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)

Tuesday, August 16, 2011
San Antonio Water System (SAWS)
2800 US Highway 281 North
San Antonio, Texas 78212

MINUTES

Members Present: Suzanne Scott, Chair; Dianne Wassenich, Vice Chair; Everett Johnson; Robert Puente; Tim Andruss (for Thurman Clements); Rick Illgner (for Karl Dreher); Josh Gray (for Jay Gray); Paula DiFonzo; Stephen Fotiades; Chris Hale; Tyson Broad; Jerry James; Walter Womack; James Lee Murphy; Mike Mecke; Mike Peters; Doris Cooksey (for Kim Stoker); Con Mims; Jack Campbell; Liz Smith (for Garrett Engelking); Bill Braden; Jennifer Youngblood; James Dodson (for Ken Dunton), Jennifer Ellis

I. Introductions
Roll call was taken and a quorum was reached.

II. Public Comment
Heather Beckel read a resolution signed August 3, 2011, by the Commissioner's Court for Aransas County supporting the BBASC in their efforts to ensure adequate freshwater inflows to the bays and estuaries that are supporting the livelihood of those who live there. (the resolution is appended to these minutes)

III. Discussion and Agreement on Agenda
The agenda was revised to reflect the addition of a review of the geomorphology discussion from the BBEST report under item VI. The agenda was approved as revised.

IV. Approval of Minutes from the July 6, 2011 Meeting
Minutes for the July 6, 2011 meeting were discussed and minor revisions made. Minutes for the July 6, 2011 meeting were approved as amended.

V. Discussion, Appropriate Action and Approval of BBASC Environmental Flow Standards Recommendations for the Bays and Estuaries, Brian Perkins, HDR
Chair Suzanne Scott discussed the Bays and Estuaries workgroup and how it was established to evaluate guidelines for implementing the 10% set-aside of the authorized water right (diversion and/or firm yield storage, whichever is less) to support the environmental needs of the bays and estuaries.

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Report by Bays and Estuaries Work Group

Member Tyson Broad, Chair of the Bays and Estuaries Work Group, ~~presented~~ gave a presentation on the efforts of the work group. Work group members participated in a lengthy conference call to determine when and how the dedicated set-aside could be distributed to best meet the needs of the bays and estuaries, and to develop a guidance document to implement those decisions. He talked about the initial concept paper presented to the workgroup and the concepts and concerns that resulted. Mr. Broad took the workgroup's comments and created a proposal for how such bay and estuary standards could be structured and adopted to accomplish the twin objectives of recognizing the need for some level of additional water supply development while also acknowledging the need for pursuing strategies to attempt to attain the BBEST recommendations for the estuaries. The ultimate goal of the workgroup is not to make the estuary baseline worse.

Comment [TB1]: No chair was formally named

Members discussed the concepts presented and the implementation of the three steps proposed. Members discussed including an advisory group created to oversee this process to see how the recommendation is applied.

Member James Lee Murphy presented GBRA's comments on the results and recommendations of the Bays and Estuaries Workgroup that had been provided earlier via email. He stated that in general GBRA's main objection is the 10% set-aside for environmental purposes, which is in effect a penalty on new permits, to address potential impacts on the bays and estuaries that are not supported by the work of the BBEST.

Members decided that they were not prepared to vote on this issue (8R) and that additional discussion was needed.

Members proposed to recommend to TCEQ the formation of a consensus based stakeholder advisory group to provide TCEQ recommendations on any new appropriation applications subject to the 10% set-aside previously adopted for a comprehensive integrated management approach to bays and estuaries inflows to work toward achieving the BBEST attainment frequencies, and the results of the work performed in accordance with the recommendations of the BBEST and BBASC through the work plan would be provided to that group for use in their recommendations.

Results of the vote on the above proposal were as following.

