

bayou



A Report for Members and Friends of the Bayou Preservation Association



forum

From the desk of Mary Ellen Whitworth—Executive Director of the BPA:

The Association of State Floodplain Managers, Inc. has a new draft publication entitled, *National Flood programs and Policies in Review-2007*. It is an eighty page document that you can download by going to www.floods.org/pdf/asfpm_rfppr_207.draft.pdf. If you have the time it is well worth the effort to download and read. For those of you who do not have the time I am going to highlight some of the major points.

The report begins by stating that while there are many good things happening in flood reduction policy, under the surface there is some retreat from the gains of the 1990s. The effects of the September 11, 2001 terrorist attack led to a restructuring of government, reprioritization of resources and efforts and forced integration of homeland security concerns with emergency management. This led to mitigation becoming simply a sub-set of preparedness. The report concludes, this trend is one that could dramatically (and negatively) influence floodplain management for years to come. The report has an excellent historical perspective that outlines our initial belief that human ability and the federal government could control nature. In the late 1950s and 1960s this belief was proved to be false. The important work of Gilbert F. White and James Goddard resulted in new ideas on flood reduction. The establishment of the National Flood Insurance Program shifted the burden of flood protection from the federal government to the state and local government. In 1994 the Interagency Floodplain Management Review Committee lead by Gerald E. Galloway, Jr. advocated that development in the floodplain should be avoided, that those at risk in the floodplain should be relocated and that the floodplain should be managed as a watershed. Unfortunately this report, *Sharing the Challenge's* was portrayed as an environmental report and contrary to development interest and was not supported by Congress. The report states today flood reduction is still thought of as "projects" and does not promote wise floodplain and natural resource management. This results in more at-risk floodplain development, rising disaster costs and deterioration of river and stream ecosystems that require increased expenditures for treatment and restoration.

The report advocates for an increased role for states and local government in reducing excessive flood damage. If states allow unfettered development then they should share a concomitant portion of the consequences and costs. The federal government should provide leadership and appropriate laws and executive orders to promote flood reduction and should not bail out communities that are not enrolled in the National Flood Insurance Program. States should adopt the ASFPM 's *No Adverse Impact Policy*. Local governments should better integrate floodplain management regulations into land use and development plans. In a section entitled, *Coordination, Oversight and Evaluation of Programs*, the report says Congress should pass an act to establish and implement a National Floodplain Management Policy. It should include a national riparian zone policy of protecting, maintaining and restoring riverine and coastal areas in order to preserve their natural and beneficial resources as sustainable ecosystems for future generations. BPA has been advocating for this for several years. It continues, A coordinated, watershed-based, multi-objective approach for all water resource activities must be adopted. It

(Continued on page 2)

Winter-2007

Inside this issue:

BPA in the News	2
Trash Cleanup on Montrose	3
Did you Know?	3
Overcoming Legal Changes— A Perfect Storm of Opportunities	4
Greens Bayou Tributary Channel Repairs Underway	6
Goose Creek Tributary New Concrete Lining is Complete	6
White Oak Bayou Tributary Desilt Operation Underway	6
BPA Annual Report	7
Volunteer Day in Timbergrove Manor Park	12
Trash Bash—Save the Date	12
Texas Quick Guide	12
Earth Share Info	12
Thank You to Our Donors	13
Spotlight on Speakers	13
The BPA Board	14
Calendar of Events	15
How You Can Help	16

Our mission is to protect and restore the richness and diversity of our waterways through activism, advocacy, collaboration and education.

Read the Bayou Forum in color at <http://www.bayoupreservation.org/news.html>

should include coordination with efforts to improve water quality, quantity, and supply; the creation and maintenance of upland storage and coordinated planning among upstream, downstream, rural and urbanized localities within the same watershed.

The section on Economics states that our current practice in economics falls far short of what theory envisions, and in most cases our projects are justified purely on readily quantifiable financial benefits and costs, rather than adequately measuring less tangible elements such as environmental quality or non-monetary human preferences. The National Research Council's 2004 report says: Benefit/cost should not be used as the lone decision criterion in judging whether a proposed planning or management alternative in a Corps planning study should be approved. The report has several recommendations to address this issue and concludes: Congress should task the National Research Council to determine whether the nation's water resources policy should be shifted from development focus to a focus of management and sustainability, and whether the National Economic Development policy standard for water resources should be replaced by a policy of National Economic Sustainability.

