Trinity and San Jacinto River Basins and Galveston Bay
BBASC Meeting

Wednesday, February 6, 2019 at 1:00 p.m., San Jacinto River Authority Office
1577 Damsite Road, Conroe, Texas

Minutes

Members Present: John Bartos, Chair; Jace Houston, Vice-chair; Pudge Willcox; Glenn Lord; Tracy Woody; Glenda Callaway; Ken Kramer; Kathy Turner Jones; Mike Turco; Denis Qualls; Veronica Oseguida (alt. for Yvonne Forrest); Lori Traweek; Paul Nelson; Dan Buhman (alt. for James Oliver); Kevin Ward; Glenn Clingenpeel (alt. for Kevin Ward).

Call to Order

Chair John Bartos called the meeting to order and members introduced themselves.

Public Comment
No public comments were made at this time.

Approval of Meeting Minutes
The minutes from the October 31, 2018 meeting were unanimously approved by members with clarifications from Ms. Caimee Schoenbaechler, Texas Water Development Board (TWDB).

Open Meetings Act Recommendation
Vice-Chair Jace Houston explained that there is a process for individuals to attend an Open Meeting by phone, but it is for emergency circumstances and there are requirements for the phone line set up. Therefore, Vice-Chair Houston recommended that members be allowed to attend meetings by phone to listen to meetings, but they will not be included in quorum and will not be able to vote during the meeting. He further stated that a conference call line can be set up for future meetings if requested in advance.

Nominations Committee Report
The nominations committee announced the nomination of Mr. Gene Fisseler to represent the Electric Generation stakeholder group. Mr. Fisseler was elected as a member of the BBASC.

Legislative Update
Mr. Ken Kramer provided an update on the current 86th Texas Legislative Session. In past bienniums, TWDB has requested appropriations for environmental studies, including studies for the Senate Bill (SB) 3 adaptive management process. The appropriations request for the 2020-2021 biennium has roughly the same amount of funding requested for environmental studies as the previous biennium. Chairman Lyle Larson has introduced House Bill (HB) 720 which proposes using surface water for Aquifer Storage and Recovery. Concerns were raised by environmental interests regarding the legislation's potential impact on environmental flows. Water topics are not expected to be the focus of this session, with the exception of flood-related bills. Senator Charles Perry has introduced three pieces of legislation related to flooding, specifically planning and flood control projects. These projects have the potential to

expand the network of flood gages which provide data for instream flows. HB 478, HB 1010, SB 396, and SB 397 are the bills that have been filed related to flooding. Dr. Jim Lester asked whether the Legislature has received the TWDB state flood assessment. Mr. Kramer responded that the report was received, and it should be helpful for flood planning and mitigation. Ms. Glenda Callaway asked about the status of funding for state agencies in general. Mr. Kramer responded that the appropriations seem adequate for agencies.

Discussion of the process and schedule for review and possible recommendations for revision of the adopted environmental standards

Chair Bartos reviewed the history of the Trinity-San Jacinto and Galveston Bay BBASC. The BBASC was established on August 1, 2008 by the Environmental Flows Advisory Group (EFAG) and the first BBASC meeting was August 27, 2008. The Trinity BBEST was appointed by the BBASC on December 1, 2008. The BBEST developed and submitted recommendations for an environmental flow regime. The BBASC then developed two sets of recommendations in a minority and majority report, which were submitted to the EFAG in May 2010. The Texas Commission on Environmental Quality (TCEQ) adopted environmental flow standards in April 2011. The work plan was submitted in May 2012 and the Science Advisory Committee (SAC) made comments on the work plan in August 2012. The process of adaptive management followed with several rounds of science studies. Three main studies have been done: LIDAR Acquisition and Flow Assessment for the Middle Trinity River, Defining Bioindicators for Freshwater Inflow Needs, and Determination of Freshwater Inflow Volume from the Trinity River into Galveston Bay.

The group deliberated whether to develop further recommendations for the standards. Dr. Bill Espey worked with several BBEST members to develop a comment letter to inform the decision. The report evaluated whether new recommendations should be developed to submit to the TCEQ. Ms. Callaway asked for clarification on the April 2021 deadline. Dr. Kathy Alexander, TCEQ, stated that April 2021 is the earliest date that revisions to the standards could be adopted. The rulemaking process takes about a year. So, the revisions could be submitted to the TCEQ in 2020.