Initial Vote on the Formation of an Advisory Group: 1R 23G

Suspension of Consensus

Members decided that a consensus could not be reached and proposed a vote to suspend consensus to allow the group the ability to move forward with agreement of 75% of the membership (19 members). Members **AGREED** to suspends consensus by the following vote:

Initial Vote for Suspend Consensus: 0R 24G

Members proposed to recommend to TCEQ the formation of a consensus based stakeholder advisory group to provide TCEQ recommendations on any new appropriation applications subject to the 10% set-aside previously adopted for a comprehensive integrated management approach to bays and estuary inflows.

Members **APPROVED** the above proposal by the following vote:

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Second Vote on the Formation of an Advisory Group: 1R 23G

Members clarified their intent that the guidance was to be used solely by the advisory group or also by TCEQ to evaluate new water right applications. Members reviewed the document discussing comments and concerns. *Could you all check notes regarding this discussion.*

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Results of the vote on the above proposal were as following.
Initial Vote on Additional Guidance for TCEQ/Advisory Group: 1R 21G 2Abstain

Suspension of Consensus
Members agreed that a consensus could not be reached and proposed a vote to suspend consensus to allow the group the ability to move forward with agreement of 75% of the membership (19 members). Members **AGREED** to suspend consensus by the following vote:
Initial Vote for Suspend Consensus: 0R 23G

Members considered the remaining items proposed in the handout.
Members accepted the results of the initial vote prior to suspending consensus.
Initial Vote on the above proposal: 1R 21G 2Abstain

VI. Discussion, Appropriate Action and Finalize Recommendations of BBASC Instream Flow Recommendations for the 16 Gage Sites, Brian Perkins, HDR
Chair Scott asked members if there were any concerns with the recommendations previously approved for the 16 gages in light of recent decisions and discussions. Concern was that members were still comfortable with the 1,3,3,1 structure wet condition and 10% set-aside applied to the gages on the Guadalupe River at Gonzales, Cuero, and Victoria, considering the additional review of the 10% set-aside by the workgroups. No issues or concerns were raised by members.

Review of the Geomorphology Discussion from the BBEST Report
Chair Scott reviewed the geomorphology discussion in the BBEST report and how the BBASC intended to revisit this discussion considering the recent SAC guidance document on geomorphology.

BBEST Chair Sam Vaugh stated that part of the basis for the BBEST recommendation of 5 tiers of high flow pulses was the geomorphology discussion and some "rule of thumb" concepts geared to not change the sediment transport volume by more than 10% (Chapter 6 of the BBEST Report). The SAC developed a supplementary document to address the discussion based on this concept which said "SAC believes this 10% criteria is poorly justified". He added the SAC's suggestion for a comprehensive literature research to see if viable quantitative alternatives were available would be a great work plan item. He mentioned that the SAC is presently working on new guidance document on geomorphology. BBEST Chair Vaugh stated that the BBEST had included further study on geomorphology in their recommendations and Dr. Tom Hardy was presently preparing the scopes of work. He said it was up to the BBASC to determine whether to include additional studies in BBASC work plan.

Members stated that this was a priority issue and under Section 1.1 (BBASC comments on the BBEST report) of the BBASC report and suggested that a statement could be added to address the concerns of the BBASC, the additional comments received from the SAC and the recommendations made to address these issues later in the work plan. Members considered

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requiring a geomorphologic assessment of the impact of a large scale water supply project as part of the water right application process. Members were reminded to prioritize the work plan and rank recommendations as requested by the SAC.

Members questioned whether additional study is needed prior to mandating future applicants perform a geomorphologic assessment. Members considered putting language under Section 4.3 (Water Right Permit Conditions) of the BBASC work plan that, for large projects in excess of 80,000 acre-feet of storage and/or a diversion rate greater than 3200 cfs, a geomorphological assessment should be done up front and the assessment based on the latest guidance from the Science Advisory Committee (SAC).

Members proposed a vote to determine if the group wanted as a permit condition for applications for large projects a requirement for a geomorphologic assessment of the potential impact, and creation a workgroup to refine the recommendation.

