

## ENVIRONMENTAL ASSESSMENTS

### STATUTORY AUTHORITY

Sections 11.147, 11.150, and 11.152 of the Texas Water Code, enacted in 1985, require the Commission to assess the effects issuance of a water use permit will have on existing instream uses, water quality, fish and wildlife habitat, and freshwater inflow needs for bays and estuaries. Instream uses are defined to include, in relevant part, navigation, recreation, hydropower, fisheries, game preserves, stock raising, park purposes, aesthetics, water quality protection, aquatic and riparian wildlife habitat, effects on inflows to bays and estuaries, and other public purposes. 30 TAC §297.1

Any proposed action (see Table 1) involving a permit, certificate, or certified filing to store, take, or divert water which has the potential to adversely impact existing instream uses may receive corresponding limitations and conditions in the permit, if granted, to prevent or mitigate such impacts.

TABLE 1

#### APPLICATION SUBJECT TO AN ENVIRONMENTAL ASSESSMENT

New or amended water rights which may present a potential adverse impact to the environment include any new appropriation and amendments relating to the following aspects of water rights:

1. increase in the total appropriative amount;
2. significant change in point of diversion;
3. change in rate of diversion;
4. change in place of use; and
5. change in purpose of use under certain circumstances

*Applications will be evaluated on a case by case basis to determine if environmental protection is required.*