

TRINITY AND SAN JACINTO RIVERS AND GALVESTON BAY
BASIN AND BAY AREA STAKEHOLDER COMMITTEE

May 28, 2010

The Honorable Allan Ritter, Co-Chairman
Environmental Flows Advisory Group

Mark R. Vickery, Executive Director
Texas Commission on Environmental Quality

Dear Representative Ritter and Mr. Vickery:

The Trinity and San Jacinto Rivers and Galveston Bay Basin and Bay Area Stakeholder Committee (BBASC) was directed to: (i) "review the environmental flow analyses and environmental flow regime recommendations submitted by the committee's basin and bay expert science team," (ii) "consider them in conjunction with other factors, including the present and future needs for water for other uses related to water supply planning," (iii) "develop recommendations regarding environmental flow standards and strategies to meet the environmental flow standards," and (iv) "submit those recommendations to the commission and to the [environmental flows] advisory group within the applicable schedule." The BBASC was also directed to "operate on a consensus basis to the maximum extent possible." Water Code Section 11.02362(o).

Within the constraints of the time schedule, the basin and bay expert science team (BBEST) appointed by the BBASC was unable to reach consensus on a single recommended environmental flow regime and submitted two separate recommendations. Working without a single starting point and within a very short time frame, the BBASC also was unable to reach consensus on its task of developing environmental flow standards and strategies.

As a result, this letter transmits two separate reports containing recommended environmental flow standards and strategies, each endorsed by a sub-group of the BBASC. Endorsees of each report are noted on the individual reports. We hope that the information contained in these reports will be useful as TCEQ staff proceed into the rulemaking process.

Policy and Legislative Recommendations

In spite of its inability to reach consensus on environmental flow standards and strategies, the BBASC did reach consensus, indeed unanimity, on a number of policy and legislative recommendations relating to the SB 3 process.

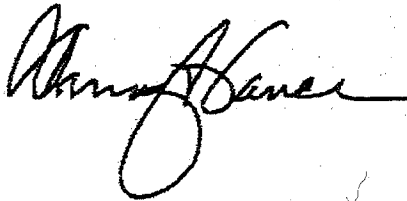
1. The State of Texas has exercised great foresight by initiating several water planning processes to secure water supplies for the future of its residents and protection of the environment. These planning processes operate within different time frames and on different schedules. Regional water planning, groundwater planning, and environmental flows

planning should be synchronized so that the work product of each planning process is available to the other planning processes.

2. The determination of instream flows and freshwater inflows would be aided by additional streamflow gauges, particularly gauges in certain key locations (such as a gauge located on the Trinity River near the mouth of the river but below all major diversion points). It is anticipated that the SB 3 workplan to be developed by the BBASC will include specific recommendations for additional gauges. The State's water resource agencies should work with local interests to ensure that needed gauges are installed and maintained.
3. The Legislature should appropriate specific funding for SB 2 instream flow studies and for SB 3 studies recommended in the basin and bay workplans.
4. Two of the major factors contributing to the success of the regional water planning process are the length of time allotted in each planning cycle and the financial support of the state that allows each planning group to hire a consultant team to guide and assist the group in meeting its statutorily-mandated planning requirements. The Legislature should provide adequate time and financial resources for the environmental flow determination process, including funds for facilitation and technical support.
5. The Legislature should recognize the resource contributions of the state agencies to the SB 3 process and provide adequate funding to continue that support.

The BBASC understands the financial challenges currently faced by the State, but we thought it important to share these recommendations with you. We thank you for your consideration.

Submitted on behalf of the Trinity and San Jacinto Rivers and Galveston Bay BBASC,



Danny Vance, Chairman



John Bartos, Vice-Chairman