

**Nueces River, Corpus Christi Bay, Baffin Bay
Stakeholders Committee
10:00 AM July 22, 2009
Texas A&M Research Center
1619 Garner Field Road, Uvalde, Texas**

MINUTES

Call to order – TCEQ as temporary Chair

Herman Settemeyer, TCEQ and NEAC Chair, called the meeting to order.

Roll Call – TCEQ as temporary Chair

Roll call was taken.

Elect Officers – TCEQ as temporary Chair

The group took nominations of committee officer from members. Con Mims was elected committee chair and James Dodson was elected as committee vice-chair by consensus.

Review background leading to formation of the Nueces River, Corpus Christi Bay and Baffin Bay Area Stakeholders Committee (Stakeholders Committee)

Member Ray Allen gave an overview of the events related to the managing of freshwater inflows to the Nueces estuary, noting dates, water rights, reservoir construction, and the agreed order issued by the Texas Water Commission (now TCEQ).

Passage of SB 3 (80R) and expansion of NEAC membership to meet SB 3 (80R)

Committee chair Con Mims discussed the expansion of the current NEAC membership in order to satisfy the requirements of Senate Bill 3/Environmental flows. He noted that the statute included a specific provision as stated below:

“Notwithstanding the other provisions of this section, in the event the commission, by permit or order, has established an estuary advisory council with specific duties related to implementation of permit conditions for environmental flows, that council may continue in full force and effect and shall act as and perform the duties of the basin and bay area stakeholders committee under this section. The estuary advisory council shall add members from stakeholder groups and from appropriate science and technical groups, if necessary, to fully meet the criteria for membership and shall operate under the provisions of the statute.” This provision applies directly to the NEAC.

He continued, noting that the statute mandated that 17 interest groups be included as members of the this stakeholder committee for this group which will be named the Nueces River and Corpus Christi and Baffin Bays Basin and Bay Area Stakeholder Committee (BBASC). Members discussed the interest groups

represented by existing NEAC members, and the expansion of the membership in order to ensure the mandated interest groups were represented.

Chairman Mims then discussed the expanded role of the committee, noting that the NEAC was focused on freshwater inflow requirements, but that SB3 also required the development of instream flow recommendations. In both aspects the goal is to ensure a sound ecological environment

Discussion of Senate Bill 3

Cory Horan, TCEQ, gave an overview of the SB3 statute, Texas Water Code Section 11.02362, and the charge to develop environmental flow regime recommendations. He explained that the Environmental Flows Advisory Group (EFAG) is composed of nine members including three members appointed by the governor, three members of the senate appointed by the lieutenant governor, and three members of the House of Representatives appointed by the speaker of the House of Representatives. The group must consist of one member from each of the three resource agencies: the Texas Commission on Environmental Quality (TCEQ), the Texas Parks and Wildlife Commission (TPWD), and the Texas Water Development Board (TWDB). The EFAG appoints the members of the Texas Environmental Flows Science Advisory Committee (SAC).

SAC Chairman Bob Huston discussed the SAC role in the environmental flows development process. The SAC shall 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. The SAC will also develop recommendations to help provide overall direction, coordination, and consistency relating to environmental flow methodologies for bay and estuary studies and instream flow studies, environmental flow programs at the TCEQ, TPWD and TWDB, and the work of the Basin and Bay Expert Science Teams (BBEST). He also noted that the SAC will primarily interact with the BBESTs, and that a member of the SAC will be appointed as a liaison to each BBEST. The SAC liaison to this basin and bay BBEST will be Dr. Paul Montagna.

Cory Horan explained the roles of the BBASC and the BBESTs.

Each BBASC shall establish a basin and bay expert science team for their particular basin and bay system. The BBEST shall develop environmental flow analyses and a recommended environmental flow regime for the river basin and bay system for which the team is established through a collaborative process designed to achieve a consensus. In developing the analyses and recommendations, the BBEST must consider all reasonably available science, without regard to the need for the water for other uses, and their recommendations must be based solely on the best science available. The BBEST shall finalize environmental flow regime recommendations and submit them to the BBASC, the EFAG, and the TCEQ. The BBASC and the EFAG may not change the environmental flow analyses or environmental flow regime recommendations of the BBEST.

