The balancing analyses required by statute are not intended as a finding that water is available for specific projects. When applications for projects are evaluated, water availability is based on specific facts in those applications.

Staff based the analysis on results from the water availability models (WAM) used for water availability determinations for new permits or amendments that request a new appropriation of water.

The TCEQ WAM used for new permits considers all water rights at the full authorized amounts in the permits, reservoirs are included at their permitted capacities, and return flows are not included.

Staff also performed water quality analyses to evaluate relationships between streamflow and the water quality parameters identified by the science team and to look for trends and criteria excursions.

In the Guadalupe and San Antonio Basins, the selected scenario for the balancing analysis is based on a hypothetical diversion of a large amount of water from the Guadalupe River Basin.

Staff looked at recommendations from the stakeholders, science, and the balancing analysis required by statute.

At some locations, the stakeholders recommended pulse flows with durations in excess of one month. There was little site-specific information supporting specific high flow pulses, including pulses with long durations. The base flow standards and pulse flow values were adjusted based on the balancing analysis.

Overbank flows result from naturally occurring large rainfall events, which will likely continue to occur.

Application of the freshwater inflow standards, as proposed in the rule, did not impact water availability for the scenario.

Regarding how the freshwater inflow standards will be implemented, new permits or amendments to increase the amount of water stored, taken, or diverted shall not impair the frequency at which specific inflow regime levels occur by more than 10% from the baseline values in the TCEQ WAMs in effect at the time the first application for a water right permit or amendment subject to the rule is considered.

Regarding the 10% dedication, HB 3/SB 3 contemplates that environmental flow standards will be protective of the environment. The proposed standards are protective of the environment. Requiring this dedication would encourage applicants for new appropriations to request more water than they need.