

Texas Environmental Flows Science Advisory Committee

Wednesday, November 4, 2009

9:00 a.m. – 1:00 p.m.

Texas Capital Extension

Room E2.012

Austin, Texas 78701

MINUTES

Call to order and Approval of meeting minutes from October 7, 2009

Chairman Huston called the meeting to order and asked if there were any comments or modifications to the October 7, 2009 meeting minutes. There were none and the Committee approved the minutes unanimously.

Update on formation of Colorado and San Antonio Stake holder groups

Cory Horan, TCEQ, informed the group that the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays and the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Area Stakeholder Committees (BBASCs) had been established by the Environmental Flows Advisory Group on September 30, 2009. He noted that the groups had recently met in an informal workshop hosted by the National Wildlife Federation (NWF) and that the groups were being polled regarding availability in order to set a date for their first meeting. Myron Hess, NWF and Colorado/Lavaca BBASC member, explained some of the items the groups discussed at the NWF workshop, noting the group's questions regarding the time frame under which they would be operating. Mary Kelly questioned whether the new BBASCs, with SAC support, should request clarification on the adopted HB3/SB3 schedule and the group agreed to consider this after the first meetings of the BBASCs were held.

Budget Update

Ruben Solis, TWDB, gave an update on the current SAC budget, discussing recent billings and reimbursement. He also noted that if the HB3/SB3 schedule was altered it would be prudent to revisit the current budget.

Liaison reports on Sabine/Neches BBEST meetings

Fred Manhart reported to the group the activities of the Sabine/Neches BBEST meeting and workshop held on October 27, 2009. He explained that the group had formed subcommittees to address the various components of an environmental flow regime and that they had each given an update on their findings and recommendations. He discussed the schedule the group had established to complete the report, and noted that the intent was to approve for submittal the final recommendations report at their meeting scheduled for November 24, 2009. He also gave an overview of the outline of the report that the group had proposed.

Ed Oborny gave an update to the group of the 2nd day of the Sabine/Neches BBEST workshop, noting that the group had incorporated most of the flow components from the Texas Instream Flow Program (TIFP). He noted that the group had utilized multiple flow gages to determine the geographic extent of their recommendations, their decision to keep a seasonality component to subsistence flows, and that they were not recommending attainment frequencies for base flow conditions. He also discussed how the group had decided to utilize reservoir storage as an indicator of wet, dry, and average conditions. Paul Jenson asked how the group addressed freshwater inflows to the bay and it was explained that the group consensus was to base freshwater inflow recommendations on the lowest instream gage recommendations, and that the group had qualified this and it would be noted in their final report.

Liaison reports on Trinity/SanJac BBEST meetings

Tony Smith, Trinity/San Jacinto BBEST member, gave an update of the activities of the BBEST as a whole and the group's freshwater inflows and instream flow subcommittees. He noted that the group was close to reaching consensus on a freshwater inflow recommendations and the group was working diligently to achieve consensus on an instream flow approach and recommendation. He discussed concerns among some members regarding what level of science/data is required to confidently produce specific numerical flow recommendations. BBEST member Joe Trungale commented that the group may produce a minority report if consensus is not reached. SAC member Ed Oborny commented on the differences between the two BBEST approaches noting the differences in number of gages selected and which flow components were being considered. The group discussed a potential approach being discussed by the Trinity/San Jacinto BBEST of utilizing two tables, one with specific numerical recommendations, and one with qualified recommendations which would require further analyses through adaptive management.

Discussion on process for review of BBEST recommendations

Chairman Huston began the discussion on how the SAC will review the BBEST recommendations by outlining the statute, noting that during their six month period after receipt of the recommendations, the SAC is charged with reviewing the recommendations and submit comments to the Advisory Group in assisting that group with their comments to be provided to the TCEQ regarding the environmental flow recommendations. Mary Kelly expressed a need for the group to clarify what questions the SAC will use to review the recommendations from the BBESTs. The group agreed to discuss this at the next meeting. The group discussed the need for presentations from each of the BBESTs on how and why they came up with their individual recommendations, but stated that the SAC would need adequate time to review the reports prior to the presentations by the BBESTs. Mary Kelly will draft a list of questions and issues the group should consider in their review for discussion at the next meeting. The group agreed to develop a plan for review to be presented to the Advisory Group for comments and direction on this task.