In the section on Management of Natural Functions and Resources, the report says it is time to consider whether leveraging water resources development at the expense of the environment is good future economic policy. While the Corps needs to engage in more environmental restoration projects, traditional projects continue to be completed because of short-term financial gains that they produce. One of the reports recommendations is that the Council on Environmental Quality and the White House should engage in a national policy dialog on the environment and the economy and, if appropriate, reformulate a statement of federal interest for water resources investment more heavily weighted towards environmental management and restoration than toward economic development. At this point I am only at page 26 of the report and I have left out numerous very important points. There are other sections on data, mapping, mitigation, agricultural policies, coastal areas and disaster management. I do have a copy at the office and anyone is welcome to come and review it. One final point, the report suggests we do away with the language of the 100 year flood and replace it with, "high risk flood", or "moderate-risk flood" when referring to the 500 year event. I am very grateful to the ASFPM for putting this comprehensive report together. You may contact them at asfpm@floods.org or visit their webpage at www.floods.org.

BPA Member News—

Board Member Work Place Promotions

Becky Olive, Vice President of the BPA—has become a Vice President of the engineering firm of TCB, Inc.

Alisa Max is now Manager of the Water Protection Group of Harris County Storm Water Quality Division

LaWanda Howse is now Assistant Manager of the Harris County Storm Water Quality Division and Program Manager for the Communication Division of Harris County Storm Water Quality

David Peters has been promoted at CivilTech Engineering, Inc. to Vice President of Water Resources

New Members to the 2007 BPA Board of Directors-

Karen Cullar, Assistant Director, Grants, Legislation and Development, Houston Parks and Recreation Department

Lee Forbes, Senior Engineer, Geomatrix

Bill Franks, President, Earth Data Solutions

Colleen Holthouse, Community Volunteer

Paul Nelson, North Harris County Regional Water Authority

Tom Ramsey, Senior Vice President, Klotz Associates

Jennifer Dyke, the new BPA Halls Bayou Representative, Environmental Services Department of the Harris County Flood Control District



Jeff, Christopher, Michelle, Dirk, Laura, Hussam, Executive Director of the BPA, Mary Ellen Whitworth (center) Tina, Michael, Mark and Hans—volunteers from Accenture cleaned up a section of Montrose Boulevard, November 10, 2006.

Way to go Accenture!

Trash Clean up along Montrose Boulevard!

Volunteers from Accenture, a global management, consulting technology services and outsourcing company chipped in and lent a hand to cleanup a section of Montrose Boulevard on November 10, 2006. Everyone had a great time and more than 10 bags of trash were picked up.



Just some of the trash picked up from the Kroger parking lot!

Did you know?

- Blowing and raking leaves and grasses into streets and storm water drains is illegal in the City of Houston? If you see an individual or lawn service using blowers or rakes to clear leaves into the streets or drains, call 311 and report the offense.
- Septic systems are the third most common source of groundwater pollution.
- Based on a study of twenty-three surface water treatment plants—for a 10% loss of forest cover in a watershed—there is a 12% average increase in water treatment costs.
- In the 15 years between 1982 and 1997, the amount of developed land in the contiguous United States increased by a third.
- Sediments, nutrients and other contaminants from runoff and flooding cause the majority of all water pollution in the United States.
- That an estimated \$57 billion in services provided to the United States are done by insects? So next time you think about swatting a bee or stepping on a beetle, remember it's saving you money!
- You can find links on the BPA website to check air quality, map a hurricane and get phone numbers to report heavy trash violations and fish kills.

Preparing For a Disaster:

- Well in advance of hurricane season, make a record of your possessions to help you claim reimbursement in case of loss or damage. Homeowners and renters should store important documents and vital family records such as birth and marriage certificates; Social Security cards; passports; military discharge papers; wills; deeds; and financial, insurance, and immunization records in a safe deposit box or other secure, flood-safe location. Include photographs or video of the interior and exterior of your home, cars, boats and recreational vehicles. Make copies of these documents for your disaster supply kit, too.
- It is a good idea to have photocopies of the front **and** back of your driver's license, medical and credit cards, and a copy of a recent utility bill if you need to show proof of residence. Have the names of your insurance companies and policy numbers, and checking and savings accounts and bank routing numbers. Place these documents in a watertight bag or container. Put it where you can get to it easily in an emergency.

(Information provided by FEMA)

Overcoming Legal Challenges: A Perfect Storm of Opportunities

Edward A. Thomas Esq.
Michael Baker Jr. Inc.



Most people would consider children playing on a highway full of speeding automobiles and trucks to be acting foolishly, in a manner that would almost inevitably lead to tragedy and misery. Yet all too often, the development decisions we make as a society, in areas we know are affected by wildfires, floods, earthquakes, tornadoes, and other natural processes of our planet, are just as foolish as children playing in traffic.

