

# BULLETIN

## LAKE TRAVIS

Keep It Clean, Clear, Beautiful

## THE PROTECT LAKE TRAVIS ASSOCIATION

FEBRUARY 1989

### REMEMBER OUR PLTA GARAGE SALE?

We raised \$750 in cash and signed up several new members at our October 22 garage sale. This amount was from generous contributions of sale items and from time put in working at the sale by some very special people. We would like to thank those people who helped make it the success that it was: **Bill Atwood** and **Scuba Point-Travis**, for the use of his parking lot and land; **James H. McCullick, Jr.**, for a whole truck load of items and becoming a new member; **Diane Lee** and **The Lake Travis View**, for a much needed write-up in the newspaper; **Ann McCandless**, for all her phone calling; **Joe & Dorothy Cichowski**, **Don & Helen Dawkins** & **The Comanche Trail Community Association**, for all of their very generous donations; **Susan Young**, **Chris Bosch**, **Sam & Virginia Warrington**, **Bob & Becky Vann**, & **Connie & Lara Vann**; all generously worked at the sale, hauled the items, donated items, and barbequed sausage! AND THANKS TO ALL THE OTHERS WHO CAME BY TO DROP OFF AN ITEM OR BOUGHT SOMETHING!!! The garage sale went so well that LOTS of people have asked if we could make it an annual event. WELL???

### PLTA NOMINATES LCRA

The PLTA nominated the LOWER COLORADO RIVER AUTHORITY for Water Conservationist of the Year; an award given by the Sportsmen's Club of Texas, Inc. Since the middle of August, the LCRA has a new and superb water quality policy. If implemented, it will go a long way toward stopping the pollution now existent on Lake Marble Falls and Lake LBJ. The LCRA with its staff and available funds can accomplish things never possible with our organization. Our president, Mr. Cecil Laws, spoke to the LCRA Board of Directors and its major staff members of January 19th thanking them for their determination and accomplishments in trying to clean up the problems generated by Marble Falls. Additionally, the LCRA is taking an active role in the issue of the development of the Shellberg Tract. We commend their much-needed assertiveness.

### UPDATE--MARBLE FALLS HEARING--UPDATE

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The hearing on January 5th before all of the three commissioners of the Texas Water Commission denied party status to the LCRA. LCRA was allowed, however, to be heard through an attorney representing an organization that does have party status. Therefore this hearing will start again on April 10th before a different hearing examiner, Alex Schamdt. LCRA's proposal to furnish a turnkey contract to dispose of Marble Falls' effluent by land irrigation at a cost of \$13 per sewer connection per month will be investigated at length. The land, over 500 acres, is already available under option. Financing, pipeline construction, irrigation system design & installation, operation and maintenance is part of this contract. Marble Falls is against this remarkable offer! It has spent, according to their statement, over \$238,000 to try to obtain the right to continue to pollute Lake Marble Falls and Lake Travis.

**REPORT: TRAVIS COUNTY ENVIRONMENTAL TASK FORCE**

By PLTA Member L. Taylor Ollmann

The Task Force was appointed by the county commissioners to represent as many constituencies, viewpoints and geographical areas as possible. I was appointed at large by Bill Aleshire and was elected Co-Chairman with Sue Johnson. Our charge was to investigate and characterize the various environmental concerns in Travis County and recommend specific actions and programs that the county should undertake. Meeting every other week from June to November, we identified non-point source (runoff) pollution and solid waste accumulation as the highest priorities and recommended that the county cooperate with the LCRA and Austin to develop abatement programs and that the county serve as a leading example in its own practices. The entire report we issued in November lists over fifty pages of findings and recommendations. Other areas of concern were wastewater, hazardous materials, pesticides, vegetation and wildlife, ground water quantity and air quality. The commission received the report positively and has implemented the immediate recommendations and set the longer programs in motion. The LCRA is working on a comprehensive NPS management program with first emphasis on the Lake Travis watershed. The task force expects to reconvene in a year to see if the program is on track, to identify new concerns and make additional recommendations. Let me know of your ideas. (Taylor Ollmann, Ph: 267-2635)

**REPORT: JOHNSON CITY DISCHARGE PERMIT**

By PLTA Member L. Taylor Ollmann

The PLTA has achieved the only private party status in the Johnson City Sewage Hearing before the Water Council. Robin Lloyd, attorney for Johnson City, had protested our request for status. Others getting party status were the LCRA and Texas Parks and Wildlife (concerned for Pedernales Falls Park). The LCRA is doing a joint project with Johnson City using wetlands to treat 60,000/day of their effluent. Johnson City is trying to increase their permit from 127,000 gallons per day 20/20 permit to a 303,000 GPD 10/15/3 (BOD/TSS/NH3) permit with no phosphorus or total nitrogen limitations. We are seeking a no-discharge permit with a fall back of nitrogen and phosphorus limits if they discharge. The LCRA asked that the hearing be continued to late February so they can work on an irrigation approach.

