

Colorado and Lavaca Rivers and Matagorda and Lavaca Bays Basin and Bay Area Stakeholder Committee (BBASC)

Thursday, February 17, 2011 at 9:30 a.m.
LBJ National Historical Park Event Center
Johnson City, Texas

Meeting Minutes

BBASC Members Present: Chair Patrick Brzozowski, Vice-Chair Myron Hess, Jim Dailey, Ronald Gertson, Carroll Hall, David Hill, Deedy Huffman, Joe King, Frank Lewis, Teresa Lutes, Bob Pickens, Paul Tybor (alternate for Caroline Runge), Steve Box (alternate for Andrew Sansom), Clarence Schomburg, Haskell Simon, Karen Bondy (alternate for Suzanne Zarling)

1) Call to order and introductions

Chairman Patrick Brzozowski called the meeting to order.

2) Discussion and agreement on agenda

Patrick went over the meeting agenda with the group. No additional items were added.

3) Public comments (limit 3 min.)

None.

4) Administrative business

a) Approval of January 26 meeting minutes

The January 26, 2011 meeting minutes were approved as presented.

5) Discussion of SB 3 charge and tasks

Gregg Easley with TCEQ discussed a handout that reviewed the duties of the Colorado-Lavaca BBASC and BBEST as stated in Senate Bill 3 and presented the schedule for completion of these duties. Myron Hess followed with a PowerPoint presentation entitled "SB 3 Charge and Tasks for Stakeholder Committee". First, Myron talked about the charge to develop strategies to meet the recommended environmental standards and mentioned flow set-asides as an example strategy. To gain further clarity on the subject, Joe King suggested that set-asides could be a topic for discussion when a subgroup of the BBASC meets with TCEQ in the near future regarding report-writing. Myron next discussed the concept of market approaches as a strategy for filling gaps in available water to meet set-asides and gave examples such as dedicated return flows, converted water rights, and long-term water leases. Lastly, he touched on the task of developing a work plan, with help from the BBEST, and the elements that it must contain. A brief discussion ensued regarding the challenges of implementing a work plan without dedicated funding.

6) WAM subcommittee update

Patrick Brzozowski

Patrick Brzozowski reviewed the WAM topics presented at the last BBASC meeting and said that Kirk Kennedy with the BBEST will be running the WAMs with example projects that have been selected. The Palmetto Bend Stage 2 project (off-channel reservoir) will be used in the Lavaca Basin, but no clear-cut project exists in the Colorado Basin. Kirk mentioned that a hypothetical off-channel reservoir project could be developed for use in the Colorado Basin, even though it is not in the State Water Plan. Patrick said that the subcommittee hasn't yet decided on the appropriate WAM to run. Kirk gave an overview of the different WAMs (TCEQ, Region F & K cutoff model [Colorado Basin]) and WAM run conditions (run 3 [full use], run 8 [current conditions], and run 9 [future conditions]). He said that the BBEST report will have a description of the WAM runs and the work done for all 21 instream sites. He emphasized, though, that the report will not say how much water is available for appropriation at any given site. It was mentioned that a lot of analytical work has already been done in the context of the LCRA Water Management Plan and regional water planning, and that there could be tools associated with those efforts that could be of use to the BBASC. Patrick said that the WAM subcommittee needs to meet soon to discuss these issues and come up with a recommendation on the best approach for analyzing the BBEST recommendations. Myron raised the question of whether the funds set aside by the BBEST to support the BBASC are adequate to conduct the analyses. BBEST chair Dave Buzan stated that approximately \$44,000 has been set aside for that purpose, and that the BBASC needs to decide how to allocate it, taking into consideration a \$150 per hour rate for BBEST member compensation. Patrick mentioned that Ruben Solis with TWDB has volunteered his staff to assist with the WAM evaluations. It was decided to set an agenda item for the next BBASC meeting to come up with an allocation plan for the portion of the BBEST budget dedicated for BBASC support.

