
TEXAS ENVIRONMENTAL FLOWS ADVISORY GROUP

DECEMBER 2010

**A REPORT TO THE GOVERNOR,
LIEUTENANT GOVERNOR,
AND SPEAKER OF THE HOUSE**

**TROY FRASER
CO-CHAIRMAN**

**ALLAN B. RITTER
CO-CHAIRMAN**



Texas Environmental Flows Advisory Group

January 7, 2011

The Honorable Rick Perry
Governor, State of Texas

The Honorable David Dewhurst
Lieutenant Governor of Texas

The Honorable Joe Straus
Speaker, Texas House of Representatives

Dear Sirs:

The Texas Environmental Flows Advisory Group hereby submits its report including information on hearings conducted by the advisory group; studies conducted by the advisory group; legislation proposed by the advisory group; progress made in implementing Section 11.02361 and 11.02362; and any other findings and recommendation of the advisory group.

Respectfully submitted,

Handwritten signature of Troy Fraser in black ink.

Troy Fraser

Handwritten signature of Glenn Hager, Jr. in black ink.

Glenn Hager, Jr.

Handwritten signature of Joan Huffman in black ink.

Joan Huffman

Handwritten signature of Joe M. Crutcher in black ink.

Joe M. Crutcher

Handwritten signature of Carlos Rubinstein in black ink.

Carlos Rubinstein

Handwritten signature of Allan Ritter in black ink.

Allan Ritter

Handwritten signature of Jodie Laubenberg in black ink.

Jodie Laubenberg

Handwritten signature of Doug Miller in black ink.

Doug Miller

Handwritten signature of Karen Hixon in black ink.

Karen Hixon

TEXAS ENVIRONMENTAL FLOWS ADVISORY GROUP

COMMITTEE COMPOSITION

The Texas Environmental Flows Advisory Group is comprised of nine members: three members appointed by the governor including one member of the Texas Commission on Environmental Quality, one member of the Texas Water Development Board, and one member of the Texas Parks and Wildlife Department; three members of the Senate appointed by the Lieutenant Governor; and three members of the House of Representatives appointed by the Speaker of the House of Representatives. The Texas Environmental Flows Advisory Group members include:

Co-Chairman Troy Fraser, Texas Senate
Co-Chairman Allan Ritter, Texas House of Representatives
Glenn Hegar, Jr., Texas Senate
Joan Huffman, Texas Senate
Jodie Laubenberg, Texas House of representatives
Doug Miller, Texas House of Representatives
Carlos Rubinstein, Texas Commission on Environmental Quality
Joe M. Crutcher, Texas Water Development Board
Karen Hixon, Texas Parks and Wildlife Department

HEARINGS

Since January 2009, the Texas Environmental Flows Advisory Group has met in three hearings on September 30, 2009; May 27, 2010; and October 29, 2010. The following is a summary of the actions taken at each hearing.

September 30, 2009

The Texas Environmental Flows Advisory Group met on September 30, 2009 in Capitol Extension E1.012 at 9:00 a.m. to make appointments to the Basin and Bay Stakeholder Committees as prescribed in Section 11.02362(b)(2) of the Texas Water Code. The group also met to receive progress reports regarding the work of the Texas Environmental Flows Science Advisory Committee and existing Basin and Bay Expert Science Teams in developing environmental flow regimes. The following Basin and Bay Area Stakeholder Committee Appointments were made as follows:

Colorado and Lavaca Rivers/ Matagorda and Lavaca

| | |
|---|--|
| Agriculture Irrigation - | L.G. Raun |
| Free-range Livestock - | Frank Lewis Clarence Schomberg |
| Concentrated Animal Feeding Operation - | None |
| Recreational Water Uses - | Bruce Arendale Rick Kresta (resigned) * |
| Municipalities - | Teresa Lutes |
| Soil and Water Conservation - | Robert "Bob" Shoemate |
| Industry: Refining - | Deedy Huffman |
| Industry: Chemical - | David Hill |
| Industry: Electric Generation - | Joe King |
| Industry: Paper/ Timber - | None |
| Commercial Fishermen - | Buddy Treybig |
| Public Interest - | Bob Pickens James Dailey |
| Regional Water Planning Groups - | Haskell Simon Richard Ottis |
| Groundwater Conservation Districts - | Ronald Gertson Caroline Runge |
| River Authorities - | Patrick Brzozowski |
| Environmental - | Suzanne Zarling Andrew Sansom Myron Hess |