**F.Y.I.**

Taylor Ollmann is a member of the PLTA's **TECHNICAL COMMITTEE**. And as you can see, it does get rather "TECHNICAL". So, if you have any questions of a technical nature, please feel free to contact him - or you can volunteer to serve on a committee we would like to form which would develop a **WATER QUALITY BOOKLET**, a section of which would define the above-stated terms and many more.

**HELP YOUR ORGANIZATION STAY BEFORE THE HEARINGS OF THE TWC!**

**WE MUST CONTINUE TO BE REPRESENTED AT THESE MEETINGS AND KEEP OUR POSITION STRONG. THE PLTA IS MAKING A DIFFERENCE!! DUE TO THE SUPPORT OF OUR MEMBERS AND OTHERS, WE HAVE BEEN INSTRUMENTAL IN PUTTING OFF ANY FINAL DECISION REGARDING THE RENEWAL OF MARBLE FALLS' PERMIT. AND DURING THE COURSE OF THIS POSTPONEMENT, THE LCRA HAS "JUMPED ON THE BAND WAGON!" AND THEY ARE SERIOUS!! YOUR CONTRIBUTION WILL GO A LONG WAY IN ASSISTING THE PLTA IN "HANGING TOUGH". JUST THINK, IF PEOPLE CAN STOP THE PAY RAISE IN WASHINGTON, PEOPLE CAN STOP THE POLLUTION IN LAKE TRAVIS. COMPLETE THE ATTACHED COUPON AND SEND IN YOUR CONTRIBUTION NOW. WE SINCERELY APPRECIATE ANY FINANCIAL SUPPORT YOU CAN GIVE AND ANY VOLUNTEER TIME YOU CAN LEND. THANK YOU!!!**



[you won't want to miss our special insert and we wish to thank Mary Anne for her valuable & informative article.]

## PROJECT LEADERS NEEDED

Now that the garage sale is behind us, we would like to get started on the following projects. Each project needs a chairperson. If you would like to chair a project or if you would like to just help out, please call the number listed. We really need the help of our members!

**TELEPHONE COMMITTEE:** Because our members live in many different areas a phone committee will help us keep in touch with as many people as possible. We need volunteers who will be responsible for calling 15 fellow members to inform them of fundraisers, meetings, etc. Our initial contacts will be to encourage our current members to invite their friends and neighbors to join the PLTA. Contact **Jack Strickland @ 258-9959.**

**MEMBERSHIP DRAWING FOR PAINTINGS:** Two local artists have donated paintings to the PLTA for which we would like to have a drawing. There may be other items included in the drawing as well. Contact **Cecil Laws 267-1918.**

**WATER QUALITY BOOKLET:** This item is to be produced as an educational tool regarding lake quality, showing the threats of pollution, ways to eliminate these threats, actual facts about the decline of water quality in Lake Travis, current polluters, and present rules and regulations put in place by PLTA that have helped reduce pollution potential.

Advertisements could be sold for this publication. Volunteers are needed. Contact **Bob Vann @ 266-2500.**

There are a number of other projects "on the drawing board". We are going to try to focus on the above-stated projects in the near future. However, if you have any ideas other than those mentioned, or if you would like to help out in any way at all, please call us. We need your help and truly appreciate any assistance you may be able to lend. Other areas for future fundraising include: **Contacting Foundations for Contributions, Contacting Local Leaders for Endorsements, and Developing Flyers and Handouts for Distribution to the General Public.** Please contact any of the members of your Executive Committee if you wish to volunteer time.

### A BIG WELCOME!!

The organization is thrilled to welcome **MARY ANNE KROHN** as its new secretary, replacing Debra McNelly. We would like to thank Debra for all her wonderful work and we wish her well in Lubbock. Many of you may know Mary Anne. She has been extremely active (**WE ARE TALKING "DYN-O-MITE" HERE**) with the Northwest Neighborhood Group with regards to the Shellberg Tract. The endeavors of this group have been astounding and we are fortunate to have Mary Anne bring her talents and energy to the PLTA.

### DR. JACK MYERS ONE GREAT GUY!!

The PLTA owes a special "THANK YOU" to Dr. Myers. He has contributed his talents and expertise to our organization in many ways. We know that he would like us to keep his list of accomplishments (many, many) brief, so it will suffice to say that Dr. Myers has been nationally and internationally recognized for his algae and photosynthesis research. He has been at the University of Texas since 1941 with the departments of Botany and Zoology. He is very, very qualified to speak on the organization's behalf and has done so at various hearings before the Texas Water Commission. We want to say "Thank you, Dr. Myers".