7) BBEST update

Dave Buzan

BBEST chairman Dave Buzan presented and discussed a handout with an example final environmental flow regime recommendation for the Colorado River near Ballinger site. The first part of the handout contained the HEFR matrix for the site, which Dave described as the starting point for the final regime, and he reviewed the different parts of the matrix. Next, Dave discussed the other portion of the handout, which contained the final flow regime table for the Ballinger site, and went through each component of the table to ensure stakeholder understanding of the format for instream flow recommendations. He briefly described the BBEST process of cross-checking and potentially refining the HEFR matrix with information gathered from other disciplines and studies, and said that the final recommended flow regime for each site represents a sound ecological environment, though it does not address the degree of deviation a system can undergo and still maintain ecological soundness. Dave did state that the BBEST agreed to add language to the report that gave a more quantitative feel for the amount a system can deviate from historical flow patterns before experiencing significant changes to channel morphology. BBASC members stressed the importance of giving these types of issues additional thought and discussion in light of the group's charge to balance environmental and human needs for water.

8) Professional facilitation

a) Subcommittee update (contract terms review) Teresa Lutes

Teresa reminded members that the facilitation subcommittee recommended the selection of Suzanne Schwartz and Margaret Menicucci (UT Center for Public Policy and Dispute Resolution) as facilitators for the group. She said that efforts are underway to execute a contract with these facilitators. Myron Hess stated that he is working on the draft contract with UT. The original proposal for the facilitation service was for \$38,000, but the facilitators agreed to perform the work for \$25,000. Myron was confident that that amount will be attained through on-going fundraising efforts. Suzanne and Margaret will begin calling individual BBASC members within a week or two for interviews in order to begin facilitated sessions at the March 30th meeting. Myron asked those members who pledged funds to get those to him as soon as possible.

b) Formation of Facilitation Steering Committee

Teresa handed out a list of four BBASC members recommended to serve as the Facilitation Steering Committee (Chair – Patrick Brzozowski, Vice Chair – Myron Hess, At Large – Joe King and Teresa Lutes). No additional members expressed interest in serving on this committee. The Facilitation Subcommittee will be dissolved after today's meeting. The group approved the recommended members for the Facilitation Steering Committee.

9) Formation of Report Drafting Committee

Joe King agreed to head up the Report Drafting Committee. He stated his desire to meet with the facilitators and the Facilitation Steering Committee prior to forming the Report Drafting Committee, and he would also like to meet with TCEQ before the committee is formed to get input and guidance from them. Ronald Gertson, Karen Bondy (for Suzanne Zarling), Steve Box, Teresa Lutes, Myron Hess, and Patrick Brzozowski expressed interested in meeting with TCEQ. Joe also invited Dave Buzan from the BBEST to come as well. Joe will work with Gregg Easley (TCEQ) to set up a meeting at TCEQ in late February/early March. The formation of the Report Drafting Committee will be placed on the agenda for the March 3rd meeting.

10) Public comments (limit 3 min.)

None.

11) Next meeting date and agenda

a) When (March 3)/Where

Myron informed that group that the March 3rd meeting will take place at the Texas Baptist Encampment in Palacios. The meeting will begin at 9:30 am. Additional details will be sent out to the group in the near future.

b) Proposed agenda items/bay tour

Proposed agenda items for the March 3rd meeting included a presentation on the BBEST report, approval of previous meeting minutes, and an update on the meeting with TCEQ.

c) Schedule for subsequent meetings

Myron said that the facilitators requested that the March 30th BBASC meeting be held in the Austin-area to best accommodate their schedules. Karen Bondy said that she would check on the availability of an LCRA facility for the meeting. Additional details will be announced at the March 3rd meeting.

Dave Buzan announced that the final BBEST recommendations report will be made available electronically on March 1st. He said that the report is too large to e-mail, but members will be able to download it from a FTP site. Dave asked members to contact him if they need to have the report delivered to them in some other fashion. He did mention that he is working with LCRA on the possibility of having some printed copies of the report at the BBASC meeting on March 3rd. Patrick also offered LNRA's assistance with this effort. Dave stated that an e-mail will be sent to everyone on March 1st announcing the report's availability.

12) Afternoon river tour at Pedernales Falls State Park

Steve Nelle with the National Resources Conservation Service (NRCS) in San Angelo gave a lunch-time presentation to the group entitled "Understanding Creek, Rivers, and Riparian Areas". After the presentation, a river tour was conducted at Trammel Crossing on the Pedernales River within Pedernales Falls State Park. Individuals with Texas Parks and Wildlife Department, LCRA, NRCS, and the BBEST spoke to the group about the roles that hydrology, fish and wildlife species, riparian areas, and water quality serve in the overall ecology of the river.