Results of the vote on the above proposal were as following.

Initial Vote on permit condition on geomorphologic impacts: 12R 11G 1Abstain

Chair Scott said the issue would be a line item study as part of the work plan.

VII. Discussion and Agreement on BBASC Recommendations Regarding Strategies

Chair Scott discussed the Strategies Work group which met to discuss the potential strategies evaluated by the National Wildlife Federation (NWF) as well as other strategies identified to improve the basin's catchment, its rivers and the ways we affect these resources. She presented a draft consensus document developed by the work group entitled "Strategies to Meet Potential Environmental Flows Standards." She noted the work group found that individual strategies are most effectively applied in conjunction and can produce additional beneficial flows to the bays and estuaries. The work group prepared a list of potential strategies that could be explored and agreed on the following:

- Endorsement of members representing municipalities, utilities, river authorities, and other water users to explore the feasibility of implementing specific strategies during the adaptive management/work plan;
- Need for additional science to better link specific quantity of inflow to measurable improvements to the quality of the environment;
- Acknowledgement of the potential for state rules and laws that could impede the implementation of the strategies and need to recommend steps in the work plan to address these obstacles;
- Encourage TCEQ, TWDB, TPWD, and Regions L and J water planning groups to aggressively promote the implementation of these and other water use management strategies, to help achieve these recommended flow standards while the work plan is being completed.

Members discussed the recommendations and strategies presented, and considered modifications and additions to the document. Issues of discussion included the following tools to implement the identified strategies:

- Update of the TCEQ Water Availability Models (WAM)
- Better data management of wastewater return flows;
- Better data on and accountability of exempt uses of surface water and riparian

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diversions for domestic and livestock use;
- Better streamflow gaging system of the canals, bays, saltwater barrier, and lower stretches of the river;

Mr. Murphy favored the list of strategies present and suggested that the strategies be listed under a single section header. He urged that maximum flexibility be maintained for the applicant, the proposed strategies remain voluntary, and owners are compensated for any water rights surrendered.

Chair Scott went through the list of 16 proposed strategies and made the appropriate revisions in response to comments.

Mr. Murphy presented his response to the committee regarding the proposed strategies. He said that there was an urgent need to develop new sources of water supply from outside of the basin to meet the anticipated population growth. He said that the BBASC should not limit their recommendations to conservation, better management or limitation of existing water rights as a strategy for securing environmental flows for the future.

Members also discussed the narrative in the introduction of the document and made changes in response to comments. Mr. Murphy noted that he had numerous comments on the language of the document and would reserve his comments until the draft work plan. He explained that he needed to make sure the record correctly reflected what strategies and portions of the narrative GBRA could and could not support.

Members proposed to accept the document "Strategies to Meet Potential Environmental Flows Standards" as revised.

Results of the vote on the above proposal were as following.
Initial Vote on the document, "Strategies to Meet Potential Environmental Flows Standards" as revised for inclusion in the draft report: 1R 21G

<u>Suspension of Consensus</u>
Members decided that a consensus could not be reached and proposed to vote to invoke the suspension of consensus to allow the group the ability to move forward with agreement of 75% of the membership (19 members).

Members **AGREED** to suspends consensus by the following vote:
Initial Vote for Suspend Consensus: 0R 22G

Members proposed to approve the document "Strategies to Meet Potential Environmental Flows Standards" as revised.

Members **APPROVED** the above proposal by the following vote:
Second Vote on the above proposal: 1R 21G

<u>Strategies</u>
Members proposed to accept the strategies numbered 1 through 15 as amended. Results of the vote on the above proposal were as follows:
Initial Vote on strategies 1 thru 15, as amended: 0R 22G

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VIII. Discussion and Appropriate Action regarding BBASC Final Report Workgroup

BBASC technical consultant Brian Perkins reviewed the draft Recommendations Report indicating the status of each section. Members noted the need to address Regions J and N water planning groups as well as Region L.