### MR. CECIL LAWS CONTINUES AS PRESIDENT

It was Mr. Laws intention to retire from the PLTA once the decision had been made by the Texas Water Commission whether or not to approve Marble Falls' amendment to its discharge permit - which, as you recall, is an increase from 470,000 gallons per day of effluent to 1.5 million gallons a day. We were all expecting a decision last October, but as you know the hearings continue to be held and the decision continues to be postponed. Therefore, Cecil Laws will continue to serve as our president and thereby see the organization through this most critical issue. We thank him wholeheartedly for his perseverance!

The Shellberg Tract

By: Mary Anne Krohn

"The strength of the Constitution lies entirely in the determination of each citizen to defend it. Only if every single citizen feels duty bound to do his share in this defense are the constitutional rights secure." Albert Einstein

A victory for Lake Travis! Well at least we won the first round. The Austin City Council, on January 26 voted by a Four to Three vote to deny the rezoning of the Shellberg Tract, an environmentally sensitive 490 acre tract located on Bullick Hollow Rd., just east of 2769, directly adjacent to the Cypress Creek Arm of Lake Travis.

The tract consists of a rugged and hilly terrain. Approximately 60% of the tracts' slopes are greater than 25% in grade (very steep), leaving only 191 acres for development.

The 490.96 Acre Joint Venture investors, the Shellberg development group, consisting of Fred Purcell, John Lloyd, Bill Zapalac, John Joseph (who is also the attorney representing the group) and an outside California partner, Lewis E. Cook, Jr., originally wanted to put 860 single and multi-family residences along with apartments on the tract. With only 191 acres of developable area, this would mean the developers would be asking for more than four units per net site acre, a considerably higher density than other developments in the area who are built-out at approximately one unit per acre on much flatter areas.

This would ultimately mean that the pollutants from garden fertilizers, pesticides and heavy metals emitted from automobile exhaust, would be washed down the slopes from this proposed oversaturated development into our drinking water supply, Lake Travis!

The Shellberg Tract is located in Austin's Limited Purpose ETJ (extra territorial jurisdiction). This means that the city of Austin does not have to furnish Fire or Police protection. The Volente' Volunteer Fire Department, the department that would have to service this proposed development, does not have the fire fighting trucks and equipment nor the man power to service this kind of proposed density nor multi-level structures. At best, they have a 12 minute response time to the proposed development site.

As Louis Owens, a member of the Volente' Fire Department, stated at the January 26th City Council hearing, "We're scared. We're fighting for lives. I

assume the property owners who own property up there know that their structures are going unless they get an early warning in. Even then, all we can do is try to control it and save as much as possible... but we can't save lives".

The proposed development would double the population and traffic in the area adding to already threatening road conditions. Anyone who drives on the Bullick Hollow Road is already familiar with its dangerous curves, steep grades and narrow lanes with no shoulders. In addition, during the summer months, the area is inundated with numerous lake recreationalists, resulting in a dangerous situation.

McDonald Cave is located on part of the proposed development area. The cave is the only known habitat of *Texella reddelli*, more commonly known as the Bee Creek Cave Blind Harvestman (blind spider). The Bee Creek Cave Blind Harvestman is listed as an endangered species by the U.S. Fish & Wildlife Service as an endangered species and is offered protection through the Endangered Species Act.

These are just some of the issues facing the area residents, however, water quality affects us all, including the residents of Austin who use the Highland Lakes as their main source of drinking water.

The residents of Volente', faced with all of these frightening concerns united quickly, forming The Northwest Neighborhood Group. The initiator and President of this group, Lonnie Moore, stated "The people out here are realizing that we just can't ignore Austin anymore."

The neighborhood, through many hours of deliberation and countless meetings with the developers, attempted to negotiate on the amount of density and to put in place safeguards that would help to protect the lake from pollution caused by lift station spills, fire protection, etc. (a long list of protective measures). Great progress was made on the later, however, the developers would only agree to lower the density to 720 units and made it clear that none of the other conditions would apply if they did not get the 720 units they wanted. The neighborhood decided through much consideration, that a density of 490 units would be acceptable. This translates into two units per net site acre, which is already a greater density than the rest of the area accommodates.

Under The Comprehensive Watersheds Ordinance, an ordinance that was passed during the Cooksey period and designed to protect our precious water resources, the developers would have been allowed to build a maximum of 257-360 units (the number depending on whether they would dedicate park land). Naturally, when there is an ordinance passed, waivers to such can also be obtained. That is

precisely what the developers did in January of '88 without any notification to the neighborhood or adjacent land owners. During this waiver process, the City Council attempted to keep some leverage on the tract by a promise from the developers that they would not disannex from the city if granted this waiver. John Joseph, the developers' representative, agreed. This was a condition of the waiver and the clear intent to become a binding agreement between the developers and the City of Austin before going ahead and granting the waiver. However, at the request of the City's legal department, this written agreement was left out of the waiver. Thank God for the video tape of that Council hearing.