While these hazards do not go unnoticed, the decision-making process for development is often complicated by legal issues and challenges pertaining to hazards-based regulations. This article will look at two major impediments to safe and proper development in the United States—one real, the other illusory—and how we can take advantage of recent events to resolve them.

These impediments are inadequate involvement in the development process by those of us who understand and can educate local officials about natural hazards that should be considered in development and the realities of the law as it pertains to protecting the public from poor development decisions. Local officials often indicate that they fear that limiting what property owners can do with their own property might be considered an interference in property rights or an unconstitutional taking of private property. This concern is essentially unfounded with respect to fairly applied, rationally established hazards-based regulation.

No Adverse Impact

To address the impediment of involvement and education, the Association of State Floodplain Managers has been actively advocating a No Adverse Impact (NAI) approach to development in flood hazard areas. Simply stated, NAI "ensures the action of any property owner, public or private, does not adversely impact the property and rights of others." NAI requires looking beyond local, federal, and state minimum standards and is legally acceptable, nonadversarial (neither pro- nor antidevelopment), understandable, and largely unobjectionable to all community members.

The concept of NAI is supported by numerous recent court cases, as well as by truly ancient legal and moral concepts. NAI has profoundly deep legal roots and, if understood and properly applied, should resist legal challenge as much as anything can in this uncertain world. The NAI process clearly establishes that the victim in a land use dispute is not the developer. Rather, it is the other members of the community who are adversely affected by ill-conceived development. With this understanding, the developer can work with the community to plan and engineer successful, beneficial development.

The Takings "Nonissue" in Hazards Regulation NAI is fully in accord with modern law. The Fifth Amendment to the Constitution of the United States says, "nor shall private property be taken for public use without just compensation." There have been some famous court cases that clarified this, notably *Pennsylvania Coal Company v. Mahon*, which stated that a government regulation can restrict the owner's freedom to use his property to such an extent that it can constitute a "taking" of that property without compensation. This legal concept is often referred to as the takings issue.

A careful review of takings cases discloses a common thread: the courts have modified common law to require an increased standard of care by governments as the state of the art of hazards management has improved. While the takings issue has gotten its greatest publicity as a property rights dispute between governments and developers, the reality is that state and local governments are vastly more likely to be successfully sued for permitting development that causes problems and restricts property use, such as roads, stormwater systems, and bridges, than they are for prohibiting such development. There have been almost no hazards-based regulations, such as those espoused by NAI, held to be a taking—almost none! On the other hand, there have been many, many cases where communities and landowners were held liable for harming others. In other words, the interference in legitimate property rights and the takings issue as it has been commonly understood, are nonissues in hazards regulation.

(Continued on page 5)

(Continued from page 4)

Four Events-One Large Window of Opportunity

A confluence of four recent, major events has brought the issue of unwise development decisions into the spotlight. More importantly, it has created an opportunity to address how we as a nation can best deal with hazards created and exacerbated by government-sanctioned human occupancy of areas particularly afflicted by natural hazards. These four events are the failure of the levees in New Orleans during Hurricane Katrina, the large financial settlement resulting from the failure of levees in California (Paterno), the recent U.S. Supreme Court joint decision for two wetland regulations cases (Rapanos-Carabell), and the Federal Emergency Management Agency's (FEMA) Map Modernization, a nationwide effort to update flood insurance rate maps.

So much has been written about the Hurricane Katrina disaster from the perspective of a hazards manager that we need say little about it. U.S. policy paints the picture of a nation committed to encouraging the provision of housing for all Americans that meets four criteria: decent, safe, sanitary, and affordable. Katrina serves as a reminder to all involved in community development that housing that does not consider natural hazards cannot be deemed decent, safe, or sanitary and is not affordable by disaster victims or their communities, municipalities, states, or nation. In the wake of this tragedy, we as hazards managers can provide local officials with information about natural hazards and NAI and the truth about takings to help build a sustainable foundation for decent, safe, sanitary, and affordable communities.

Looking for an example to support the argument for NAI and further hazards-based regulation? You'll find one in the Paterno case, where the State of California was required to pay nearly one-half billion dollars to recompense a large number of property owners for the failure of levees. As a result of the 2003 ruling, California has embarked on a massive program to prevent future levee failures. What this case teaches us is that courts are willing to apply the underpinnings of the NAI philosophy to rulings about who will pay for damages caused by poor development decisions-and it is not the victims. Take this example and share it with your local development officials. Help them understand the consequences, legal and financial, of making development decisions that do not consider natural hazards.