Members formed a Final Report work group to assist in the editing of the final report document. Work group members included: Vice Chair Wassenich, Paula DiFonzo, Josh Gray, Steven Fotiades, Jennifer Youngblood, Doris Cooskey, and Jennifer Ellis.
Members were asked to review the draft document and send any comments or edits to Chair Scott. Chair Scott will then send all the edits to the work group for consolidation before forwarding the edits to the technical consultants. Edits can be submitted electronically as a "Word" document using track changes or as a hard copy. Comments should be submitted by Friday August 19, 2011.

Mr. Perkins will submit all remaining report sections ready for review to Chair Scott for inclusion in the draft document for distribution.

X. Review of Remaining Meeting Dates, Times and Locations

The Final Report Work Group will meet on Tuesday, August 23, 2011 at 10:00 a.m. The next meeting of the full BBASC committee is scheduled for Friday, August 26, 2011 at 9:00 a.m. at a location to be determined.

The vote for the final report is scheduled for the August 26, 2011 meeting. Vice Chair Wassenich noted that all members are invited to attend the Final Report Work Group meeting on August 23, 2011. Members will receive electronically a "track-changes" version of the final report before August 26, 2011.

Public Comment

BBASC facilitator Marty Rozelle commended the group on their efforts.

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*Comments not included below have been incorporated into previous meeting minutes

Public Comments submitted to the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Stakeholder Committee

>>> "Butch and Julie Findley" <bfindley@centurytel.net> 8/12/11 6:49 PM >>>
To the chairs of the BBASC:

Please enter my comments for the upcoming BBASC for the Guadalupe, San Antonio, Mission, Aransas, and Copano Basins.

I urge you to put some teeth into ensuring that fresh water is released into the bay system. As I am sure you are aware, Texas is experiencing a drought of historic proportions. During the last drought, the whooping cranes at Aransas National Wildlife Refuge suffered a tragic loss in their population. While their population has rebounded over the last two years, I am extremely worried over what will happen this winter. Scientists know that the water level and salinity affects blue crab populations and availability, and as a critically endangered species, we are bound by law to protect their habitat.

While SB3 is a great step forward in the freshwater allocation process, the fact still remains that water rights for this watershed have already been over-allocated.
Please take the wildlife into consideration.

Thank you.

Sincerely,
Julie Findley

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THE STATE OF TEXAS §
§ COMMISSIONERS' COURT
COUNTY OF ARANSAS §

RESOLUTION #R27-2011

WHEREAS, The legislative intent of Senate Bill 3 (SB3) is to provide a process to achieve a balance between the water needs of population and economic growth, with the requirements for fresh water inflows necessary to maintain the viability and productivity of the states' rivers, bays, and estuaries; and

WHEREAS, The residents of Aransas County depend heavily on bays and estuaries within our county, for their economic survival; and

WHEREAS, The Bay and Basin Area Stakeholders Committee (BBASC) is responsible under SB3 for recommending to the TCEQ, freshwater inflow levels necessary to achieve the balance within the legislative intent of SB3.

NOW, THEREFORE, BE IT RESOLVED, The Commissioners' Court of Aransas County strongly support the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bay and Basin Area Stakeholder Committee (BBASC) issuing recommendations to the Texas Commission of Environmental Quality (TCEQ), that will achieve the objective of insuring fresh water inflows more than sufficient to provide for the viability of our rivers, bays, and estuaries of SB3 and is required under the Texas Water Code.

RESOLVED AND PASSED by **Aransas County Commissioners' Court** on **August 3, 2011.**

C.H. "BURT" MILLS, JR., County Judge

JACK CHANEY, Commissioner Pct. 1

LESLIE CASTERLINE, Commissioner Pct. 2

CHARLES SMITH, Commissioner Pct. 3

RUSSEL COLE, Commissioner Pct. 4

ATTEST:
Peggy L Friebele
PEGGY L. FRIEBELE, County Clerk