

**Brazos River and Associated Bay and Estuary System
Basin and Bay Stakeholder Committee (BBASC)**

Thursday, January 11th, 2024 at 10:00 a.m.

Brazos River Authority Central Office located at 4600 Cobbs Drive, Waco, Texas
and Virtual Meeting (Microsoft Teams)

Minutes

Members Present: Dale Spurgin, Chair; Horace Grace; Dr. Ken Kramer; Bruce Bodson; Tiffany Malzahn, Ronald Woodruff; Ronald Kelling; David Stratta; Nick Dornak.

Call to Order

Chair Dale Spurgin called the meeting to order and member attendance was taken.

Public comment

There were no public comments made at this time.

Approval of Meeting Minutes

BBASC members could not approve the meeting minutes from October 19, 2023 due to lack of quorum.

Announcement of vacancies

Chair Spurgin informed members that there are 3 vacancies on the BBASC for the following stakeholder groups: free range livestock (1 vacancy) and agricultural irrigation (1), as well as a new vacancy representing Regional Water Planning Groups. This vacancy is from the resignation of Tom Michel due to retirement. Chair Spurgin said the group would solicit nominees for these vacancies.

Members discussed the two members that are not in contact with the group (Dan Loomis and Keith Pate) and that they have not been located. Gary Spicer retired and is still serving, but eventually will resign and create a vacancy for the Electricity Generation stakeholder group. Chair Spurgin also reminded members to make sure they have an active alternate and that their contact information is up to date.

Announcement of nominations

No nominations were received.

Action on nominations

No action taken.

Senate Bill 3 History

Dr. Ken Kramer gave an overview of the history of the Senate Bill 3 process. Dr. Kramer said the interest and activism surrounding environmental flows issues increased in the 1970s and 1980s. A package of legislation was passed in 1985, which set requirements for the Texas Water Commission to take into consideration impacts on habitat, water quality, etc. in water rights provisions. In 2000, the San Marcos River Foundation

applied for a water right in the Guadalupe River Basin for instream uses for over 1 million acre-feet per year. The issue went to the legislature in 2003, which led to the establishment of a study commission to focus on environmental flows and make recommendations during the next legislative session. The commission had challenges with consensus on how to approach the process, so Dr. Andrew Sansom convened an informal group to negotiate an approach. The group agreed on the stakeholder process, which they recommended to the study commission. In 2004, the study commission recommended the proposed process in their report to the legislature. The bill did not make it through the legislative process in time. Governor Perry appointed an Environmental Flows Advisory Committee. In 2007, the recommended process was incorporated into Senate Bill 3 and House Bill 3. In May 2007, Senate Bill 3 passed. Ronald Kelling asked what had changed since the legislation passed. Dr. Kramer responded that recent legislation made changes to the process, including the annual report from state agencies to the Environmental Flows Advisory Group.

Texas Commission on Environmental Quality Update/Overview of Senate Bill 3 Process

Dr. Kathy Alexander, TCEQ, provided background on the Senate Bill 3 rulemaking which led to the adoption of environmental flow standards. Water rights permits issued after 2007 for new appropriations of water were subject to the adopted standards, which were the basis for permit provisions. The Environmental Flows Advisory Group (EFAG) was established, consisting of legislators and state agency officials. There is also a Science Advisory Committee (SAC), which assists the area science teams. Within basin and bay areas, there are Basin and Bay Stakeholder Committees (BBASC), with diverse interest representation, and Basin and Bay Expert Science Teams (BBEST), which focus on the science. The EFAG appointed the BBASC members and the BBASCs appointed the BBEST members. The BBESTs developed an environmental flow regime, then the BBASCs reviewed the science and created recommendations considering present and future human water needs. The TCEQ received these recommendations and conducted a rulemaking process to develop rules for environmental flow standards. The rules were adopted in a staggered process established by the EFAG between 2011 and 2014. The rules were found to be adequate to protect a sound ecological environment. The standards are tied to specific gage locations and include subsistence flows, base flows, and high flow pulses, as well as implementation criteria. Adopted standards can also be helpful for developing strategies to support flows.

TCEQ provides support for the SB3 process with administrative support, providing technical water rights information as requested, and adopting rules. SB3 included an adaptive management process. The TCEQ would undertake a rulemaking if requested by the BBASC or the advisory group. Senate Bill 1397 passed in 2023, which requires the TCEQ to submit a biennial report on the adopted environmental flow standards, including progress in implementing the standards and TCEQ activities, input provided by TWDB and TPWD, and recommendations for the required workplan. SB 1397 removed the abolishment clauses for the SB3 groups and added Texas Water Code Section 11.02363. This charges the advisory group with reviewing the adopted standards and developing a statewide workplan. The advisory group can also provide rulemaking

recommendations. The statewide workplan, which is due January 1, 2025, will prioritize and schedule future review of the adopted standards.

Texas Water Development Board Update/Overview of Texas Water Development Board Role in Senate Bill 3

Dr. Carla Guthrie, TWDB, gave an overview of the Board's support of the SB 3 process. TWDB provides input for TCEQ's biennial report, including activities in the previous biennium and any recommendations. For the first report, they also listed a bibliography of all studies completed to-date. TWDB also works with contractors to present on studies and provide technical assistance to the BBASC and BBEST groups. They could potentially act as a non-voting member on expert science teams and can provide technical assistance to the Science Advisory Committee. TWDB also provides funding for environmental flow studies that support agency strategies and the SB3 process. There are two agency strategies that relate to Environmental Flows. Strategy A.1.1 is for environmental impact information and Strategy A.1.2 is focused on water resources data.

During the previous legislative session, TWDB was allocated \$2 million for FY 2024-2025. TWDB received suggestions for how to use funding and is preparing a plan for allocation. Dr. Guthrie encouraged BBASCs to send in study ideas any time for consideration for future funding. The project list is not ready for release but will be available once it is finalized. Chair Spurgin asked about resources to support the BBEST. TWDB doesn't currently have a mechanism to fund BBEST reimbursement. Chair Spurgin discussed the challenge of studies needing to be completed in a biennium, because most scientific studies would benefit from a longer period of replication. The BBASC would need to hear from contractors to learn about potential follow-up studies. Chair Spurgin also suggested that the group look at the work plan and identify studies they could recommend for future funding. Chair Spurgin emphasized that having an active BBEST would help with that process.

Other Items

Chair Spurgin stated that the group will solicit nominees for the next meeting, as well as firm up commitments with BBSAC and BBEST members. There are three Regional Water Planning Groups in the basin and anyone can be nominated for vacancies on the BBASC. Tiffany Malzahn asked about the status of the Science Advisory Committee and Dr. Kramer responded that the committee has not met in several years. Ms. Malzahn also said she would review the BBEST list and determine which members are still active. BBEST members were originally appointed by the stakeholders, but the group is not certain of the process for replacing members.

Next Meeting Date and Future Agenda Items

The next meeting will be April 11, 2024. Dr. Kramer mentioned the update to the Freshwater Inflows report should be published by January 2024 and a presentation on the publication could be given at a future meeting. There is a workshop on the Texas Water Trust in February 2024, which could be summarized at a future meeting. Horace Grace suggested a future agenda item for Brazos River Authority to give an update on their activities in the basin. Ms. Malzahn said that the BRA could do a presentation,

possibly at the July meeting. Dr. Kramer also suggested a refresher on the BBASC recommendations. The nomination and election for the Chair and Vice-Chair of the BBASC was another agenda item mentioned.

Public comment

There were no public comments made at this time.

Adjourn