The case of Rapanos-Carabell, a confusing opinion issued by the U.S. Supreme Court, has become a call-to-action for anyone concerned about water management: stormwater, floodplain, and wetland managers alike. The issue was whether wetlands adjacent to tributaries of "navigable waters" were protected by the Clean Water Act. In its decision, the court ruled that to qualify for protection, there must be a demonstrable relationship between wetlands and other waters and that this must be addressed on a case-by-case basis. Floodplain and emergency managers can help identify that relationship and offer valuable information about the effects of filling and other development-related wetland activities that could lead to increased flooding or risks to public safety.

Another opportunity to get the word out is in conjunction with FEMA's effort to digitize and update all the flood insurance rate maps in the country. As part of this effort, some state and municipal hazards managers are conducting studies that show that, in certain situations, if floodplains are fully developed, future flood heights may increase by as much as six feet above present levels. Hazards managers need to share this information with community officials who are making uninformed development decisions and make it clear what their decisions could mean for the future. The threat of adverse court cases should encourage better and safer NAI-based state and local development decisions. This is the time for communities to consider partnering with FEMA to develop better flood maps using future conditions hydrology and other mapping improvements.

Wrapping It Up

The concept of No Adverse Impact and the legal foundation it is built on can help develop win-win relationships between hazards managers and community development officials, developers, emergency managers, wetland managers, water quality managers, stormwater managers, and others to reduce or eliminate both impediments discussed herein: involvement and education and concerns about the takings issue. As we have discussed, hazards-based regulations are generally sustained against constitutional challenges, and the goal of protecting the public is afforded enormous deference by the courts. By providing our local officials with a better understanding of the laws that affect them, especially those that are nonissues, we as hazards managers can help them diminish or prevent the misery caused by improper development. Our ability to supply this sort of information, to get involved, in a post-Katrina world of heightened awareness of natural hazards, should give hazards managers a welcome place at the table as development decisions are made. Nevertheless, we must aggressively seek that place at the table, and we must act fast.

Resources

No Adverse Impact (Association of State Floodplain Managers) www.floods.org/

(Continued on page 6)

(Continued from page 5)

No Adverse Impact Floodplain Management and the Courts

www.floods.org/NoAdverseImpact/NAI_Legal_Paper_102805.pdf

Peter Paterno et al. v. State of California et al.

<http://caselaw.lp.findlaw.com/data2/californiastatecases/c040553.pdf>

John A. Rapanos et ux., et al. v. United States and June Carabell, et al. v. United States Army Corps of Engineers, et al.

www.supremecourtus.gov/opinions/05pdf/04-1034.pdf

Map Modernization

www.fema.gov/plan/prevent/fhm/mm_main.shtm

This Article is based on general principles of law. It is not legal advice. For legal advice please see an attorney licensed in your jurisdiction. I wish to thank my friend and mentor Jon Kusler, whose research and partnership served as the foundation for this document, and Michael Baker Jr., Inc. for providing financial support for my research.

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Harris County Flood Control District—Articles provided by Heather Saucier, Media and Communications Manager

Greens Bayou Tributary Channel Repairs Underway—HCFCF News and Media, December 13, 2006

The Harris County Flood Control District has begun repairing severely eroded banks of a Greens Bayou tributary in northeast Harris County. The \$100,000 project will rehabilitate side slopes of the channel that runs east-west from John Ralston Road to the C.E. King Parkway (F.M. 526), north of Tidwell Road. The work is being performed on a three-quarter mile stretch of the channel.

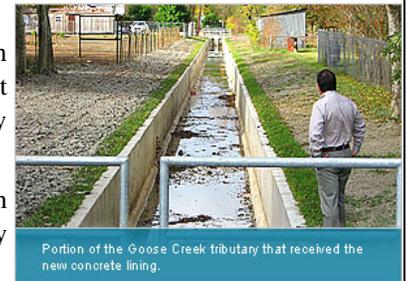
Erosion is caused by a combination of poor soil quality and the conveyance of storm water. In Harris County, soils are often sandy and sugary in texture and can easily slough off, especially from the rapid conveyance of storm water. Maintenance projects, such as this one, are required on many of the county's 2,500 miles of channels.

Goose Creek Tributary New Concrete Lining is Complete—HCFCF News and Media, December 15, 2006

A project to construct new concrete-lined tributary channels improve storm water conveyance in the McNair subdivision near Baytown is now complete.

The \$1.3 million project by the Harris County Flood Control District included extending an existing concrete drainage channel from Wade Road to Harlem Street and adding a box culvert drainage system from Harlem to Harrison Road. The concrete lining of the channel initially ended at Wade.

