

Water for Flowing Rivers and Productive Bays



An Update From the Nueces River & Corpus Christi Bay & Baffin Bay Basin and Bay Area Stakeholders Committee (BBASC)

www.NuecesSB3.org

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State SB3 Process Assessing Nueces River and Nueces Bay Environmental Flows Standards

Senate Bill 3 (SB3) passed by the Texas Legislature in 2007 set in motion a process aimed at helping to maintain the future viability of Texas rivers, bays and estuaries.

Standards for instream flows in rivers and freshwater inflow to bays are being set for each individual Texas river basin based on local climatic realities, existing water rights, future needs and desired environmental outcomes.

Minimum environmental flows in rivers and creeks provide critical habitat for fish and other aquatic organisms and sustain vegetation essential to wildlife. Freshwater inflows are necessary for coastal bays to function as productive estuaries with wetlands, plants and species diversity.

The goal is to balance the demand for water by a fast growing Texas population with the requirements of our rivers and bay systems. The process has been advancing on a basin-by-basin basis and will result in environmental flow standards being adopted separately for each basin.

For the Nueces River and Coastal Bend bays, a scientific team and a stakeholders committee have been at work for more than a year on recommendations as part of this process.



Steps for Adopting Environmental Flow Standards



THE PROCESS

SB3 requires the Texas Commission on Environmental Quality (TCEQ) to consider and attempt to provide for adequate instream flows in rivers and freshwater inflows necessary to maintain the viability of the state's bay and estuary systems when granting water use permits from the state's rivers. The reality is, however, that existing water rights permits in most Texas river basins already exceed the amount of water that would be available in a dry year. That includes the Nueces River Basin. That means there is little or no unappropriated water available to be set aside for environmental flows.

SB3 required that two groups be appointed for each basin – a large committee of diverse stakeholders and a smaller expert science team. One is called the Basin and Bay Area

Stakeholders Committee (BBASC) and the other is the Basin and Bay Expert Science Team (BBEST). The stakeholders were nominated in an open process and selected by the state Environmental Flows Advisory Group which is made up of three state senators, three state representatives and members from the Texas Water Development Board, the Parks and Wildlife Commission, and the TCEQ.

Each basin science team, selected by the respective BBASC, was assigned the task of developing environmental flow analyses and recommending environmental flow regimes. They were asked to base their recommendations on the available science without regard for how much water is needed for other uses. Those recommendations go to the state Environmental Flows Advisory Group, the TCEQ and the basin stakeholder committee.

Then the stakeholder committee gets to work considering the findings of the scientists. The stakeholders create a set of recommendations that balance the environmental needs with the practical water demands of existing and future Texans. Both sets of recommendations go to the TCEQ. The intent of this provision is to make sure policy tradeoffs are (Continued)



Dams, diversions and drought account for a sharp drop in freshwater inflows to the Nueces Delta during the past century.

apparent and considered in the TCEQ rule-making process.

After getting staff input and taking public comments the TCEQ adopts rules establishing environmental flow standards for each basin and coastal bay area. It has the option of setting aside some water if there is any that has not already been granted as part of an existing water rights permit.

