

**May 4, 2010 Sabine and Neches Rivers and Sabine Lake
Bay Basin and Bay Stakeholder Committee (BBASC) Meeting Minutes**

Nacogdoches Recreation Center

Nacogdoches, Texas / 10:00 am

Members Present: Jerry Clark (Chair), Robert Stroder (Vice-Chair), David Alford, Joe Arnold, Christopher Bean, Keith Bonds, Greg Carter, Ken Dickson, Kelley Holcomb (first half of meeting), Kathleen Jackson, Rodney Newman, Jerry Nichols, Fr. Sinclair Oubre, Jody Puckett, David Roemer, Monty Shank, Bob Staton, Jeanie Turk

Call to order and introductions

Chairman Jerry Clark called the meeting to order. Attendees introduced themselves.

Approval of March 16, 2010 meeting minutes

The meeting minutes from March 16, 2010 were approved without changes.

Proxies

The following proxies were announced: Bruce Drury to Father Sinclair Oubre; Dick Sherron, Walter Glenn, and Katherine Davis to Jerry Clark; Chester Moore to Chris Bean. Kelley Holcomb later gave his proxy to Jerry Clark.

Agenda Amendment

With Chairman Clark's permission, Dave Roemer passed out copies of an alternative recommendation proposal that he wanted considered by the committee. Discussion of the proposal would occur later in the meeting.

Sabine-Neches BBASC Draft Recommendations Report Presentation

Jim Brown (SRA) made a PowerPoint presentation (slideshow and handout of slides) on the Sabine-Neches BBASC draft recommendations report. The presentation provided an overview of the draft report's executive summary which included the group's charge, the scope of the study area, the statutory background leading up to Senate Bill 3, comments on the expert science team (BBEST) recommendations, impacts from implementation of the BBEST flow regimes, consideration of water needs for other uses such as water supply and reservoir recreation and fisheries, other factors to consider prior to establishment of environmental flow standards, and a list of seven proposed recommendations to be put forth by the BBASC.

Comments from Representative Ritter

Texas House of Representatives Committee on Natural Resources Chairman and Co-Presiding Officer of the Environmental Flow Advisory Group (EFAG) Alan Ritter greeted the group and reminded them of the importance of their work in moving forward with the management of surface water in the state. He thanked the BBASC members and expressed his appreciation for their efforts.

Presentation of work performed by AECOM

Jeremy Hanzlik (AECOM) gave a PowerPoint presentation (slideshow and handout of slides) of an analysis of the BBEST instream flow recommendations and how they might be implemented in possible permitting scenarios using the Sabine River Basin Water Availability Model (WAM). The BBEST flow recommendations were converted to daily volumes and compared to available monthly flows in the WAM. The analysis included an evaluation of potential impacts on water levels in Toledo Bend Reservoir and on potential projects to meet future water demands such as greater water use from Toledo Bend Reservoir and future reservoir projects (Mineola, Big Sandy). Discussion followed regarding the appropriateness of the assumptions and how the BBEST recommendations were applied, what permit actions are subject to flow standards, and potential impacts to the estuary (Sabine Lake).

Public Comments

Myron Hess (NWF) disagreed that the AECOM analysis predicts the most likely implementation scenario of the BBEST flow recommendations and encouraged the BBASC to seize the opportunity to recommend a set of environmental flow standards and an approach for how they should be implemented that balances environmental needs with other uses. Myron also disagreed with the draft BBASC report's characterization of the BBEST flow recommendations as not allowing for much, if any, water to be stored or used. He stated that the BBEST recommendations allow for a lot of water to be taken out, giving an example from the BBEST report for Big Sandy Reservoir, and stated that in fact at least some of the BBEST struggled with whether they were allowing too much water to be taken out of the system. Lastly, he stated that the Senate Bill 3 process was designed to derive recommendations in light of uncertainty in that decisions could be revisited and adjusted over time. A discussion ensued about the appropriate course of action in light of uncertainty regarding environmental flows and the amount of information that is currently available to the Senate Bill 3 groups.

Alternative Proposal

Stakeholder Dave Roemer presented his proposal which outlined the following steps: 1) put aside the draft BBASC report for now, since not all the BBASC members participated in writing it and have not had enough time to digest it, and ask the EFAG for three more months (until Sept. 1) to work on the BBASC recommendations; 2) request technical support from resource agencies (TCEQ, TPWD, TWDB) and SAC to help with analysis of impact of BBEST flow recommendations on water supply; and 3) meet at least three more times to reach agreement on recommended flow standards and strategies.

Lunch break

Agency Comments

The question was asked if the resource agencies can provide assistance to the BBASC if more time was allowed to develop recommendations. Staff of the three state agencies all responded affirmatively. Asked what role they would play if the existing draft report goes forward, TCEQ staff stated that they would proceed with rulemaking with the deadline of June 1, 2011. Also in response to questions, TCEQ said that the schedule can

be adjusted, but only by the EFAG.

Sabine-Neches BBASC Discussion of Draft Recommendations Report

Bob Staton was not in support of changing the way the system is operated, stating that it seems healthy at the present. Bruce Walker with Citizens Protecting the Neches River expressed his support for extending the BBASC recommendations deadline to allow more time for study, stating that a three month extension would be enough time. Jerry Nichols said he isn't sure each group can reach agreement and that the draft report gives the most flexibility in moving forward. Bob Stroder was ready to make a motion. Ken Dickson agreed that flexibility is needed and the report gives it.

Dave Roemer stated that the draft report doesn't follow SAC guidance by ignoring best available science and professional judgement. His proposal asks for specific information over the three month period, and the BBASC shouldn't pass on the opportunity to make recommendations. Kathleen Jackson said that the current draft report allows the opportunity to study the system over a longer time.

Greg Carter presented a handout with his additional recommendation that asks the Texas Legislature to provide BBASC funding to review the BBEST recommendations, stating that we don't have the level of information that the Cypress Basin has. Without this information, noting that Senate Bill studies wouldn't be completed until 2016, we're just shooting in the dark. He motioned that his recommendation be added to the draft report as recommendation #8. Monty Shank seconded the motion. Bob Stroder wanted to add to the new addition language for further studies to make correlations between biology and hydrology, and to coordinate with the regional water planning process.

Additional discussion occurred regarding what the adequacy of what the BBASC currently has to work with and what could be done with additional time and funding. It was stated that after June 1, 2011, the BBASC still has work to do in addressing adaptive management, and recommendation #8 goes toward funding work plan development. Ed Oborny with the SAC mentioned the "Lessons Learned" guidance that the SAC is developing, acknowledging the lack of funding and limited timeframes, and expressed hope that the BBASC can propose flow recommendation. Jeanie Turk expressed the opinion that the draft report is making a recommendation for further studies.

Sabine-Neches BBASC Consider and Take Action on Draft Recommendations Report

Greg Carter moved, and Bob Stroder seconded, to add the modified recommendation #8 to the draft report. None were opposed. Dave Roemer moved to pass his alternative proposal, and Rodney Newman seconded. The vote was 6 in favor, 17 opposed. Ken Dickson moved to approve the draft report with the revised recommendation #8. Greg Carter seconded the motion. The vote was 19 in favor and 4 opposed. With that, Chairman Clark thanked everyone for their hard work and said that his staff would finalize the report as amended and send it out to the appropriate parties.

Adjourn

The meeting was adjourned.