

Disclaimer: Review and approval of draft minutes by the BBASC for their July 18-19, 2011, July 28, 2011, August 2-3, 2011, August 16, 2011 and August 29, 2011 meetings did not occur until after the report submittal date of September 1, 2011. Members reviewed and provided comments on the draft minutes which were then presented for approval during the November 17, 2011 BBASC meeting. At this meeting the members agreed by consensus to approve the draft minutes for those meeting dates noted above, with member comments reflected verbatim as part of the minutes, as a reflection of the official record.

**Guadalupe, San Antonio, Mission, and Aransas Rivers and
Mission, Copano, Aransas, and San Antonio Bays
Basin and Bay Area Stakeholder Committee (BBASC)**

Monday, July 28, 2011

New Braunfels Utilities Service Training Room
355 FM 306
New Braunfels, Texas 78131

MINUTES

Members Present: Steve Raabe (for Suzanne Scott, Chair); Dianne Wassenich, Vice Chair; Bill Braden; Tyson Broad; Jack Campbell; Thurman Clements; Rick Illgner (for Karl Dreher); Paula DiFonzo; James Dodson (for Ken Dunton); Jennifer Ellis; Stephen Fotiades; Josh Gray (for Jay Gray); Chris Hale; Jerry James; Everett Johnson; Mike Mecke; Mike Peters; Con Mims; Tommy Hill for (James Lee Murphy); Steve Clouse (for Robert Puente); Doris Cooksey (for Kim Stoker); and Micah Voulgaris (for Jennifer Youngblood).

I. Introductions:

Roll call was taken and a quorum was reached.

II. Public Comment:

There was no public comment at this time.

III. Discussion and Agreement on Agenda

Members made minor changes to the agenda and the agenda was approved as amended.

IV. Approval of Minutes from the July 6, 2011 Meeting

Minutes for July 6, 2011 meeting will be emailed to members and considered for approval at the next meeting.

V. Discussion and Agreement on Interim BBASC Recommendations, Brian Perkins, HDR

1. Review and Discussion of BBEST Environmental Flow Recommendations for Bay and Estuary (Dr. Norman Johns, BBEST)

Dr. Norman Johns presented a quick review of the BBEST criteria for bays and estuaries. He noted the two sets of criteria (the spring criteria, G1 and the summer criteria, G2), the support documentation in the report that discussed how the numbers were derived and how they relate to salinities in the bay. He discussed the suite of criteria for each G1 and G2 defined by volume of inflow in the cumulative three month period, and with regards to low flows the

differentiation in the criteria is more related to the response of the bay to the inflows. He talked about how the BBEST recommended attainment levels based on these criteria for use in rating the different projects. He cautioned members that if they choose to adjust these levels for the higher flow volumes (or criteria), adjustments should be made in the middle volumes such that the ratio of the lowest to highest volumes remains the same. He said this ratio would apply if the source of the volumes changes such as applying the Region L WAM. He noted the intent was to evaluate applications using these criteria and not using the criteria as special conditions in a permit.

2. Review and Discussion of Texas Parks and Wildlife Department (TPWD) Response to BBEST Report Regarding Bay and Estuary (Dr. Norman Boyd, TPWD)

Dr. Dan Opdyke, [TPWD](#), briefly highlighted some of the concerns discussed in the TPWD comment letter regarding the estuary inflow criteria. He said the BBEST recommendations used a habitat approach based on salinity levels related to only two species and TPWD was concerned that additional species were not considered. He recommended pulses that pass the final gage should be allowed to flow into the estuary. BBEST Chairman Vaugh clarified that the BBEST intended for the instream flow criteria to be extrapolated to the saltwater barrier. Vice Chair Wassenich noted that if the BBASC chose to accept the BBEST recommendation, then a statement needed to be included in their recommendation to clarify.

Member Everett Johnson pointed out there are diversions between the saltwater barrier and Victoria, TX, and flows that pass Victoria will not necessarily flow to the bay. Members requested information on the flow passing at the last saltwater barrier on the Guadalupe River to better understand what the true freshwater inflow is.

Dr. Norman Boyd, TPWD, presented the results of some additional studies of data from the Guadalupe and San Antonio Bay area during the drought of 2008-2009 and the subsequent recovery years. He talked about the drought and its relative severity compared to historic records. He discussed the sources of freshwater for the area, the salinity trends seen at the gages, and talked about the other species impacted by lack of freshwater inflows. He talked about how salinity affects the catch rate particularly with shrimp. BBEST Chairman Vaugh noted that the BBEST studies indicate that the inflows are there and it is up to the BBASC to decide whether to recommend to explicitly protect them.

3. Development of the Bay and Estuary Recommendation

Technical consultant Brian Perkins, HDR, presented a flowchart on the structure decision process similar to the one used for instream flow recommendations to assist members in defining the BBASC estuary recommendations. He explained how the decision points on the flowchart are points where members need to decide if the instream flow recommendation is adequate, or if a specific estuary inflow recommendation is needed; and if so, whether it should be considered during the evaluation process of the application or as a special condition in the permit.

Group facilitator Susan Springer, Rozelle Group, presented the decision points according to the flow chart and asked members to vote accordingly. She reminded members that all preliminary recommendations will be reviewed and finalized at the next meeting.

Members evaluated:

Explicit Estuary Standards Necessary?

Those members who voted “no” expressed concern as to whether additional recommendations are necessary and the decision should be delayed until the instream recommendations have been evaluated to determine if they are adequate.

If Estuary Standards are Adopted, what Form is Recommended

Members discussed how TCEQ presently handles these applications, noted that bay and estuary standards are already imposed if the application is located within 200 miles of the coast and the question should be whether these are adequate.