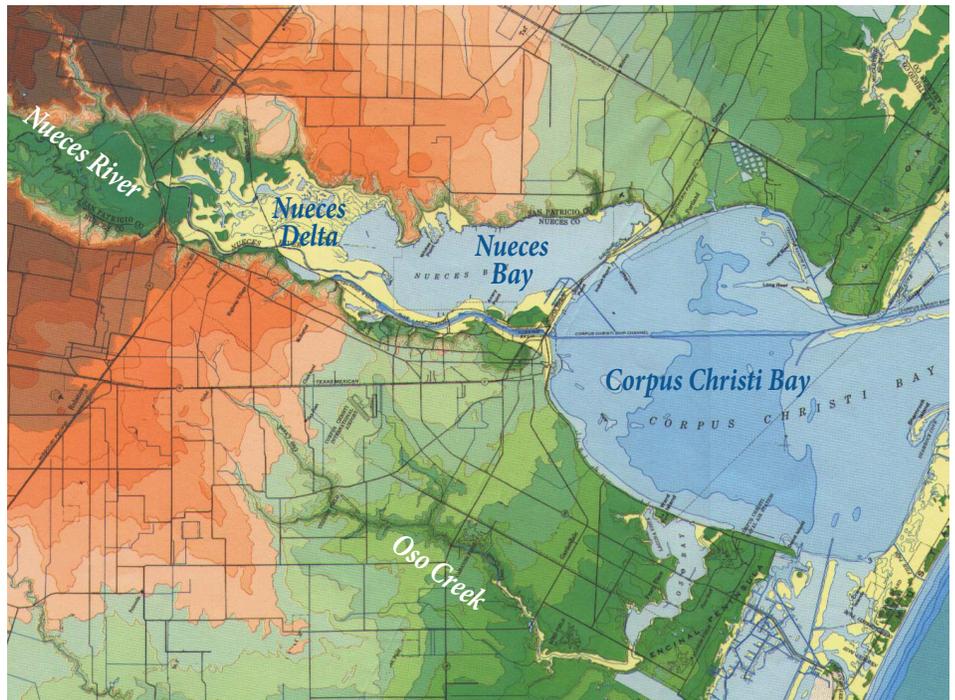
NUECES BBEST RECOMMENDATIONS

After a year of diligent work, the Nueces BBEST science team submitted their recommendations in October 2011. Like the other science teams, the Nueces panel was charged with evaluating inflow conditions based on available science and to recommend an environmental flow program without regard to the need for water for other uses.

The Nueces science team determined that Nueces Bay and Delta are unsound ecological environments because of lost native species, alteration of key habitat features and compromised systems that historically provided beneficial nutrients and sediment. They found that human modifications of the freshwater inflow regime have reduced or eliminated important natural features and created an unhealthy ecological environment. Nueces Bay is often a reverse estuary where salinity is higher in the delta than in the bay and more saline in the bay than in the Gulf of Mexico.

The BBEST finds that Nueces Bay has not exhibited characteristics of a sound ecological environment throughout the last century. That finding resulted in a decision to recommend freshwater inflow targets and frequencies greater than have been observed in recent decades.

The science team recommends that more water be allowed to flow to the Nueces Delta and in a very different pattern than is currently used in managing the Lake Corpus Christi/Choke Canyon Reservoir system. Flows to the delta are recommended to be at least 166,000 acre feet per year in most years with seasonal targets. The reservoir system is currently operated under provisions of a 2001 Agreed Order which includes a 138,000 acre feet per



year pass-through target when the reservoirs are above 70% of combined capacity. The BBEST also recommends that inflows be managed on a seasonal basis rather than month-to-month and that one overbanking event per year should occur below the Calallen Dam.

The science team found conditions in the Nueces River and area creeks to be ecologically sound and recommends that minimum instream flows be maintained.



NUECES STAKEHOLDERS COMMITTEE AT WORK

The Nueces BBASC stakeholder committee is at work considering the science team recommendations and developing a consensus recommendations report that will deal with the balance of human needs and environmental needs.

They are preparing recommendations on relevant policy considerations and developing strategies to help meet revised freshwater inflow recommendations. The implementation

strategies for protecting flows may include options such as efficiency incentives and the dedication of treated wastewater discharges. The Nueces BBASC report is due September 1st.

The Texas Commission on Environmental Quality (TCEQ), through a public rulemaking process, has one year to use the science team and stakeholder committee recommendations to legally adopt environmental flow standards. When adopting the flow standards, TCEQ can also “set-aside” some of the water that is not already spoken for by existing permits.

The Nueces SB3 BBASC monthly meetings are open to the public and public comments are welcome. The public is invited to comment throughout the ongoing process and on TCEQ’s draft rules before adoption.

MORE INFORMATION ON THE WEB

Additional information on the process of developing recommendations for the Nueces Basin is available at the BBASC website:

www.NuecesSB3.org

The full science team report is available for downloading and additional work documents are being added as they become available.

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