Also, during this City Council waiver hearing, John Joseph agreed to no more than 565 units, the maximum allowed by the City's staff department under the conditions of the waiver.

Then, when the tract came up for zoning before the Planning Commission, the developers came back and asked for 720 units. The Planning Commission attempted to reduce the density only to their frustration at the developers' threat to disannex if they could not get the density they sought. One Council member, Barbara Hankins said, "I am viscerally unable to vote for something for which I am being Blackmailed". Unfortunately, five other members on the Commission acquiesced to the developers' threats to disannex and stated that they were afraid that they would not be able to implement any of the previously agreed upon restrictions if they did not give the developers the 720 units they wanted.

Next stop... The City Council for the final decision.

The City Council date was set for January 26th after one postponement had already been granted to the developers.

There were over 25 speakers in opposition to the proposed development. A wide range of organizations and individuals were represented there. The Northwest Neighborhood Group, The Lower Colorado River Authority (LCRA), The Sierra Club, Earth First!, Travis Audubon Society, the Travis county Judge Bill Aleshire and area residents were just some of the speakers that voiced their concerns for over three hours.

David Freeman, the general manager for the LCRA, said, "This tract may have the ability to disannex from the City of Austin, but it can't disannex from the LCRA". He also urged the City to not go ahead with zoning until the developers had provided a water quality plan. To this date there is no such plan.

The neighborhood group had filed a valid petition with the city as a last resort when negotiations between their group and the developers had reached

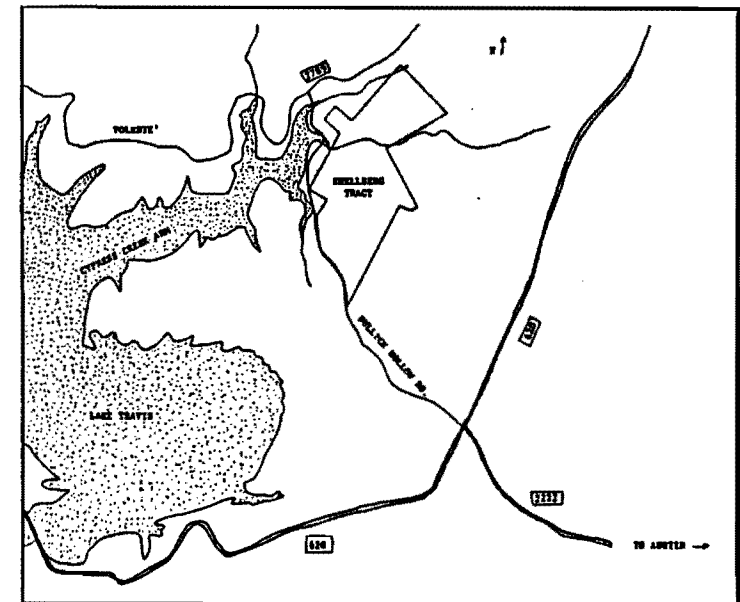
an impasse.

A valid petition requires under Texas State law, the votes of at least a three-fourths majority of the City Council (or 6 to 1) to go ahead with a zoning change. A valid petition constitutes the signatures of adjacent land owners who sign for 20% of the land area within a 200 ft. boundary around the property being rezoning. Included among those signatures were the LCRA's. They are adjacent land owners and have concerns about their Cypress Creek Park which is situated directly in the path of run off from the proposed development.

Also, the neighborhood group, through the help of many citizens, divers and business owners, gathered over 1,000 signatures from area residents, Austin and as far a way as Houston on petitions that expressed their concerns with water quality, fire protection and road safety. These along with letters to the same affect were turned in to the City Council.

Voting to deny the rezoning of the Shellberg Tract were Pro-Tem Sally Shipman, Max Nofziger, Robert Barnstone and Smoot Carl-Mitchell. The tract will remain in it's present zoning status of DR (Developmental Reserve) which will allow one unit per ten acres. We have not heard as yet from the developers as to what their next plan of action will be. Until then, we can enjoy a moment of temporary reprieve.

Our thanks go out to all of the citizens who care about the preservation and proper management of our remaining resources. Your hard work paid off!!



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Yes, I care about the Highland Lakes and would like to become a member of the PLTA.

Enclosed is my annual membership fee of \$10 per person

Enclosed is my additional contribution of \$ \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

Additionally, I want to help as a volunteer. Please have someone from the PLTA contact me at the following number: \_\_\_\_\_