
TEXAS ENVIRONMENTAL FLOWS ADVISORY GROUP

JUNE 2013

**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

June 7, 2013

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 Hegar, Jr. in black ink.

Glenn Hegar, 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*

*Ms. Karen Hixon served on the Texas Environmental Flows Advisory Group on behalf of the Texas Parks and Wildlife Department as appointed by the Governor. Her term as Commissioner for Texas Parks and Wildlife Department expired just prior to the publication of this report.

HEARINGS

Since January 2011, the Texas Environmental Flows Advisory Group has met in two hearings on September 8, 2011 and January 15, 2013. The following is a summary of the actions taken at each hearing.

September 8, 2011

The Texas Environmental Flows Advisory Group met on September 8, 2011 in Capitol Extension E1.012 at 10:00 a.m. to receive recommendations from the basin and bay area stakeholders committees for the Colorado and Lavaca Rivers/ Matagorda and Lavaca Bays Basin and Bay Area and the Guadalupe, San Antonio, Mission and Aransas Rivers/ Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Area. The group also met to receive progress reports regarding the work of the Texas Environmental Flows Science Advisory Committee and existing Basin and Bay Stakeholder Committees in developing work plans for adaptive management. Finally, the group adopted the work plan for the Sabine and Neches Rivers and Sabine Lake Bay Basin and Bay Area.

January 15, 2013

The Texas Environmental Flows Advisory Group met on January 15, 2013 in Capitol Extension E1.012 at 11:00 a.m. to receive recommendations from the basin and bay area stakeholders committees for the Nueces River and Corpus Christi Bay and the Brazos River 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 Stakeholder Committees in developing work plans for adaptive management. 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.

No Change

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 3/1/2014

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, and San Jacinto Rivers, Sabine Lake 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 ran from November 19, 2010 through December 20, 2010, and a rule public hearing was held on December 16, 2010. The Commission adopted environmental flow standards 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. The expert science team report was submitted on March 1, 2011 and the stakeholder committee report was submitted on August 30, 2011. The Commission adopted environmental flow standards on August 8, 2012. The work plan was submitted on June 26, 2012. The Texas Environmental Flows Science Advisory Committee provided comments on the work plan on November 13, 2012.

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. The expert science team report was submitted on March 1, 2011 and the stakeholder committee report was submitted on September 1, 2011. The Commission adopted environmental flow standards on August 8, 2012. The work plan was submitted on May 25, 2012. The Texas Environmental Flows Science Advisory Committee provided comments on the work plan on November 13, 2012.

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. The expert science team report was submitted on October 28, 2011, and the stakeholder committee report was submitted on August 22, 2012. The rule is tentatively scheduled to be heard for adoption by the Commission in February 2014. The work plan was submitted on November 30, 2012.

Brazos River and its associated bay and estuary system - The Texas Environmental Flows Advisory Group appointed the stakeholder committee on October 29, 2010. The expert science team was appointed on February 25, 2011. The expert science team report was submitted on March 1, 2012 and the stakeholder report was submitted on September 1, 2012. Development of the work plan is currently underway. The rule is tentatively scheduled to be heard for adoption by the Commission in February 2014.

Rio Grande, Rio Grande Estuary, and Lower Laguna Madre -The Texas Environmental Flows Advisory Group appointed the stakeholder committee on October 29, 2010. Two expert science teams were appointed on February 28, 2011. The expert science team reports were submitted on July 30, 2012. Development of environmental flow recommendations by the stakeholder group is underway. The rule is tentatively scheduled to be heard for adoption by the Commission in February 2014.