The project will benefit primarily the McNair subdivision, located north of Interstate 10 in unincorporated Harris County. Concrete-lined channels will allow storm water to more quickly drain the area but will not negatively impact other neighborhoods.



White Oak Bayou Tributary Desilt Operation Underway—HCFCF News and Media, December 11, 2006

The Harris County Flood Control District is currently performing desilt maintenance on a tributary of White Oak Bayou near Huffmeister Road and Cypress North Houston Road in northwest Harris County, just east of Weiser Airpark. The roughly \$122,000 project is removing silt from a drainage ditch that extends from Bella and Terrebone drives downstream to Gautier and Maxim drives. Construction should be complete by the end of December.

BPA 2006 Annual Report

LETTER FROM THE PRESIDENT

Dear Friends of ur Bayous,

As the Bayou Preservation Association (BPA) celebrated its 40th anniversary last year, we had a special opportunity to reflect upon our many successes. From our early victories, such as preventing the channelization of Buffalo Bayou, to our more recent accomplishments, like the creation of the first web-based mapping system of our bayous and streams, the BPA has effectively advocated for the health of Houston-area waterways.

Clearly, an organization with the longevity of ours is indebted to a long list of volunteers and supporters. The time, expertise and financial resources contributed by these committed individuals has sustained our efforts and launched the BPA into its 5th decade of bayou stewardship. To all of you, we extend our most heartfelt appreciation.

One of the highlights of 2006 was our 40th anniversary celebration, *Groovin' on the Bayou*, hosted and chaired by Colleen Holthouse. This amazing evening on the spectacular grounds of Colleen's home drew more than 450 guests and raised nearly \$125,000. Kudos to all who made the event such a hit.

Over the past year, we continued to make progress towards our long-term goals of improved water quality, natural stream restoration, becoming a one-stop shop for bayou information and reforming local watershed management. I invite you to learn more about our specific programs through the following pages.

Thanks again for caring about Houston's most valuable natural resources. We hope you'll continue to support our efforts in the years to come.

Sincerely,

J. Tynan Kelly
President

WATER QUALITY

Following is a summary of the steps we took over the past year to come closer to our ultimate goal of no further degradation of our water quality and tangible improvements in visual water quality.

Industry-Focused Pollution Prevention Program (IFPPP)

The BPA completed our IFPPP for the Sabine Stormwater Outfall watershed. We met with businesses along Montrose Boulevard whose storm water inlets drain into Buffalo Bayou at Sabine Street. We educated managers about litter reduction and best management practices. We placed thirty signs at check out counters educating patrons about where litter will end up if not managed properly. We also worked with volunteers from Covenant House Texas to place 100 storm water inlet markers along Montrose Blvd. and Yoakum Street. We also placed 1,100 bus signs in Metro buses to educate bus riders about litter reduction. A follow-up litter survey of the area was conducted in May. While the area showed improvement, hot spots were still evident. The BPA will continue to educate the public about the connection of litter in our streets and litter in our bayous.

Water Quality Monitoring and Advocacy

As always, the BPA remained vigilant about the state of Houston's water quality in 2006. By serving on various stakeholder committees, we are up-to-date on the latest water quality issues and work to resolve those issues for the benefit of our bayous. We were involved with the following committees and meetings in 2006:

- White Oak and Buffalo Bayou Total Maximum Daily Load Stakeholders Committee
- Houston Galveston Area Council Natural Resources Advisory Committee
- Citizens Advisory Committee to the Gulf of Mexico Program
- Houston Galveston Area Council Regional Monitoring Committee
- Water Environment Federation
- Texas Watch
- Storm Water Management Joint Task Force
- Galveston Bay Fresh Water Inflow Group

(Continued on page 8)

(Continued from page 7)

The BPA continues to collect monthly water quality samples from Buffalo Bayou. This data is sent to the Texas Commission on Environmental Quality where it is used as a screening tool to assess the health of the bayou.

Low Impact Development (LID) Techniques

On January 20, 2006, the BPA partnered with a host of other public and private agencies to present a conference on low impact development (LID) techniques—the use of various design techniques to address storm water quality, drainage and flood control issues. The conference was well-received by our targeted audience of builders and developers.

To further our promotion of LID techniques, we are working on a demonstration project with Houston City Councilmember Peter Brown to install a dry bed swale in a neighborhood with deep ditches.

STREAM RESTORATION

Restoring our bayous and streams is a key component of the BPA's mission. In addition to working behind the scenes in advocating for improved bayou habitat with public agencies, we coordinate and implement direct stream restoration projects.