Each basin and bay area stakeholders committee shall review the environmental flow analyses and environmental flow regime recommendations submitted by the committee's basin and bay expert science team and shall consider them in conjunction with other factors, including the present and future needs for water for other uses related to water supply planning in the pertinent river basin and bay system.

In recognition of the importance of adaptive management, after submitting its recommendations regarding environmental flow standards and strategies to meet the environmental flow standards to the commission, each BBASC, with the assistance of the pertinent BBEST, shall prepare and submit for approval by the advisory group a work plan. The work plan must:

- (1) establish a periodic review of the basin and bay environmental flow analyses and environmental flow regime recommendations, environmental flow standards, and strategies, to occur at least once every 10 years;
- (2) prescribe specific monitoring, studies, and activities; and
- (3) establish a schedule for continuing the validation or refinement of the basin and bay environmental flow analyses and environmental flow regime recommendations, the environmental flow standards adopted by the commission, and the strategies to achieve those standards.

Mr. Horan then discussed the schedule for completion of the development of environmental flow regime recommendations as dictated by SB3. He noted that for this particular basin and bay system, the appointment of stakeholders was not scheduled until September 1, 2010, but that with the provision allowing the expanded NEAC to serve as the BBASC, the group could begin work at the time of its choosing. As such the date relevant to the group in the development of an environmental flow analyses and environmental flow regime recommendations is due on September 1, 2010. Chairman Mims noted that while this BBASC and BBEST were ahead of the SB3 mandated schedule, the group should not wait in beginning the process regardless of the formal schedule. The BBASC members approved this recommendation by consensus.

Discuss Administration of Stakeholders Committee – TCEQ

Mr. Horan then discussed the administration of the BBASC with regard to the three resource agencies. He noted that the agencies were to provide administrative and technical support to both the BBASC and BBEST, with TCEQ taking the lead on administrative and logistical support. The TCEQ will post notice of each meeting of the BBASC and BBEST. He noted that per the statute these meetings are to be open to the public, but are not required to meet the provisions of the open meetings act. He discussed actions previously taken by established BBASCs which had developed ground rules under which the group will operate. He also noted that while the TWDB provided funds to the BBESTs and to the SAC, the BBASC members were not eligible for reimbursement of expenses related to SB3 activities. He noted that other groups have allowed, as

set in their ground rules, opportunities for public comment at each of the meetings.

Cindy Loeffler, TWDB, noted that staff from the three resource agencies would continue as voting members of the NEAC, but would NOT be considered as voting members of the BBASC or BBEST. Staff will remain available for both technical and administrative support.

Membership

Chairman Mims and Vice-Chair Dodson then discussed the membership of the BBASC. It was noted that the EFAG did not appoint this group, but that a list of the expanded NEAC membership would be provided to the EFAG. The membership requirements set forth in SB3 were discussed. The members discussed potential candidates to meet the membership requirements and various interest groups named in SB3. The group also indicated, to the greatest extent possible, that interest groups should be represented in both the upper and lower parts of the basin. By consensus, the group agreed to allow the chair to contact potential members and if those potential members are not inclined to serve, the chair would seek additional candidates for approval by the committee.

Discuss establishing a “basin and bay expert science team” – TCEQ

As charged by SB3, the BBASC is to establish a BBEST. Members discussed potential candidates and areas of expertise that would need to be represented in the BBEST. SAC Chairman Huston noted the separation of duties between the BBEST and BBASC, but recommended that each group communicate with each other so that all parties will be informed of the activities of each group. The members agreed that a joint meeting of both the BBASC and BBEST was appropriate.

Discuss Stakeholder Committee meeting schedule – TCEQ

Members discussed the scheduling of future meetings. The members agreed by consensus to hold meetings on a quarterly basis. Meeting locations will vary to ensure equal representation throughout the basin.

Items suggested for future agendas include:

- Establishment to bylaws
- BBEST appointment
- Reaffirm expanded membership and fill vacancies as necessary
- Technical presentations to inform members of various considerations necessary for the development of environmental flow regime recommendations.

Adjourn