

MINUTES APPROVED BY COMMITTEE OCTOBER 2, 2008

8/27/2008 Trinity and San Jacinto Rivers and Galveston Bay Basin and Bay Stakeholder (BBAS) Committee Meeting

San Jacinto River Authority, 1:30 PM – 4:00 PM

Members Present: John Bartos, Lloyd Behm, James K. Brite, Glenda Callaway, Lori Gernhardt, William Goldston, Jace Houston, Jim Kachtick, P.E., Ken Kramer, Tom Michel, Ramon Miguez, P.E., James Murray III, Paul Nelson, Jim Parks, Eddie Seidensticker, Adam Sinclair, Pudge Wilcox, Tracy Woody, Glenn Clingenpeel (proxy for Danny Vance), Cori Stallings (proxy for Kathy Turner Jones)

Call to Order/Welcome and Introductions

Cory Horan, Texas Commission on Environmental Quality (TCEQ), called the meeting to order and requested introductions of the committee members and audience.

Discussion and agreement on Agenda

The agenda, as drafted by TCEQ, Texas Parks and Wildlife Department (TPWD), and Texas Water Development Board (TWDB) [agencies] was proposed to committee; the committee requested that the discussion of ground rules be moved to the beginning of the meeting prior to electing a chair and all members agreed.

Ground Rules for the Committee

Jace Houston began the discussion of ground rules.

Consensus: All members agreed that a consensus based approach was imperative. It was suggested that if voting becomes necessary a two-thirds vote by members or alternates present and voting would be needed. There were no objections from members. Members later agreed that this approach would be applied to selection of BBEST nominees.

Alternates/Proxy: The committee agreed unanimously that members appoint and allow designated alternates in case a member cannot participate in a scheduled meeting. Members agreed this would allow for continuity within the committee. Members asked TCEQ to send an e-mail reminding members to submit names for their alternate, and that members designate their alternates within three weeks. As two members were unable to attend and sent proxies, the committee agreed that they participate as alternates. Members asked that the contact list be updated to include information for alternates. TCEQ agreed to furnish the updated list once alternates were provided.

Quorum: The committee discussed rules for quorum and agreed that a simple majority of committee members or alternates present were adequate for quorum.

Open Meetings: Jace Houston asked if the committee was subject to the Texas Open Meetings Act. TCEQ responded that it was not subject to the act requirements.

Members discussed and agreed that while not subject to the requirements of the Open Meeting Act the committee should operate in a similar manner to ensure adequate public participation and transparency of the committee's actions. This would include posting the agenda for the meeting on the TCEQ website for the group at least 72 hours in advance of a meeting. Every effort will be made to post an agenda at least two weeks prior to a meeting.

Committee Vacancy: There was discussion of Jason Fluharty, the appointed member who can no longer serve on the committee. Members suggested that the vacancy be filled at a later meeting. Members agreed. TCEQ will provide members with the names of any other persons that have been nominated to the stakeholder committee from the electrical source generation sector.

Overview of Environmental Flows

Cindy Loeffler, TPWD, provided an overview of the Environmental Flows activities in Texas, including background on bays and estuaries studies, environmental flow considerations in water rights permitting, and development of environmental flow regimes. The presentation also included a history of SB2 and the Texas Instream Flow Program (TIFP).

Nomination and Election of Committee Chair

Members asked if there was statutory guidance or rules for adopting a committee chair. TCEQ responded that there were none. Members asked if there were funds available for the committee for contractual purposes. TCEQ responded that there were none, but TWDB would go into further detail later in the meeting.

Jace Houston was nominated as chair and John Bartos nominated as vice chair. Members discussed and it was suggested that Danny Vance be nominated for chair in order to better represent the committee geographically, and all members agreed. The committee unanimously approved Danny Vance as Chair and John Bartos as Vice Chair.

Report on travel and per diem expenses

Mark Wentzel, TWDB, discussed funds appropriated to the board for Texas Science Advisory Committee (SAC) and Bay and Basin Expert Science Teams (BBEST) expenses. He stated that no funds were available for the BBAS. At the request of members, TWDB will be providing additional clarification on amounts, use and limitations on funds for the BBEST at a later date.

Overview of the SB3 Process & Role of the BBAS

Todd Chenoweth, TCEQ, presented background information on water rights permitting and how environmental flow recommendations would be incorporated by rule into the issuance of a water right, a brief history of the environmental flows process in Texas and discussed the charges of the BBAS as provided for by SB3.

Agency Support

Members asked what level support the agencies would provide. TCEQ and TPWD indicated they could provide administrative, logistical and technical support upon request.

Members requested that future committee meetings include various presentations, for example the Surface Water Availability Modeling Project (WAM) and SB2/Texas Instream Flow Program (TIFP) activities. Members agreed that a presentation on the WAM would be appropriate for the next meeting.

Basin and Bay Expert Science Teams

Members asked what would be the best way to deal with nominations for the BBEST. TCEQ discussed options and suggested that a process similar to nominations for the SAC and BBAS, as coordinated by TCEQ, could be done. TCEQ offered to develop a cover letter directed to BBEST nominees explaining charges and a standard nomination form to ensure informational consistency on BBEST nominees. Members agreed to this approach and stated that nominations should begin immediately, but that additional information on BBEST funding was needed. TWDB agreed to provide the requested information. The committee agreed to review nominees and continue the discussion of BBEST nominees at the next meeting.

Members suggested that a nominations subcommittee be formed to review the cover letter and nomination form between meetings. Paul Nelson agreed to head this subcommittee, along with Glenda Calloway, the Chair and Vice Chair. TCEQ will provide cover letter and nomination form to the nominations subcommittee.

Member Communication

Members discussed how to communicate between meetings. The committee agreed that comments, suggestions, topics for future discussion should be sent via e-mail to chair and vice chair.

Public Input

Members discussed how to allow for public input at meetings. The committee unanimously agreed to allow opportunities for public input at the beginning and end of each meeting to allow for public comment on items brought up during the meeting.

Set Next Meeting

Members discussed when to hold future meetings. It was suggested that meetings be held the first Thursday of each month. The next meeting of the Trinity and San Jacinto Rivers and Galveston Bay BBAS was set for October 2, 2008, at 1:00 PM. The meeting will again be held at the San Jacinto River Authority offices in Conroe, TX.

Meeting was adjourned.