Our Eyes on the Bayou Scout coordinates and prioritizes our stream restoration efforts. Over the past year, he accomplished the following:

- Directed full watershed bayou cleanup for Brickhouse Gully;
- Documented deforestation on Oyster Creek at Hwy. 59 South;
- Reported all large items in Little White Oak Bayou and the Bering to HCFCD;
- Tagged native trees and shrubs to save along two miles of Adlong Ditch with TXDOT;
- Assisted citizens group in saving the property at Wanda Lane. This oxbow piece of the old Brays Bayou channel will be a county nature park;
- Completed bayou cleanup of E109 and E110 tributaries of White Oak Bayou;
- Constructed a rock canoe launch on Buffalo Bayou under the Sam Houston Toll way;
- Persuaded Harris County Precinct 3 Parks to take over maintenance of Memorial Mews canoe launch site in Terry Hershey Park;
- Convinced Tarantino properties to stop cutting on Cole Creek and work with BPA and HCFCD. Assisted HCFCD on Cole Creek selective clearing;
- Visited sites in Harris, Galveston, and Montgomery counties and commented on the Permit Applications to the Army Corps of Engineers;
- Met with developers who damaged an old meander of Brays Bayou and provided a plan for partial restoration;
- Tripled the amount of restored habitat on White Oak Bayou from 2005;

Similar to our work in the realm of water quality, the BPA was represented on a range of stakeholder committees involved with bayou habitat over the past year, including the HGAC Subcommittee on Parks and Natural Areas, the League of Women Voters Natural Resource Committee, Harris County Flood Control Task Force, Quality of Life Committee, Livable Houston Coalition and Trash Bash. In recognition of our restoration work on Watonga Parkway, the BPA received an award from Trees for Houston.

EDUCATION

Since its inception 40 years ago, the BPA has recognized the obvious need for educating our citizens to ensure ongoing bayou stewardship. With this in mind, we have a long-term goal of becoming a “one-stop shop” for bayou information.

The BPA's signature project in this area is its Stream Ranking Project. Originally launched in 1998, this project is the first comprehensive internet mapping application dealing with water resources and community-related issues in Harris County. We continued to enhance this mapping system over the past year by including new digital floodplain maps and additional information for Galveston, Chambers, Liberty, Brazoria, Fort Bend, Montgomery and Waller Counties. In addition we added informational pages on each watershed in Harris County and improved and expanded our Paddle Trail Guide. Several targeted interfaces including parks, education for kids, water quality, flood hazard and water access have been added. Stream segments in Galveston County have been ranked and are now available on the web page.

The wealth of information contained in the files in our office have now been fully archived. This information is available to the public on a limited basis.

We are often called upon to make presentations on bayou-related issues to interested groups. This year, our Executive Director, Mary Ellen Whitworth, and Board Members made presentations to the following groups:

Gulf Coast Chapter of the Master Naturalists

(Continued on page 9)

(Continued from page 8)

- Business Network Alliance
- Clear Creek Nature and Cultural Tourism Council
- Corps of Engineers Listening Session
- Rice University Students
- Brays Bayou Association
- Houston Community College Students

We also co-sponsored the *Flood Control begins at Home Symposium* and the *WaterSmart Landscape Seminar for Professionals* and staffed booths at several community-wide events. As part of our efforts to reduce litter, we are encouraging runners, walkers and youth to make a pledge to pick up trash. We distributed 2,000 t-shirts to participants at the Houston Marathon Expo who made this pledge and to 200 young people who attended the Galveston Bay Watershed Youth Summit.

Finally, Mary Ellen Whitworth wrote an article about the TMDL process for the League of Women Voters "Voters" publication.

WATERSHED MANAGEMENT REFORM

An ongoing and long-term goal of the BPA is to develop and support public policy that will stop increases in flood damages due to public or private construction and gradually reduce historic flood damages by appropriate public and private investment in watershed management tools.

In 2006, the BPA advocated for better Watershed Policy and Management Reform by working directly with public policy makers to promote the need for a stream buffer ordinance to protect valuable riparian areas. We also assisted in the City rewrite of Chapter 19 Floodplain Ordinance; pushed for tighter enforcement of existing floodplain and drainage regulations; participated on the Houston Council of Engineering Consultants LID committee to shape city policy and ordinances regarding low impact development best management practices; Assisted Councilmember Peter Brown in developing alternative urban swales prototypes; Participated in Harris County Flood Control District's "Floodwise" project steering committee; and pushed for changes to the US Army Corp of Engineers Barker and Addicks Dam operating policies to lessen the amount of downstream bank failure, erosion and sediment transport.