Model Evaluation:

This approach was recommended by the BBEST.

Permit Requirement:

No recommendation

Adoption of BBEST Criteria as Presented

~~Members voted to G1 season (*rangia*), G2 season (oyster), including all levels in the suites and attainment frequencies associated with them.~~

~~Members were asked to consider the format of estuary recommendations, if the group agrees to recommend specific estuary standards. The group considered whether the estuary recommendations should be based on model evaluations, as recommended by the BBEST, or through a permitting option, to be applied as a special condition as TCEQ evaluates water right applications.~~

~~First Vote : no decision~~

~~Second Vote: no decision~~

Members asked what other options are available. BBEST Chairman Vaugh listed ~~how members can vary the recommendation within the BBEST structure options including instream standards only, BBEST recommendations with adjustments, or current State Methodology~~, and members discussed other options.

Members who voted “no” suggested additional discussion to resolve concerns. An issue for discussion includes what additional restrictions result from these estuary criteria on applications for a new water right. Chairman Vaugh presented an example of how the criteria can be applied. Dr. Johns stated that the Bay and Estuary criteria needs the pulses included in the instream flow criteria. Chairman Vaugh emphasized that the BBEST instream standards apply below the last gage to the estuary. ~~Dr. Johns briefly compared the current State Methodology with the BBEST recommendations and Chairman Vaugh presented oyster harvests computed from freshwater inflow time series using equations from the State Methodology7 updated for Region L.~~ Members discussed the impact of these recommendations on future projects such as the mid basin project and the need to consider these projects on a regional basis to better manage water resources.

Additional Proposal

Member Steven Fotiades proposed using the baseline under the BBEST estuary criteria, and as long as a proposed project does not result in additional negative impact to the estuaries, the project can be approved for a new permit. If the proposed project has a negative impact, it would need to be modified until no negative impact resulted from the project.

Members proposed to table a vote on this proposal until the next meeting.

Comment [DCH1]: Suggested revision per comment below.

Comment [TB2]: Some additional information re 'no decision' might be helpful for first and second vote. As is, is a bit confusing.

Comment [DCH3]: Comment from Sam Vaugh

Comment [DCH4]: Comment from Sam Vaugh

4. Pulses, Concept 1

Concept 1: Diversion Rate-Pulse Peak Ratio Method. Using the pulse magnitude vs. maximum diversion rate authorized, determine which pulses would apply. Applicable to on-channel/off-channel reservoirs and run of the river diversions;

Comment [TB5]: As discussed at BBASC meeting Oct 11,2011, pulse exemption does not apply to on-channel reservoirs

Mr. Perkins distributed in the member packets a series of graphs generated since the last meeting to help determine an acceptable percentage to apply in the diversion rate - pulse peak ratio method. He applied a series of increasing percentages to the Goliad, San Antonio and mid-basin projects to see the effect on yield. He said that pulses would come into play with larger water rights where the ratio is greater than 10%. He also looked at the cumulative effect of multiple projects. Vice Chair Wassenich noted the flat lines on the flow frequency curves and whether these periods show where there is not enough variability in the flows for the environment. Members suggested a need for a review of the seasonal graphs.

Members discussed limiting the number of projects allowed under this proposal and how to define the restriction (number of projects, volume, or cumulative percentage). Mr. Perkins provided examples of cumulative effects using this method. Members suggested using a 10% factor with the stipulation that with additional projects, if the flat lying portion of the flow frequency curve increases by 5% or more than the application of the 10% rule must be re-evaluated. Members considered varying the percentage as there was little difference to the yield with the lower percentages or simplifying the recommendation to exempt small water right holders.

Members voted on the following percentages
5%, 10%, 15% and 30%, no decision
Members re-voted and agreed on 10%

VI. Discussion and Agreement on Strategies to Meet Environmental Flow Standards, Brian Perkins, HDR

1. Discussion NWF Strategies Report

Mr. Perkins reviewed BBASC discussions from previous meetings and summarized the three strategies under consideration: Waste water dedication, Dry year option, and Purchase of underutilized water rights. He discussed the volumes of additional water provided under each option and presented maps indicating the facilities earmarked under each strategy. He concluded that the most effective strategies, wastewater dedication and conversion of underutilized water rights, would lead to modest changes in categorical attainment in both the G1 and G2 criteria suites and there is added benefit if water is stored when available for later use.

Members discussed the strategies presented, sources of funding for these strategies, the charge of the BBASC under SB3, and steps necessary to protect any water dedicated to the environment to ensure it is delivered to the estuaries. Members talked about the success of San Antonio in their conservation efforts and wanted to make sure the work plan discusses the additional effort needed to develop these strategies.

Members voted and approved by consensus to include in the work plan general information about the strategies emphasizing members' support of both municipal and agriculture water conservation and including a more detailed approach in outlining each strategy.

VII. Meeting Dates, Times and Locations

The next meeting will be held on Tuesday, August 2-3, 2011 at the SAWS Customer Service Building, Room CR145 in San Antonio. The following meeting is tentatively scheduled for 10:00 a.m. on Tuesday, August 23, 2011, at the GBRA River Annex in Sequin.

Agenda Topics

- Results of the firm yield runs using the preliminary recommendations at the Goliad gage and the mid basin project (note all previous analysis of the Concept 1 used the 10% factor), Brian Perkins;
- Flow numbers since January 2011 at the saltwater barrier, Tommy Hill
- Additional Proposal using the BBEST baseline, Stephen Fotiades

IX. Public Comment

Dr. Liz Smith, BBEST member and gulf coast resident talked about the scientific approach of the BBEST in developing their recommendations and the importance of preserving inflows to the coastal areas. She thanked the BBASC for their efforts in this process.

X. Adjourn

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