* Carroll Hall was appointed on October 28, 2010, to replace Rick Kresta

Guadalupe, San Antonio, Mission, and Aransas Rivers/ Mission, Copano, Aransas, and San Antonio Bays Guadalupe San Antonio

| | |
|---|--------------------------------|
| Agriculture Irrigation - | Bill Braden |
| Free-range Livestock - | David Crow |
| Concentrated Animal Feeding Operation - | Jay Gray |
| Recreational Water Uses - | Everett Johnson |
| | John Geunzel (resigned)* |
| Municipalities - | Robert Puente |
| | Jerry James |
| | Paula DiFonzio |
| Soil and Water Conservation - | Mike Mecke |
| Industry: Refining - | Mike Peters |
| Industry: Chemical - | Dale Duhon (resigned)** |
| Industry: Electric Generation - | Scott Smith |
| Industry: Paper/ Timber - | None |
| Commercial Fishermen - | R.J. Shelly (resigned)*** |
| Public Interest - | Diane Wassenich |
| | Chris Hale |
| | Garrett Engelking |
| Regional Water Planning Groups - | Con Mims |
| | Walter Womack |
| Groundwater Conservation Districts - | Velma Danielson (resigned)**** |
| | Thurman S. Clements Jr. |
| | Brad Groves |
| River Authorities - | James Lee Murphy |
| | Suzanne Scott |
| Environmental - | Tyson Broad |
| | Ken Dunton |

* West Warren was appointed on January 11, 2010, to replace John Geunzel

** Steven Fotiades was appointed on October 6, 2010, to replace Dale Duhon

*** Kenneth Finste was appointed on January 11, 2010, to replace R. J. Shelly
Kenneth Finste resigned and was replaced by Jack Campbell on September 1, 2010

**** Karl Dreher was appointed on September 1, 2010, to replace Velma Danielson

May 27, 2010

The Texas Environmental Flows Advisory Group met on May 27, 2010 in Capitol Extension E1.012 at 11:00 a.m. to receive recommendations from the basin and bay area stakeholders committees for the Sabine and Neches Rivers and Sabine Lake and the Trinity and San Jacinto Rivers and Galveston Bay Basin and Bay Areas. The group also met to receive progress reports regarding the work of the Texas Environmental Flows Science Advisory Committee and existing Basin and Bay Expert Science Teams in developing environmental flow regimes. Finally, the group modified the schedule for the development of environmental flow standards in accordance with Section 11.02362(e) of the Texas Water Code. The schedule was modified as follows:

11.02362(b)(1): The river basin and bay system consisting of the Trinity and San Jacinto Rivers and Galveston Bay and the river basin and bay system consisting of the Sabine and Neches Rivers and Sabine Lake Bay

No Change

11.02362(b)(2): The river basin and bay system consisting of the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays and the river basin and bay system consisting of the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays.

**BBASC formed 10/1/2009;
BBEST formed 3/1/2010;
BBEST Recommendations due 3/1/2011;
BBASC Comments due 9/1/2011;
TCEQ adopt environmental flow standards by 9/1/2012**

11.02362(b)(3): The river basin and bay system consisting of the Nueces River and Corpus Christi and Baffin Bays, the river basin and bay system consisting of the Rio Grande, the Rio Grande estuary, and the Lower Laguna Madre, and the Brazos River and its associated bay and estuary system.

