

**Colorado and Lavaca Rivers and Matagorda and Lavaca Bays
Basin and Bay Area Stakeholder Committee (BBASC)
Thursday, August 18, 2011 at 9:30 a.m.
Lavaca-Navidad River Authority, Hafernack Rec. Center
891 Brackenridge Parkway, Edna, TX 77957**

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, Jack Maloney (alternate for Dick Ottis), Bob Pickens, L.G. Raun, Caroline Runge, Andrew Sansom, Clarence Schomburg, Buddy Treybig, Karen Bondy (alternate for Suzanne Zarling)

Call to order and introductions

BBASC chair Patrick Brzozowski called the meeting to order. Clarence Schomburg introduced his alternate, Willard Ulbricht.

Discussion and agreement on agenda

The facilitators confirmed the meeting agenda and goals with the BBASC. Suzanne Schwartz requested to add the topic of "Discussion of process and consensus" after the first public comment item. All agreed to the revised agenda.

Approval of minutes from August 2 & 3 meetings

Steve Box said that in the overbank flows discussion section on pg. 3 of the draft minutes he requested a parenthetical statement be added stating that he displayed a yellow card in the consensus vote to indicate reserving his full support for the overbank flow proposals until he sees how they are worded in the final report.

Public comments (limit 3 min.)

None.

Discussion of process and consensus

Suzanne proposed that the group focus on the substantive issues during the meeting and not the minor report word-smithing issues. She suggested the following topics that need the BBASC's attention: overbank flows and channel maintenance flows language, executive summary/introduction, applicability (report purpose clarification), subsistence flows measurement points, and strategies. All agreed to the approach. Patrick stressed that he wanted to at least get agreement from the group on the issues, and the word-smithing could continue beyond the meeting. Members discussed ways to handle final report edits, deciding that they would need to be done electronically.

Finalize decisions on hydrologic condition triggers for base flows

[Note: The hydrologic condition analyses are posted on the BBASC website.]

Upper Colorado:

- Why is historical flow data so different from WAM 3? Need to note in report. Caroline to draft.
- Adopt interim triggers and evaluate at next revision of environmental flow standards.
- Do we use WAM 3 in both permit evaluation and conditions on permits? Could use WAM 3 for permit evaluation. And could use interim trigger based on historical data as trigger conditions on permits. They might be either more or less stringent than WAM 3.
- Concerns about whether the group was rushing the decision because of the report deadline. We can do this, but we need to capture that there may be other indices that might be used and should be studied. An example is the KBDI index on the level of drought by county. Also, reflect the lack of understanding of why the numbers are what they are.

CONSENSUS

- For all ten gages in the Upper Colorado (not including Onion Creek) use 12-month cumulative flow.
- Use WAM 3 numbers for permit evaluation, but use recent historical numbers (1980 – 2010) for permit conditions relating to base-flow triggers. This will be an interim trigger for the initial environmental flow standards.
- Report language for the triggers, and explaining their interim nature, developed by the group.

Lower Colorado:

CONSENSUS

- Triggers based on reservoir storage.
- Use WAM 3 for permitting.
- Use historical LCRA staff period of record (1980-2010) for interim hydrological triggers.

Onion Creek:

CONSENSUS

- Use same approach as Upper Colorado (12-month cumulative, WAM 3 for permitting, historical for permit conditions).
- Include a notation in the report about Onion Creek to note its uniqueness about location.

Lavaca-Navidad Basin:

CONSENSUS

- Use reservoir elevation existing triggers for Lake Texana for permit conditions (Row 4).
- Use WAM 3 (row 1) for permitting.

Coastal Basins: (Garcitas Creek and Tres Palacios)

CONSENSUS

- Use WAM 3 for permitting (row 1).
- Use cumulative 12-month flow, 1980 – 2010, for interim permit condition (row 4)

CONSENSUS – Triggers generally:

- All triggers considered interim for ten years (or until EFS updated).
- Suggested report language was presented by Myron, and modified by group agreement.
- In the report, capture the concerns where the WAM 3 and historic numbers operate differently than expected: that we don't understand why. This could be a footnote to the report table.
- Round storage triggers.

Review and finalize portions of the report regarding riverine and bay and estuary environmental flow standards

Overbank

- Concern: phrasing that sounds like advocating for flooding
- Concern: recognizing ecological function

BBASC revised description of overbank flows. Weighed ability to convey importance of overbank flows to the ecological environment with concerns about advocating overbank flows.

Discussion of representing overbank flows in a table for the Upper Colorado and Lavaca gages. Proposed using term “overbank” in the text.

CONSENSUS: At gages where language is similar to the Pedernales and there was a modified overbank flow, change text in accordance with language agreed to for the Pedernales.

Channel maintenance

Proposal for text distributed and reviewed.

