

Trinity and San Jacinto River Basins and Galveston Bay
Basin and Bay Area Stakeholder Committee

Wednesday, May 5, 2010 at 10:00 am
San Jacinto River Authority Offices
1577 Damsite Road, Conroe, Texas

Minutes

Call to order

Chairman Danny Vance called the Basin and Bay Area Stakeholder Committee (BBASC) meeting to order.

Approval of meeting minutes

Minutes from the April 15, 2010 meeting, which included the facilitated portion of the meeting, were approved with two changes. Clarifications to the facilitation notes were made in the TCEQ expectations for the BBASC report and the reference to the Houston – Luce Bayou project.

Public comment

None.

Update on TWDB Water Availability Model (WAM) runs

Nolan Raphelt with the Texas Water Development Board (TWDB) gave a PowerPoint presentation wrapping up their WAM analysis of BBEST-recommended flows in the San Jacinto River and Trinity River Basins by looking at the question of whether existing and future river flows accommodate the recommended instream flow targets at the selected gage locations. For the San Jacinto Basin (4 gages), Nolan discussed the analyses and concluded that in most cases, the WAM 3 (full use), WAM 8 (current conditions), and WAM 9 (future) runs showed 1 to 2 less pulses per year than what occurred in the gage period of record used to develop the recommendations. There was also little difference between the three WAM runs. Further, there were base flows in each of the runs sufficient to meet the BBEST recommendations.

In the Trinity River Basin analyses (5 gages), Nolan reported that, on average, the WAM 3 had 3 less pulses and the WAM 8 had 3 less pulses per year than what occurred in the development period. Base flows in WAM 3 runs were less than the recommendations at 4 of the 5 gages, and in WAM 8 all of the recommendations were exceeded. An updated WAM 9 was not available for the Trinity, but Nolan felt that it probably would not have changed the results much.

Lastly, Nolan presented results of a WAM 3 analysis in the San Jacinto Basin run with a new water supply strategy (i.e., new appropriation) in place, with and without environmental flow requirements. The results were that 80% of the environmental flow requirements were unverifiable. In the runs without flow requirements, the new strategy experienced significant water shortfalls, and the shortfalls increased with environmental flow requirements imposed.

Facilitation

Notes from the facilitated portion of the meeting are given below.

Public Comment

In attempting to alleviate any fears to the contrary that may be adding difficulty to the BBASC achieving consensus on certain flow standards, Myron Hess with the National Wildlife Federation (NWF) mentioned that there is nothing he is aware of in Senate Bill 3 that would subject water right permit amendments to environmental flow conditions that wouldn't be potentially applied under current permitting statutes and rules.

Norman Johns with NWF announced that he will have Gregg Easley (TCEQ) distribute to the group the technical memorandum describing his freshwater inflows drought criteria proposals.

Trinity, & San Jacinto Rivers, Galveston Bay Area Stakeholder Committee

Notes from Charts of Facilitated Agenda

May 5, 2010

The following reflect notes from the facilitated portion of the May 5, 2010 meeting. Items on which the group reached consensus are noted and highlighted, as are action items. Other text reflects notes taken during the meeting, and do not necessarily reflect agreement.

DEVELOP COMPONENTS OF THE BBASC RECOMMENDATIONS TO TCEQ

SUBSISTENCE FLOWS

General discussion

How did the BBEST conditional group compromise on some numbers?

No answer recorded.

Why did the conditional BBEST group not make recommendation at some gauges?

A: lack of data, or sense that there were a limited number of gauges was sufficient because there were no significant changes between gauges.

Interests & concerns about moving forward

- Something that can be operated and implemented
- Concern about not being able to reverse a "low" number for environmental protection
- Permit amendment applicability
- If a standard is set, then it exists regardless of strategy
- All science is imperfect, we should move forward
- Hard to agree on starting numbers

Ways to develop numbers:

- Consider what substantive numbers are trying to achieve
- Start with TWDB WAM runs (current, full development, future) and look at the ability to achieve the number
 - Concern: Does TCEQ think they would utilize the recommendation in this manner? Run 3 used in permitting.
 - Concern: For subsistence and base flows: do we have the data today to work with?
- For subsistence flows: find the minimum number historically at a given gauge.
 - Concern: worried that low flow historically should not be hit frequently.
 - Concern: What would TCEQ do with this?

Flows at West Fork Trinity gauge

Concerns

- Starting with a negotiated number
- Want to verify for adaptive management
- Not convinced it's the right gauge, want to tie to biology, water quality
- Just a judgment, not comfortable

A group member asked if the group could support the entire conditional group recommendation for subsistence flows on the Trinity

Concerns expressed:

- SAC says this recommendation is not best available science, and thus it goes against the SB 3 requirement
- Worried it is not protective enough
- Seeing same split as BBEST
- Some but not all gauges
- Subsistence flows are the barest minimum; need a recommendation at every gauge

West Fork Trinity River gauge (continued)

Proposal: Use conditional recommendation

Concerns:

- That recommendation is only for adaptive management, and that is not appropriate for subsistence flows
- Adaptive management means nothing. It is not a recommended number, is not to be implemented
- Need to make recommendation for subsistence

Agreement: Use the conditional recommendation without the restriction that it be only for adaptive management.

W.Fork Trinity	Winter	19 cfs; 99%
At Grand	Spring	17 cfs; 99%
Prairie	Summer	16 cfs; 97%
	Fall	15 cfs; 95%

Note: West Fork of the Trinity and the Trinity at Dallas gauges are almost entirely return flows. There are possibilities of direct reuse.

Elm Fork Trinity near Carrollton gauge:

Agreement: There will be no subsistence flow recommendation at Carrollton gauge.

Trinity River near Rosser gauge:

Eliminate or keep this gauge recommendation?

- Distance between the Trinity at Dallas gauge and the Trinity near Oakwood gauge is about 75 miles
- Concern expressed over distance
- Concern about the ability to meet flow requirements the wetlands project on the Elm Fork

Trinity River Near Oakwood gauge:

Concerns:

- These are minimum numbers to protect the river in subsistence times
- Possible that less flow may satisfy biological needs
- Uncertainties in defining hydrology

- Means less flow for humans coupled with the fact that lesser flows may be possible for biology
- Want a number that protects, but feels these numbers are arbitrary
- Having too little water is irreversible for the environment, if it is dedicated to human needs

Topic: Release of stored water, or pass-through of water

- What about pass-through when reservoir is below conservation level?

Topic: Tarrant project: concern about amendment to the reuse permit. Will it result in potential trigger of the environmental flow requirements? Example: change in diversion point.

- Response: if permit is major enough to be opened up for environmental considerations, it will be subject to environmental flow recommendations either from this (SB3) process or another process
- Response: Base average number on Lyons, which is generally higher in the wetter seasons and lower in the drier seasons, because based on more recent data ranges, and don't include an element of the pulse flow.

Trinity River Near Oakwood gauge

Proposal: Summer & fall: use subgroup numbers

- Concerns about what is happening with the numbers. Why are Rosser flows (summer & fall) so much higher than Oakwood?

Joe Trungale: Rosser numbers proposed by the regime group do not show drought of record

Richard Browning: Trinity River – seeing some anomalies at Rosser

- Concern about sound science
- Favors conditional recommendation
- Recommendation: If open a permit, TCEQ can't use numbers that exceed Lyons numbers

Next Meeting

- May 19, 2010 from 9:30 to 6:00
- Include freshwater inflow
- Facilitators to call all stakeholders to assess how and where to move forward

Parking Lot for Work Plan

- Recommend gauge at the mouth of the Trinity
- Get data to validate model for the Trinity