Dr. Lester stated that the BBEST members did not feel that the group was ready to make recommendations by April 2020. The BBEST evaluated the work plan and found that some of the priorities necessitate additional data collection. The BBEST members thought that some portions of the work plan should be prioritized, and new items should be added. The Trinity River Authority (TRA) has worked to characterize particular stretches of the river, but flow patterns have changed drastically since the recommendations were submitted. Some of the wettest and driest years on record have occurred since the recommendations were developed. Mr. Web Mangham, TRA, suggested the group may want to evaluate flow trends into the future. The USGS has done some water quality work at the mouth of the Trinity river, but the BBEST recommended more water quality data be collected. The BBEST stressed the importance of looking at the whole ecology: biology, geomorphology, and water quality. They also suggested focusing on certain types of ecologies, such as riffles and pools. Mr. Mangham stated

that the TRA study included riffle, pool, and run sequences, but they did not tie in biological data.

Dr. Mark Wentzel, TWDB, gave an update on the SB2 work in the middle Trinity. The draft study design was developed in 2014 and there have been flow issues since then. Dr. Wentzel said that the data collected up to this point could be captured in a report by the end of 2019. The data collection would conclude in Spring 2019 to produce a draft report by Fall 2019. SB2 data includes riparian, mussels, and algae. A hydrologic model at the Oakwood site compared fish habitat and flows. Dr. Lester asked whether SB2 program had coordinated with the Fish and Wildlife Service (FWS) regarding mussels. Dr. Wentzel responded that there had not been much interaction with FWS. SB2 work is focused on mussels in segments and modeling. Mr. Mangham said that TRA is working with FWS. Mr. Mangham gave a quick overview of the mussel listing process. The Trinity River Basin was on the East Texas mussel timeline, which was pushed back a few years. Then, a mussel species was reclassified in the Trinity and the Trinity was pulled into the Central Texas mussel timeline. There are three candidate mussel species in the Trinity basin. Mr. Mangham stated that mussel species have different habitats, so it's difficult to generalize their habitat requirements. Dr. Wentzel stated that SB2 will model flows compared to mussels at one site, but the bathymetry was collected in 2015 and the flows have changed. Dr. Wentzel concluded that the BBASC can use the SB2 report to evaluate areas that need additional data collection and to inform recommendations for future studies. Dr. Lester asked whether benthic studies have been done. Mr. Mangham said there is a large benthic dataset on the Trinity River, but the data has not been tied to flows. The macroinvertebrates were predominantly found on large, woody debris.

Dr. Lester emphasized the need to focus on extreme flows. Studies could be designed to track lag time following extreme events. The work plan includes evaluation of how various flow rates impact nutrients, sediment load, and temperature, but this has not been tied into any projects yet. Sampling needs to be site-specific to make it easier to evaluate changes over time. This task would require long-term monitoring of ecological variables at various sites, including in the Bay. The Texas Parks and Wildlife Department (TPWD) dataset from the Bay has been used in the past, but the data is focused on species of concern for TPWD. The group asked whether anything should be done with the mussel issue. Mr. Mangham said TRA has a long-term mussel sampling program. The group concluded that nothing needs to be done, except to pay attention to the listing. For the East Texas mussel timeline, the Species Status Assessment will come out sometime in 2019, followed by a year of public comment, and then a 12-month finding. For the Central Texas Mussel timeline (including the Texas Fawnsfoot), the 12-month finding will be finalized in March or April 2019. Mr. Glen Clingenpeel stated that if the listing is filed, the rules would be written and FWS would determine critical habitat. Mr. Kramer asked if there would be a recovery plan. Mr. Clingenpeel responded that conservation steps would be taken. Ms. Callaway asked whether there would be an evaluation of whether the existing environmental flow standards are protective of a listed species? Mr. Clingenpeel said that would likely be part of the Species Status Assessment. Mr. Mangham noted that it may be a good idea to choose mussels as an indicator species. Dr. Lester stated that Dr. Guillen included several potential indicator species for evaluation in the BBEST letter.

Mr. Kramer asked whether there will be a point when the group feels there is enough data to decide what the standards should be. He also suggested that future recommendations could be stronger since the TCEQ standards were more conservation than the recommendations. Dr. Lester said that there would need to be a scientific justification to suggest revision of standards and the data has not provided that. The Bay studies show that there is a sound ecological environment and standards are being met. Mr. Clingenpeel stated that there is not a low flow problem in the basin. The key may be understanding the system over a range of possibilities and understanding tolerance limits of the system. Mr. Kramer stated that there is discussion in the legislature regarding the amount of water lost to the Gulf of Mexico. He explained that there is a notion that flows over the environmental standards could be captured and stored. Mr. Kramer reiterated that more education is necessary to clarify that environmental flows standards are for permits that will be issued in future.