STATEMENT OF FINANCIAL POSITION

		Direct program costs	48,484
Cash – Unrestricted	\$206,544	Payroll and contract labor	129,427
Cash – Restricted	34,711	General & administrative	<u>32,000</u>
Certificates of Deposit	112,027	Total expenses	<u>209,911</u>
Furniture & Fixtures	6,197		
Other Assets	2,157	CHANGE IN NET ASSETS	<u>\$ 46,469</u>
TOTAL ASSETS	<u>361,636</u>	Expense Allocation	
		Administrative	8.83%
Accounts payable	6,791	Fundraising	15.26%
Net assets	354,845	Education	19.28%
		Bayou Cleanup	2.31%
TOTAL LIABILITIES AND NET ASSETS	<u>\$361,636</u>	Bayou Health	31.33%
		Recreation	3.11%
STATEMENT OF ACTIVITIES		Water Quality	<u>19.88%</u>
			100.00%

Restricted grants	\$ 15,463
Unrestricted grants and contributions	106,589
Contributions	18,977
Gala event, net of expenses	94,144
Conference fees	9,031
Interest & other income	<u>12,176</u>
Total revenue	256,380

2006 Donors

Rex E. Adams	James G. Coatsworth	John Glover
The Anchorage Foundation of Texas	Julie and John Connor	Joan and Bart Golding
Elle Anderson	Ben Crabb	Kenneth Goodman
Mrs. James Anderson, Jr.	Jenny and Allen Craig	Jean and Don Gray
Lilly and Thurmon Address	Susie and Sanford Criner	Don Greene
Architectural Electronics	Moriah and Rod Crosby	Gulf Coast Air Conditioning, Inc.
Shellye Arnold	Crouch Environmental Services, Inc.	Gulf Coast Kitchens, Inc.
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Susan G. Baker	Paula and John Cutler	Saralyn Hall
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Bernstein Global Wealth Management	Earth Share of Texas	Diana and Russell Hawkins
Staci Biggar	Pat and Douglas Ebeling	Jennifer and Alan Hawkins
Jody Blazek and David Crossley	Mary and Bruce Ehni	James Hayes
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Duane Bradshaw	The Felvis Foundation	Susan and Roy Hill
Brady Painting Contractors	Jerry and Nanette Finger Foundation	Beth and David Hitchcock
Chris Brown	The Finger Companies	Hobby Family Foundation
The Brown Foundation, Inc.	Marlene and Alan Finger	Helen Hodges
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Volunteer Day in Timbergrove Manor Park by Eric Ruckstuhl—BPA's "Eyes on the Bayou"

Volunteer Day on January 20, 2007 was a huge success! This started out being an invasive exotic plant removal but ended up being the first ever Plant Bash, Fire Ant Bash, and Trash Bash all in one day!! This shows that we can do all three treatments to many of our parks and public areas. The Plant Bash consisted of paint marking the subject plants, cutting, then treating the stumps with an herbicide. The Ant Bash involved spot treating all visible and backdoor mounds with a granular insecticide throughout this section of the park, along the bayou, and even the median of West T.C. Jester.



Thanks to all the people that participated in the event. We had volunteers from the Houston Canoe Club, WOBA, The Native Plant Society of Texas, Houston Audubon Society, BPA, and even a science class and teacher from Dulles High School in Sugar Land. And, were excited that a number of young people visiting the park pitched in to help pick up trash.



Bruce Heiberg, Vice President of the BPA (kneeling in the front) created the event and Houston Parks and Recreation filmed a training video from my lecture and training of our volunteers. In all we removed about 10 percent of the invasive exotic plants from the park. We also treated over 200 fire ant mounds and removed about 25 bags of litter from the park and adjacent public areas. A few tires and other larger items were also removed.

Save the Date!

Saturday, March 31, 2007:

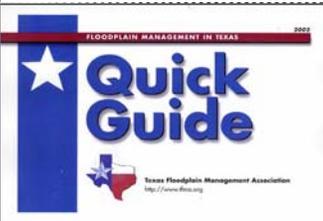
The BPA is hosting the Upper Buffalo Bayou Site for the 2007 Houston-Galveston Area Council's annual Trash Bash®. The event will take place along Buffalo Bayou between Highway 6 and Beltway 8 and the Langham Creek spur between I10 and Buffalo Bayou.

Registration begins at 7:00 AM

Visit the BPA website for more details.



The Bayou Preservation Association together with Texas Association of Floodplain Managers, Lower Colorado River Authority and Harris County Flood Control District have published.



Floodplain Management in Texas Quick Guide

by Rebecca C. Quinn, President, RCQuinn Consulting, Inc.

