

## Texas Environmental Flows Science Advisory Committee

Thursday, February 11, 2010

9:30 a.m. – 3:00 p.m.

Texas Parks and Wildlife Dept.

Headquarters Building

Smith School Road

Austin, Texas 78704

### MINUTES

#### **Call to order and Approval of meeting minutes from January 13, 2010**

Chairman Huston called the meeting to order. The SAC reviewed the minutes from the January 13, 2010 meeting and they were approved with the following caveat: as the discussions of the Trinity/San Jacinto and Sabine/Neches BBEST reports during the January 12, 2010 meeting were very detailed, the minutes only include highlights and general overview of the presentations. Additional information, including the presentations themselves, can be found on the SAC website located at:

[http://www.tceq.state.tx.us/permitting/water\\_supply/water\\_rights/eflows/txenvironmentalflowssac.html](http://www.tceq.state.tx.us/permitting/water_supply/water_rights/eflows/txenvironmentalflowssac.html).

#### **Update on activities of the Colorado and San Antonio SH groups**

Cory Horan, TCEQ, gave an update on BBEST nominations and selection process, currently ongoing for the Colorado/Lavaca and the Guadalupe/San Antonio BBASCs. He also noted that the Colorado/Lavaca group is set to meet on February 24, 2010 and the Guadalupe/San Antonio is set to meet on March 1, 2010 where they will both select their respective BBESTs.

Chairman Huston discussed the request for extension sent to the EFAG from both BBASCs which was sent yesterday. He noted that he had spoken with chairs of both groups, and indicated it would be appropriate for the SAC to weigh in on this and note their support of the request for extension to the chairs of the BBASCs while copying to EFAG. Chairman Huston will draft this letter.

The SAC discussed whether it would be appropriate for SAC members to serve as members of BBESTs. It was agreed that SAC members would not serve as members of a BBEST, but if asked to do so, they would increase the level of liaison interaction with that individual BBEST.

Chairman Huston noted that the SAC needed to keep up on BBASC activities, and would also need to formally select liaisons for each BBEST at the next meeting. The SAC members are to indicate to Chairman Huston of their interest in which group they would like serve as a liaison to. This will be an agenda item at next meeting.

#### **Budget Update**

Ruben Solis, TWDB, gave an update on the SAC budget, noting that they had spent about 20% of budget, and that they were on track with enough dollars left to cover future expenditures. He emphasized that members need to provide invoices as quickly as possible and provided reimbursement forms to each member so they can fill it out at end of each meeting and return to TWDB.

### **Liaison reports**

Fred Manhart, liaison to the Sabine/Neches BBEST, gave an update on their activities. He stated that they presented their environmental flows recommendation report to their BBASC, and noted that the next BBASC meeting is scheduled for March 16, 2010. Jack Tatum, Sabine/Neches BBEST chair, noted that the BBEST made several presentations on the BBEST report and also reacquainted the group with their charge and deadline. Jerry Clark, Sabine/Neches BBASC chair, asked for BBASC, member comments on the BBEST report.

Bill Espey, chair of the Trinity/San Jacinto BBEST, gave a presentation to their BBASC on the BBESTs instream flow recommendations, discussing the process and knowledge of how both instream flow recommendation reports were developed. He also noted that the BBEST members would continue to work with the BBASC to assist them in their review by providing the BBEST perspective.

### **Status of HEFR User's survey**

Dan Opdyke, TPWD, distributed a summary of the HEFR survey responses he had received, as well a list of potential enhancements to HEFR based on the survey responses and conversations with HEFR users. He walked through each of these enhancements for discussion and approval to move forward. He discussed proposed issues for functionality and output, noted issues, proposed solutions, and anticipated efforts. SAC member Mary Kelly suggested that he whittle the list of enhancements down so that tasks can be done and HEFR will be ready for use by the next BBESTs, then convene small workshop to work on some of the more useful areas. Dan suggested that the enhancements to HEFR could be developed within 90 days and a potential workshop could be held to inform users of the new updates. He emphasized that it is important that the BBEST members know HEFR intimately. He will work with SAC members Bob Brandes, George Ward, and Kathy Alexander from the TCEQ (HEFR Work Group). The SAC members agreed to submit specific comments about the prioritization process to the HEFR work group within a week at which point the work group will put together a work plan for prioritization and completion by mid May, for consideration and review during the SAC meeting in May.