Mr. Mangham discussed possible next steps. The goal is to determine an indicator of ecological health. The group can focus on one species or evaluate species composition and abundance, flows, and water quality. The goal should be to create models and tools to ask questions of the data. Dr. Guillen mentioned that there hasn't been much work done on the San Jacinto River. Mr. Joe Trungale noted that there are four main study sites on the mainstem of the Trinity River, which are mainly used for permitting purposes. He asked if there are any protections for the tributaries. He also mentioned that studies have been done in other basins evaluating inundation of riparian habitat at different pulse flows. This is from tier 2 of the work plan and the project wouldn't require long-term monitoring. Mr. Mangham said they have done similar analysis in the TRA study.

Chair Bartos asked TWDB for an update on the Statewide Synthesis project. Ms. Schoenbaechler stated that the study was contracted to Texas State University two weeks prior to the meeting. Two BBEST members, Mr. Trungale and Dr. Guillen, are on the project team. One component of the study is to evaluate the environmental flows studies that have been done and look at how the science could potentially validate or refine the standards. Another task is to compare the work plan and studies that have been done to identify any data gaps. The project will also synthesize work from across the State and see if methodologies could be applied in different basins. They will develop a bibliography from other states and around the world. There is a stakeholder component to the project. Chair Bartos asked about the deliverables. Ms. Schoenbaecher stated that the contract ends on August 30, 2020 with a draft due in June 2020. Chair Bartos noted that the study should help with BBASC questions and potentially assist in future decision-making.

Mr. David Buzan noted that ecosystems are complex, and trends may not be apparent, even with additional data. He reiterated Mr. Trungale's suggestion to focus on less intensive studies, such as how flow affects physical habitat. Mr. Mangham noted that the TRA study developed a model comparing flows and inundation and investigated how oxbows are affected by flows. TRA also created a model for sediment transport. Dr. Lester said that the BBEST could have a meeting soon to analyze the impact of high pulse flows on habitat in the TRA study. Ms. Lori

Traweek asked about whether there is a cutoff for when recommendations could be submitted to the TCEQ. She also asked if the BBASC could submit a partial recommendation. Dr. Alexander said that the group could make a partial recommendation. Mr. Kramer said that if standards are revised it would likely restart the ten-year timeline. He reiterated that the work plan included a 5-year timeline for revision of standards, but the work plan has not been approved by the EFAG. Mr. Kramer suggested that the group establish a deadline for when recommendations will be developed for the potential revision of standards. Dr. Lester said that the BBEST could evaluate results of the statewide synthesis project once it's completed. Chair Bartos asked if the SAC is still in existence. Mr. Kramer said that he believes they exist, but he is not sure if they are still meeting.

Ms. Callaway asked how many permits have been issued using the standards since they were established. Dr. Alexander responded that there is at least one new appropriation of water for the City of Dallas. The TCEQ has also been applying the standards to other permits for consistency and there are some pending applications as well. Ms. Schoenbaechler noted that there may be future opportunities for studies if appropriations are available for the 2020-2021 biennium. Mr. Kramer said that there was some discussion of reducing funding for environmental flows during the previous legislative session. He suggested that having a timeline for recommendation development is beneficial because it encourages future funding. Mr. Kramer made a motion to set a deadline to submit recommendations to TCEQ by October 2021, if appropriate. This is after the upcoming biennium and a year after the statewide synthesis will be completed. The motion was approved. Dr. Espey will gather a volunteer group to review the statewide synthesis project. Mr. Kramer mentioned that Mr. Robert Mcfarlane and Mr. Alan Plummer are no longer active in the BBEST. Mr. Kramer suggested that new members could be elected to the BBEST to fill those spots. Chair Bartos said the BBASC would solicit BBEST nominations through the nominations committee headed by Ms. Traweek. Mr. Kramer encouraged the TWDB to use the BBASC groups throughout the state for the statewide synthesis study's stakeholder process.

Agency Update

Ms. Schoenbaechler made a comment that the TWDB had an updated list of funded studies and distributed a handout.

Public Comments

No public comments were made at this time.

Next Meeting

Chair Bartos stated that the next meeting will be determined at a later date, depending on issues that may arise. Mr. Kramer suggested the group plan to meet in late summer or early fall 2019.

Adjourn