5 are also receiving funding through the USDA-NRCS Emergency Watershed Protection (EWP) Program for disaster recovery; the TSSWCB is providing 95% of the non-federal match requirement (25%) for these dams. The remaining 13 dams are receiving state grant funds providing representing 95% of the total cost of each project. In total, \$3,915,471 of FY10 state repair grant funds have been obligated.

On September 30, 2010 districts and sponsors were notified that the TSSWCB is seeking applications for structural repair projects on flood control dams in accordance with Texas Administrative Code, Chapter 529, Subchapter B. Applications for FY11 grant funds are due no later than 8:00 am on November 1, 2010.

For more information on these programs, please visit the TSSWCB's website at:
<http://www.tsswcb.state.tx.us/en/floodcontrol>

Monthly Program News and Activities is produced by the Texas State Soil and Water Conservation Board (TSSWCB) for use by Texas soil and water conservation district directors. If you have any questions regarding its contents, or have information you would like to see in a future issue please contact Nathan Smith (254) 773-2250 or nsmith@tsswcb.state.tx.us.



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