### **Discuss Work Plan Development guidance outline**

SAC Member Ed Oborny provided a document outlining questions that the SAC might want to incorporate into a guidance document on work plan development to stimulate discussion. The group could later discuss other practical matters such as funding. The group discussed the timing of the work plan and whether it should be developed after the recommendations are submitted to the TCEQ, or after the TCEQ has adopted environmental flow standards. The SAC agreed that the work plan development should begin once the recommendations are submitted by the BBASCs.

The SAC discussed the schedule for producing a work plan development guidance document and agreed that it should be completed prior to June 1, 2010, the date the BBASC recommendations are due. The concept of this guidance document is to establish what the BBESTs and BBASCs should do to develop their respective work plans, what monitoring programs might be folded into the plans, as well as identifying other resources pertinent to the goals of the work plans. Mary Kelly suggested including potential funding mechanisms and that there needed to be some correlation to SB2 and the Texas Instream Flow Program (TIFP). The group discussed the need for specific monitoring programs that would focus on indicator species response, but not a full instream flow research program. Chairman Huston discussed the need for a briefing of existing programs that can be used to implement the strategies outlined in the work plan. The SAC discussed the next steps forward. Ed Oborny will

communicate the schedule to the SAC members for future agenda topics, potential agency program briefings. The group agreed to work on this task as a whole and not form a subcommittee. Comments and suggestions are to be sent to Mr. Oborny.

### **Discussion of Rough Drafts of BBEST Review Memos**

The SAC discussed a conference call held prior to the meeting to discuss the BBEST review memos. They indicated that input received after the conference call was summarized into key points laid out for review as a rough draft in an attempt to verbalize bullet points from the conference call and propose what the format of the memos might be. The group agreed that there were still wording issues that need to be resolved, but the drafts are a good starting point and are ready for individual SAC members to work on. SAC member Paul Montagna stated that the most important task was to ensure that the data supports each recommendation. The group addressed who the audience would be, namely the Environmental Flows Advisory Group, and noted that the memos shouldn't dig into the data very deeply but provide a high level review and then include further discussion as to how the recommendations were made and if they support a sound ecological environment. The members discussed their opinions of the reports as discussed in the conference call. Members discussed the relevance of separation of instream flow and freshwater inflow recommendations. The SAC will address the two Trinity/San Jacinto proposals independently.

### **Next Steps to complete Review Memos**

The SAC agreed that the target date would be March 17<sup>th</sup>, 2010. Fred Manhart will coordinate the Sabine/Neches memo; Chairman Huston will coordinate the Trinity/San Jacinto memo. Members have two weeks to get comments to Mr. Manhart and Mr. Huston. Comments should be distributed to all SAC members. The comments will be compiled by March 3, 2010 and a new draft will be sent out on that date. A potential conference call will be held if needed prior to the next meeting in order to finalize the memos.

### **Final Approval of the Implementation Document**

SAC Member Bob Brandes summarized how the comments from the SAC members and agency staff were incorporated into the implementation document. He noted that since the comments were incorporated and the final draft was distributed, no additional comments had been received and the document was complete and ready for posting. The SAC agreed to accept future comments from the intended audience, the BBASCs. Chairman Huston will draft a cover letter to include with the document before distributing the final document and posting to the web.

### **Initial presentation on market concepts**

Mary Kelly gave a presentation on water markets for environmental flows. She discussed surface water only, not groundwater. She discussed the benefits of market approaches to the environments and outlined the various opportunities available. He explained the main focus on water transactions for instream flows and identified several water trust examples from other states, focusing on the Trans-Pecos water trust and the Texas water trust. She noted that there was no financial benefit for the Texas water trust. She then outlined several constraints to using market approaches to support environmental flows. The group discussed these concepts and agreed that market approaches were not the final solution, but they should be included as part of the overall strategies to meet the environmental flow recommendations. Mary Kelly will draft a letter for review by the SAC that will eventually go to the BBASCs discussing this concept.

**Public comments**

Ruben Solis confirmed that contract dollars can move from one fiscal year in the biennium to the next, but noted that the state agencies were currently undergoing a cut in funding and the budget was subject to that cut. The group will discuss the issue of potential contracts in the SAC's April meeting.

**Next Meeting**

The next meeting will be held March 17 at the TCEQ headquarters in building F, room 2210. The April meeting was set for April 14<sup>th</sup>, 2010 at the TWDB and the May meeting will be May 12, 2010 at TPWD.

Suggested items for the March agenda include:

- Set SAC liaisons to each new BBEST (members should send their preferences to Chairman Huston prior to the meeting)
- Environmental Flows Information System update from CRWR
- HEFR enhancements
- Work Plan Guidance document
- Approval of review memos on two BBEST reports

**Adjourn**