

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

Monday, April 30, 2012 at 9:00 a.m.
LCRA Eastern Maintenance Facility
104 E. SH 71 Bypass, La Grange, TX 78945

Minutes

BBASC Members Present: Chair Patrick Brzozowski, Vice-Chair Myron Hess, Bruce Arendale, Jim Dailey, Ronald Gertson, Teresa Lutes, Jack Maloney (alternate for Dick Ottis), Bob Pickens, L.G. Raun, Steve Box (alternate for Andrew Sansom), Clarence Schomburg, Karen Bondy (alternate for Suzanne Zarling)

1) Call to order and introductions

BBASC chairman Patrick Brzozowski called the meeting to order. A quorum of members (14 or more) was not present.

2) Discussion and agreement on agenda

Patrick reviewed the agenda items with the group. He suggested adding an agenda item to replace Suzanne Zarling with Karen Bondy. No other changes were made.

3) Approval of minutes from February 23, 2012 meeting

No changes were suggested, though approval wasn't achieved due to a lack of a quorum.

4) Public comments (limit 3 min.)

None. A question arose as to whether Haskell Simon had resigned from the BBASC. Patrick said that Haskell gave him a verbal resignation, but nothing was ever submitted in writing. Gregg Easley (TCEQ) said that he could get confirmation from Haskell by email. Myron Hess requested that, once his resignation is confirmed, Gregg send out a vacancy notice and post it to the group's website as well.

5) TCEQ update on rulemaking process

Kathy Alexander of the TCEQ gave an update on the environmental flows rulemaking process for the Colorado-Lavaca Basins. The comment period on TCEQ's rule proposal is open until May 14th, with a public meeting at TCEQ scheduled for May 8th. The TCEQ Commissioners specifically invited commenters to provide relevant information that is different from the proposed standards, which could help the TCEQ decide on final environmental flow standards. This could also include comments on the BBASC recommendations report. TCEQ staff will respond in writing to all comments it receives. A handout discussing TCEQ staff's proposed rule was distributed to the group and discussed, and is also posted to the group's web page which is located at: (http://www.tceq.texas.gov/permitting/water_rights/eflows/colorado-lavaca-bbasc).

Reasons for removing or adjusting some higher pulses included the lack of a connection of specific pulse values to river ecology at a specific location, the expectation that pulses

will continue to be naturally produced, flooding concerns, and an effort to simplify the rules. TCEQ asked for comments on how the pulses were adjusted. The BBASC's narrative standard for East Matagorda Bay was considered to be difficult to implement and enforce; however, at the proposal agenda the TCEQ commissioners added the narrative standard to the discussion section of the rule and specifically requested comments on this. Myron asked if adding back in a minimum inflow threshold would complicate anything, and Kathy said its removal was an attempt at simplification since existing permits provide for that level of inflow. Patrick asked about the impact to future permitting, and Kathy responded that the impact would be minor since there wasn't a lot of available water to begin with. TCEQ's balancing looked at the effect of the BBASC recommendations on unappropriated water. The TCEQ WAM was used in the analysis, though specific projects were not evaluated.

TCEQ used the National Weather Service (NWS) action stage to adjust some BBASC pulse recommendations. The NWS flood stage results in potential inundation of low-lying areas. Myron commented that the action stage is sometimes a lot lower than the flood stage and that key functions of the pulse could be lost. Myron provided a handout to the group (posted to web page) comparing different pulse sizes to flood stage at the West Mustang Creek near Ganado gage site. BBASC members discussed the relation of the different pulse flow recommendation levels to the NWS stages for the creek, including situations where a higher NWS flood stage would not cause an overbank event at the gage location but could result in flooding further downstream. Kathy reiterated that TCEQ would not propose a flow that would potentially cause even low-level flooding.

L.G. Raun asked if the BBASC was planning to comment on the proposed rules as a group. None of the members present expressed an interest in a group comment. Kathy reminded the BBASC that the close of the comment period is May 14th and the public meeting will be held on May 8th at 2:00 pm in the Agenda Room at TCEQ. After the comment period, TCEQ staff will work on a response to comments. The response, along with the proposed rule for adoption, will come out about three weeks prior to the adoption Agenda, which is tentatively scheduled for August 8th at TCEQ. Gregg will send notification to BBASC members when the documents are made available.

6) Discussion of recent revisions to draft work plan, need for additional changes, and path forward towards approval

Myron led the group through the tracked-changes version of the draft work plan (posted to web page), which included revisions since the last BBASC meeting. In addition to minor corrections, the following suggestions were made:

- adding language to allow for a revisitation of the work plan for BBASC recommendations that aren't adopted in TCEQ rules
- remove overlap in responsibilities between the Work Plan and Baseline Work Groups

- allowing for a more efficient mechanism for work groups to do their work (e.g., e-mail approval); need to change BBASC meeting rules to give that flexibility
- have BBEST chair Dave Buzan add detail to the description of baseline conditions
- clarifications to the Adaptive Management Plan Flow Chart
- adding a description of the Appendices at the front of the section
- associate the instream location prioritizations with the tasks they relate to
- move funding sources appendix into funding section in main body of work plan

Myron said that he will incorporate all comments and send out the revised version of the work plan prior to the next meeting.

7) Discussion of need for future meetings

June 7th at 10:00 am was set as the next meeting date, possibly at the same facility in La Grange. Karen Bondy will check on availability. The main agenda item will be the approval of a final work plan. Other agenda items include the replacement of Haskell Simon and Suzanne Zarling as well as changing the definition of quorum and other potential meeting rule changes.

8) Public comments (limit 3 min.)

None.

9) Adjourn