The BPA has copies of this technical guide available for distribution to Floodplain Administrators and interested professionals. The Quick Guide will help you understand more about why and how communities in the State of Texas manage floodplains to protect people and property. If you would like a copy please call the BPA office at 713-529-6443.

BPA is a member of Earth Share

Earth Share of Texas is a federation of 70 nonprofit environmental groups who have joined together to participate in workplace giving programs.

Through a payroll deduction program, Earth Share offers employers and employees interested in human health and the environment an opportunity to support BPA and organizations like ours.



Earth Share
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If you would like your company to consider offering Earth Share as an option for employee giving, please contact our BPA Earth Share representative:

**Susan Hill at 713-541-0447
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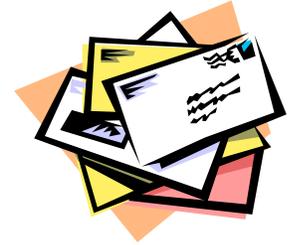
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Donations received January, 2007 to present

Spotlight on Speakers—BPA Board Meetings— guest speakers and topics—



November 13, 2006 - Phil Bedient, a Herman Brown Professor of Engineering at Rice University presents his topic “*Next Generation Flood Alert Systems for the Gulf Coast*” to the Board.



Mike Talbott, Director of the Harris County Flood Control District presented his topic “HCFCFCD Funding Discussion” to the Board at the January 8, 2007 meeting.



Dr. Samuel D. Brody, Assistant Professor, Texas A&M presenting his topic *-Linking Wetland Alteration to Coastal Flooding* spoke to the Board at the March 12, 2007 meeting.

If you'd like to receive the Bayou Forum via email please call the office or drop us a note and we'll put you on our email list.

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Newsletter—The BPA Staff

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Sims Bayou	Joanna Friesen
White Oak Bayou	Evelyn Born Shanley

2007 Calendar of Events

Continuous Updates to this calendar can be found on our web site at <http://www.bayoupreservation.org/calendar.html>
and <http://www.cechouston.org> for more event information in our area

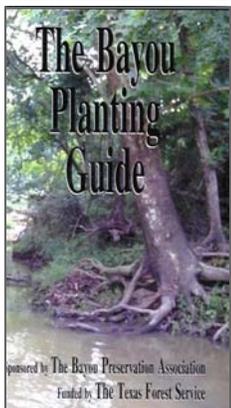
Date	Event	Where	When	Contact
April				
3	Projects Committee	BPA Office	Noon	713.529.6443
9	Executive Committee Meeting	BPA Office	6:00	713.259.6443
17	Water Quality Meeting	BPA Office	2:00	713.529.6443
17	Paddle Trails	BPA Office	Noon	713.529.6443
May				
14	Board Meeting	Houston Arboretum	Noon	713.259.6443
Special Events around Houston -				
Mar				
24	Buffalo Bayou Regatta	The race begins at San Felipe, just west of Voss and ends at the new Sabine-to-Bagby Promenade		For more information contact the Buffalo Bayou Partnership 713.752.0314
31	River, Lakes 'N Bayous TRASH BASH®	Terry Hershey Park		For more information visit the BPA website or call 713.529.6443
April				
20	Nights on Blue Bayou—Family Event	Memorial Drive between Houston and Sabine Streets		For more info contact Buffalo Bayou Partnership at 713.752.0314
21	Grand Opening of Peckinpugh Preserve Sponsored by Legacy Land Trust	Old Riley Fuzzel Road near Old Town Spring	10 AM	For more info call 713.524.2100
21-22	Waste Management's Earth Day	Houston Zoo		For more information call 713.533.6524

For meeting times of other BPA Committees, please call the BPA office at 713.529.6443

Network For Good—Donations



To make a donation through our website click the Network For Good link on the Home page. Ninety-seven percent (97%) of your donations go to the BPA.



To obtain your own copy of the

"Bayou Planting Guide"

use the form on the back side of this newsletter and donate \$100 or more to the BPA and you will receive a free copy.

No Adverse Impact Floodplain Management:

Community Case Studies 2004, 73 Pages are now free on line from the Association of State Floodplain Managers (ASFPM). No adverse impact (NAI) floodplain management is a managing principle developed by the ASFPM to address the shortcomings of today's typical local floodplain management program. This document uses 11 case studies to analyze and report on specific programs, plans and actions that communities are taking to implement NAI floodplain management.

Call 608-274-0123, e-mail: asfpm@floods.org

[Http://www.floods.org/PDF/NAI_Case_Studies.pdf](http://www.floods.org/PDF/NAI_Case_Studies.pdf)

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