

Trinity and San Jacinto River Basins and Galveston Bay
Basin and Bay Area Stakeholder Committee
Wednesday, May 19, 2010 at 9:30 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 May 5, 2010 meeting, which included the facilitated portion of the meeting, were approved with one change. In the notes from the facilitated portion of the meeting, the "Agreement" section under the "Trinity River Near Oakwood gauge" heading was removed due to uncertainty on the part of some members that agreement was reached.

Public comment

Scott Jones with the Galveston Bay Foundation acknowledged and expressed appreciation for the hard work of the BBASC and BBEST. He stated that the Regime Group of the BBEST provided a good science-based recommendation to work from and encouraged the BBASC to use it as a starting point for developing environmental flow standards. He also encouraged the BBASC to reach agreement on standards, through compromise where necessary, and not put off the opportunity to make meaningful recommendations.

Facilitation

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

Public Comment

None

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

Notes from Charts of Facilitated Agenda

May 19, 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

Review Meeting Goals;

The participants agreed to the following meeting goals:

- Debrief last meeting/ phone calls
- Develop plan to make recommendations to TCEQ
- Reach any possible agreements on TCEQ recommendations
- Discuss post-report activities (e.g. work plan process)

Facilitators Debrief Last Meeting and Phone Calls

The facilitators provided the participants with a short summary of major themes from the last meeting and from phone calls they had made to participants in the interim, where they were determining how best to move forward with this meeting.

What is agreement?

The participants agreed by consensus to the following:

- In order to reach the consensus or required 2/3 vote if consensus is not possible, if a decision is made via the internet or in some other way not in a meeting where participants are present, all those actually participating will be counted.
- If there is not agreement (by consensus or 2/3 vote of members participating), there will be separate reports
- Minority reports will be allowed if there is not consensus.

Explore Areas for Agreement

Draft Report: (distributed on May 18 from Ken Kramer) Participants who prepared a draft report distributed on Tuesday, May 18 explained its provisions. In addition to discussing parts of the report and answering questions, the participants discussed the following basic assumption in the report draft:

- No mandatory/involuntary releases of stored water;
- Environmental flow requirements will not impact existing rights as they currently are permitted;
- Environmental flow standards apply only to future permits or amendments to current rights that would currently be subject to environmental requirements;
- Groundwater reuse: The policy is in flux according to TCEQ. Any environmental flow standards developed would be used (if applicable) instead of current environmental analysis;
- Imported water does not trigger environmental flow requirements in the receiving basin under current agency practices.

Concerns:

- What is adequate versus more than adequate for environmental flows? It's hard to tell.
- Possible recommendation to the legislature that the process needs more money and time
- Balancing between human and environmental needs: how do recommendations impact regional water plans?
 - Awareness of impacts statewide: Mesh environmental recommendations with regional water plans. Consider schedule in work plan, and even consider merging the environmental flow standard process with the regional water planning process.

Report format:

- Front end of report seems capable of agreement in form
- May have common areas that could be reflected in one or two reports
- Don't want to debate numbers again

Comments from TCEQ:

- TCEQ will follow statutory requirements to initiate rulemaking
- Recommendations from multiple sources will be considered in developing the rules
- Not aware of any sanctions for BBASC missing deadlines

Finalize Schedule and Process To Complete TCEQ Recommendations

The group agreed to the following:

- Each participant should provide Greg Easley information on which report they can endorse, or that they cannot support either by May 26th
- Greg will distribute summary of comments on May 27
- Participants may submit questions on either report to Ken or Danny and to Greg. Greg will distribute questions, and responses when received, to all participants.

Develop a List of Agreed Recommendations (Process & Policy) and the Format for Submitting

The BBASC agreed by consensus to submit the following recommendation to the Environmental Flows Advisory Group in a submittal letter with the submitted reports. The letter will be circulated among the stakeholder group for review:

- Regional water planning, groundwater planning, and environmental flows planning should be synchronized;
- Need more appropriately located gauges (such as a gauge located on the Trinity River below all major diversion points);
- The Legislature should appropriate specific funding for SB 2 instream flow studies and for SB 3 studies recommended in the basin and bay work plans;
- The Legislature should provide adequate time and financial resources for the environmental flow determination process, including funds for facilitation and technical support;
- The Legislature should recognize the resource contributions of the state agencies to the SB 3 process and provide adequate funding to continue that support.

Transition to Work Plan

The group agreed by consensus:

- to develop a work plan during the September to December timeframe;
- to make a formal request that the BBEST provide the stakeholder group with areas where further data or analysis is needed by the September meeting; and
- that the work plan launching meeting would be a joint BBASC/BBEST meeting.

Review Components of Danny's Comments to Environmental Flows Advisory Group on May 27

Danny Vance indicated the following as his short comments:

- Factual
- No opinion
- Information on results
- Explain difficulty of process

The group requested he also provide the recommendations agreed to at the meeting today

ACTION ITEM LIST*		
<i>*Please transmit all documents in .doc or .pdf format</i>		
Who	What	When
Selected participants, Greg	Send Greg Easley updated of draft report circulated on May 19, and complete version of other report mentioned in May 19 meeting. Greg will forward to all participants	May 21
Glenda, Jace	Draft transmittal letter to Environmental Flows Advisory Group and transmit to BBASC through Greg	5/21/2010
BBASC	Submit comments on draft transmittal letter through Greg	5/26/2010
BBASC	Submit comments on reports to Greg, and indicate if you can support either report	5/26/2010
Greg	Distribute summary of comments on reports to BBASC	5/27
Danny, John	Schedule a work plan meeting for September	