**BBASC formed 10/1/2010;
BBEST formed 3/1/2011;
BBEST Recommendations due 3/1/2012;
BBASC Comments due 9/1/2012;
TCEQ adopt environmental flow standards by 9/1/2013**

October 29, 2010

The Texas Environmental Flows Advisory Group met on October 29, 2010 in Capitol Extension E1.012 at 9:00 a.m. to make appointments to the Basin and Bay Stakeholder Committees as prescribed in Section 11.02362(b)(2) of the Texas Water Code. The following Basin and Bay Area Stakeholder Committee Appointments were made as follows:

The Rio Grande, the Rio Grande Estuary, and the Lower Laguna Madre

| | |
|---|--|
| Agricultural Irrigation - | Wayne Halbert |
| Free-range Livestock - | David Crum D.V. Guerra |
| Concentrated Animal Feeding Operation - | None |
| Recreational Water Uses - | Glenn Jarvis |
| Municipalities - | Roel Rodriguez Tomas Rodriguez |
| Soil and Water Conservation - | Rick Guerrero |
| Industry: Refining - | Donald McGhee |
| Industry: Chemical - | None |
| Industry: Electric generation - | John Bruciak Ella de la Rosa |
| Industry: Paper/Timber - | None |
| Commercial Fishermen - | Tony Reisinger |
| Public Interest - | Michael McCulloch Robert Potts |
| Regional Water Planning Groups - | Sonny Hinojosa Alan Zeman |
| Groundwater Conservation Districts - | None |
| River Authorities - | Joe Barrera Sonia Lambert |
| Environmental - | Carlos Ayala Scott McWilliams Arturo Rodriguez |

The Brazos River and Its Associated Bay and Estuary System

| | |
|---|---|
| Agricultural Irrigation - | Willie Gavranovic Curt Mowery |
| Free-range Livestock - | Brian Hays Lloyd Huggins |
| Concentrated Animal Feeding Operation - | Ned Meister |
| Recreational Water Users- | Bruce Berg Buddy Rochelle |
| Municipalities - | David Blackburn Tom Conry Tommy O'Brien SuEllen Staggs |
| Soil and Water Conservation Districts - | Joe Langdon |
| Industry: Refining - | Eddie Saucedo |
| Industry: Chemical - | Gena Leathers |
| Industry: Electric Generation - | Bruce Turner |
| Industry: Paper/Timber - | None |
| Commercial Fishermen - | Patrick Riley |
| Public Interest - | Mary Ruth Rhodenbaugh Sue Campbell William |
| Regional Water Planning Groups - | Dale Spurgin Tom Michael |
| Groundwater Conservation Districts - | Horace Grace |
| River Authorities - | Phil Ford |
| Environmental Interests- | Ed Lowe Matt Phillips Keith Pate |

OVERALL STATUS REPORT

Proposed Chapter 298 and Amendment to Chapter 35 – This rulemaking is the first environmental flows rule under Senate Bill 3. It covers the Sabine, Neches, Trinity, San Jacinto Rivers and Galveston Bay. The TCEQ's rule proposal was approved for publication by the Commission on November 3, 2010, and published in the *Texas Register* on November 19, 2010. The formal public comment period runs from November 19, 2010 through December 20, 2010, and a rule public hearing was held on December 16, 2010. The rule is tentatively scheduled to be heard for adoption by the Commission on April 20, 2011.

Colorado and Lavaca Rivers and Matagorda and Lavaca Bays - The stakeholder committee began meeting in December of 2009. The expert science team was appointed in February of 2010. Under the current schedule, the expert science team report is due March 1, 2011, and the stakeholder committee report is due September 1, 2011.

Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays - The stakeholder committee began meeting in December of 2009. The expert science team was appointed in March of 2010. Under the current schedule, the expert science team report is due March 1, 2011, and the stakeholder committee report is due September 1, 2011.

Nueces River and Corpus Christi and Baffin Bays - The stakeholder committee began meeting in July of 2009. The expert science team members for this area were appointed in April of 2010. Under the current schedule, the expert science team report is due March 1, 2012, and the stakeholder committee report is due September 1, 2012.

Brazos River and its associated bay and estuary system - The Texas Environmental Flows Advisory Group appointed the stakeholder committee on October 29, 2010. Organizational meetings are being scheduled.

Rio Grande, Rio Grande Estuary, and Lower Laguna Madre -The Texas Environmental Flows Advisory Group appointed the stakeholder committee on October 29, 2010. Organizational meetings are being scheduled.