

**April 30, 2012**  
**Chapter 298 Environmental Flow Standards for Surface Water**  
**Subchapter D Rule Project No. 2011-059-298-OW**

- 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 used results from the water availability models (WAMs) used for water availability determinations for new permits or amendments that request a new appropriation of water.
- The TCEQ WAM used for new appropriations of water 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 Colorado and Lavaca Basins, staff analyzed the impacts of the proposed standards on the remaining unappropriated water at representative measurement points in these basins. Staff calculated both the amount of unappropriated water at selected measurement points and the impact of the proposed standards on unappropriated water.

Colorado and Lavaca Rivers, their associated tributaries, and Matagorda and Lavaca Bays

- For pulse flows with return periods in excess of one year, unappropriated water in these basins generally occurs during times of higher flow; therefore, increasing pulse volumes and frequencies during wetter periods reduces the remaining unappropriated flow.
- At the proposal agenda the commission added language to the preamble recognizing that the stakeholders had proposed a narrative standard for East Matagorda Bay.
- Regarding a flushing flow event for Lavaca Bay, these flow events are the result of high rainfall events, which should continue to occur. In addition, events of this magnitude can result in out-of-bank flood events.
- The proposed high flow pulse standards are generally based on recommendations of the stakeholders. The stakeholders recommended pulse trigger levels based on flood stage levels. However, in many locations, flows at the flood stage could inundate low-lying areas.