Environmental Flow Aspects of the Regional Water Planning Process

Ruben Solis, TWDB, gave a presentation discussing how environmental flows were addressed at the regional water planning level. He discussed the consensus environmental planning criteria developed by the TWDB, TPWD, and TCEQ for the 1997 Water Plan. He explained the default methodologies used in lieu of site specific information, noting that a modified version of the Lyon's method was primarily used for water rights permitting. He explained the idea behind the planning criteria methodology, identifying the recognition of natural hydrology, ramping and diversion rates, and other factors that are considered. He provided the web addresses for the General Guidelines for Regional Water Plan Development and the Consensus Criteria for Environmental Flow Needs, as discussed during his presentation.

Discussion Paper on Environmental Flow Matrix implementation

Bob Brandes discussed the actions taken to develop the discussion paper on implementation, commenting that he had received and incorporated into the document comments from members, the three resource agencies, and various individuals, but noted that the document was still structured with issues to be addressed. The group discussed whether the intent of the document was to be guidance, or a white paper document and agreed that it's purpose should be more that of a discussion paper. The group noted that the intended audience was the BBASCs, to be considered as a suggested framework early on in their deliberations. The SAC discussed the elements outlined in the document and the comments provided by reviewers, clarifying and revising parts of the document throughout the discussion, as well as addressing comments from audience members. The group discussed environmental flow set-asides, with Todd Chenoweth, TCEQ, clarifying that the statute mandates the TCEQ to establish environmental flow set-asides of unappropriated water, if available, necessary to satisfy environmental flow standards to the maximum extent reasonable while considering human needs. The TCEQ

will work with Bob Brandes and Mary Kelly in developing language clarifying the connection between set-asides and standards. George Ward agreed to review and provide comments on the document's organizational structure. The group again clarified that this document was not intended to be guidance, but rather suggestions for consideration by the BBASCs. The SAC agreed that the document should be completed no later than mid December in order to be useful to the initial two BBASCs who will be reviewing the environmental flow recommendations of their respective science teams. A final draft will be distributed for review prior to the Thanksgiving holidays for consideration at the December SAC meeting.

Other implementation issues

Chairman Huston resumed the discussion regarding a document initially presented to the SAC at the September meeting regarding additional implementation issues. He summarized the handout provided to members and discussed how it related to the initial document presented in September. The members discussed what should be the appropriate level of interaction between the BBASCs and the BBESTs after BBEST recommendations are submitted and agreed that substantive interaction would maximize both groups meeting their charge. The SAC could be available to facilitate that interaction. The members also discussed what the appropriate level of interaction between the SAC and the BBASCs should be. After much discussion the group made no decision and agreed to discuss this topic further as the BBESTs and BBASCs have opportunities to interact. Lastly, the group discussed the SAC's role in Work Plan development and whether the group should produce guidance in order to define the minimum elements that would be incorporated into the Work Plans as well as a framework for consistency. The SAC agreed that a work group should be formed to further discuss how to address this issue.

Public comments

Myron Hess, NWF, discussed the group's plans for review of the BBEST recommendations in their January meeting, suggesting that the BBASCs could participate in those meetings. To support this suggestion he recommended that the meeting date be planned as soon as possible and that the group might meet outside of Austin to maximize stakeholder involvement.

It was noted that the SAC guidance document on the Water Quality overlay had been released. It is now available on the Environmental Flows Resources website located at the following address: http://www.tceq.state.tx.us/permitting/water_supply/water_rights/eflows/resources.html.

Next Meeting – Schedule and Agenda

The next SAC meeting is scheduled for December 2, 2009, from 9:30 to 1:00. The meeting will be held at TCEQ Headquarters, Building B, room 201A. Items to be discussed are:

- Finalize the implementation discussion document
- Further discuss other implementation issues
- Initial discussion of the BBEST recommendation reports

The group discussed potential dates for the January meeting, and agreed to try and meet sometime around January 12 through 14, 2010. Chairman Huston will work on coordinating available dates with the BBESTs and potential venues can be discussed as the date draws closer. The TCEQ will inform the SAC of dates the BBASCs schedule to meet with their respective BBESTs to discuss the submitted environmental flows recommendation reports.

Adjourn