Comments:

- reflect that channel morphology is an issue w/r/t sound ecological environment
- while agree to further scientific analysis, what if permitting in the meantime creates permanent ecological damage
- concern about reflecting that there is uncertainty about the recommendation
- but want to reflect that they do not know that whole regime will protect channel maintenance
- also, there is scientific uncertainty

CONSENSUS: group revised text and reached consensus

Measurement points

- TCEQ currently is looking at what to do about measurement points in the rules promulgated for the Sabine/Neches and Trinity/San Jacinto basins.

- Issue: We have EFS recommendations at gage locations but have not dealt with what to recommend about how these are translated into permits.

CONSENSUS: It is appropriate to leave how measurement points are addressed to TCEQ.

General, instream flow:

Report Section 7.1:

When mentioning “permit applications”, clarify this to be “permit applications to which these recommendations would apply?”

7.2: introduction: reflect that the Upper Colorado segment includes Onion Creek along with all tributaries above Lake Travis.

Lower Colorado: BBEST will create an errata sheet for the BBEST report.

Lavaca: Add a footnote about overbank flows consistent with other basins.

Subsection B, for instream flow gages: consider discussing content of the first paragraph once instead of at each gage.

Applicability:

- Concern about others misusing the standards. Example: at a prior BBASC meeting focused on consultants using the e-flows recommendations in evaluating regional water supply strategies. Prior discussion about this provided comfort level to some BBASC members, and they would like to reflect the discussion and conclusions about the appropriate use of the BBASC report in the report itself.
- Draft text was circulated.
- Concern expressed that it’s fine to state clearly the charge because it is positive and narrowly drawn, but concern about trying to say all the things it’s not applicable to.
- Check consistency of statement or refer back to charge and goal already identified in the report.
- Purpose of the proposed text is to make clear that use of this document is intended for environmental flows and not other uses.
- Group developed the recommendations for the purposes identified in SB 3, and there was some concern that the recommendations may be used for other purposes.
- Could boil down to two or three statements to add to the executive summary, which a subgroup began to craft.

CONSENSUS: Draft of the applicability language was revised, and determined to be appropriately added to the Introduction as the next to last paragraph.

Strategies:

BBASC members made modifications to add and amend strategies in the report. Carroll raised the issue of how to encourage or commit to implementation. It was proposed to acknowledge continuing development of strategies in the work plan.

CONSENSUS: Add a new section 8.2 to include language about implementation. Report subcommittee to draft.

Regulatory strategies:

- Net benefit to environmental flows when there is an interbasin transfer. Add language about flexibility.
- Focus on incentives not requirements. Try to get a portion of return flows to be used for e-flows.

Introduction:

- The BBASC decided to use language Andy Sansom had drafted, with some changes, as an introduction. The BBASC decided not to provide an executive summary because of the difficulty drafting something concise given the extensive technical issues.
- Language relating to “difficulty” of supporting the BBEST because of water availability was reworded to “challenge.”
- Add drought of record as a backdrop to the BBASC decisions.

Review and finalize other report chapters

Description of systems:

Add description of Matagorda Bay.

Chapter 5:

CONSENSUS: Delete BBEST report summary (2nd and 3rd paragraphs). Let the BBEST report speak for itself.

Chapter 6 WAM:

Add Lavaca off-channel reservoir modeling assumptions.

“Hypothetical water supply projects”

Should hypothetical projects be discussed in the gage locations, or in WAM chapter?

CONSENSUS: Leave in Chapter 6, WAM. These two projects were used as surrogates for water availability and balancing for the basin as a whole.

Chapter 9 Lessons Learned:

Start earlier on education, including using other report, reviewing terminology, science etc so group can work more quickly after receiving BBEST report.

Approval of Report

CONSENSUS: The BBASC agreed by consensus to approve the report, as modified by decisions made at the meeting today, and with the further authority of the report writing committee to make changes as noted and consistent with the BBASC decisions.

Discuss the report submission process

- Members will provide comments to Joe for him to incorporate in the final draft. Such comments should be editorial, and not make substantive changes that have not been authorized by BBASC actions in today’s meeting.
- Joe will use his discretion to edit the report, consulting with others as needed.
- Patrick will do final printing, binding and delivery. More details of deadlines and process follow:

Review and submission of report timeline:

When	Who	What
Monday, Aug. 22, noon	BBASC	Provide comments and content for report to Joe
Wednesday, Aug. 24, evening	Joe	Provide final draft report to the BBASC. One document in word, one in pdf and containing images and appendices
Friday, Aug. 26, noon	BBASC	Provide comments to Joe, in track change format, with copies to rest of BBASC
ASAP	Joe	Finalize report
Before Sept. 1 deadline	Patrick	Print, bind and overnight final report

Discuss next steps for developing the Work Plan

The work plan committee will meet within a few weeks after September 1st to review the draft work plan produced by BBEST, make any revisions, and then distribute to the full BBASC. The BBASC will hold a meeting in the fall to further work on the document.

Public Comment

BBEST chair Dave Buzan thanked the BBASC for their serious consideration of the BBEST recommendations and commended the BBASC’s work on their own recommendations.

Meeting wrap-up and adjourn