

OVERVIEW OF SB 3 PROCESS & ROLE OF SCIENCE ADVISORY COMMITTEE

LEGISLATIVE OVERVIEW:

- Prior to 1975, there were no statutory requirements for TCEQ's predecessor agency to consider environmental flows in the (water right) permitting process.
- In the 1975, legislation was passed that required the TX Water Commission to consider the effects, if any, of the issuance of a permit on the bays and estuaries of Texas. (Choke Canyon and Lake Texana)
- In 1985, legislation was enacted that that authorized the Commission to include permit conditions to maintain beneficial inflows to the bays and estuaries and also required the Commission consider conditions necessary to maintain existing instream flow uses, water quality, and fish and wildlife habitat.
- In 1997, Senate Bill 1 was passed, which established current water planning process, and provided additional guidance and consideration regarding amendments to water rights and their potential effects on the environment, reuse, interbasin transfers, and water right cancellation.
- In 2001, Senate Bill 2 was passed establishing the Texas Instream Flow Program and charged the Board, Parks and Commission to conduct studies of our rivers and streams and to assess flow conditions necessary to support a sound ecological environment.
- In 2007, Senate Bill 3 was passed creating the current environmental flows process and establishing the Environmental Flows Advisory Group to oversee implementation.

COMMISSION OVERVIEW:

- Historically, the Commission processed water right applications on a case-by-case basis.
- Between 1975 and 1985, special conditions were included in a limited number of water right permits.
- Following the passage of environmental flow legislation in 1985, the Commission performed an environmental flows analysis for each water right application, and frequently included conditions in the form of flow restrictions below which diversions could not be made.

OVERVIEW OF SB 3 PROCESS AND ROLE OF THE SCIENCE ADVISORY COMMITTEE:

- With passage of SB 3, the Texas Legislature restated the importance of maintaining the health and vitality of the State's surface-water resources and further established a stakeholder process that would prepare recommendations for state action to protect instream flows and freshwater inflows on a basin-by-basin basis.
- SB 3 also calls for the TCEQ to adopt recommendations in the form of environmental flow standards to be used in the decision-making process for new (and amended) water right applications and to establish an amount of unappropriated water, if available, to be set aside for the environment.
- The bill creates the Environmental Flows Advisory Group to oversee implementation of the process.
- To assist the Advisory Group with implementation of SB 3 provisions, Section 11.02361 of the bill, called for establishment of the TX Environmental Flows Science Advisory Committee, which in part, would:
 - Serve as an objective scientific body to advise and make recommendations to the advisory group on issues relating to the science of environmental flow protection.
 - Develop recommendations to help provide overall direction, coordination, and consistency relating to: 1) environmental flow methodologies for bay and estuary studies and instream flow studies; 2) environmental flow programs at the commission, the Parks and Wildlife Department, and the Board; and 3) the work of the basin and bay expert science teams described in Senate Bill 3, Section 11.02362.