

TEXAS

PARKS &

WILDLIFE

Senate Bill 3 Article 1 Environmental Flows 80th Texas Legislature

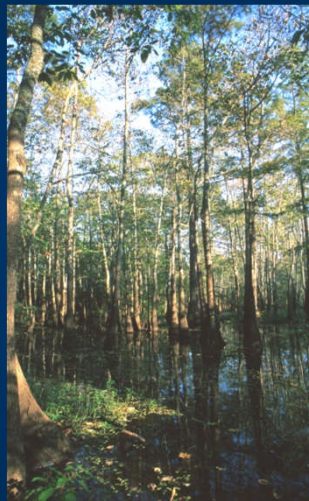


Senate Bill 3 sets out a new regulatory system for protecting environmental flows; consensus-based regional approach involving a balanced representation of stakeholders

http://www.tceq.state.tx.us/permitting/water_supply/water_rights/eflows/group.html

What are environmental flows?

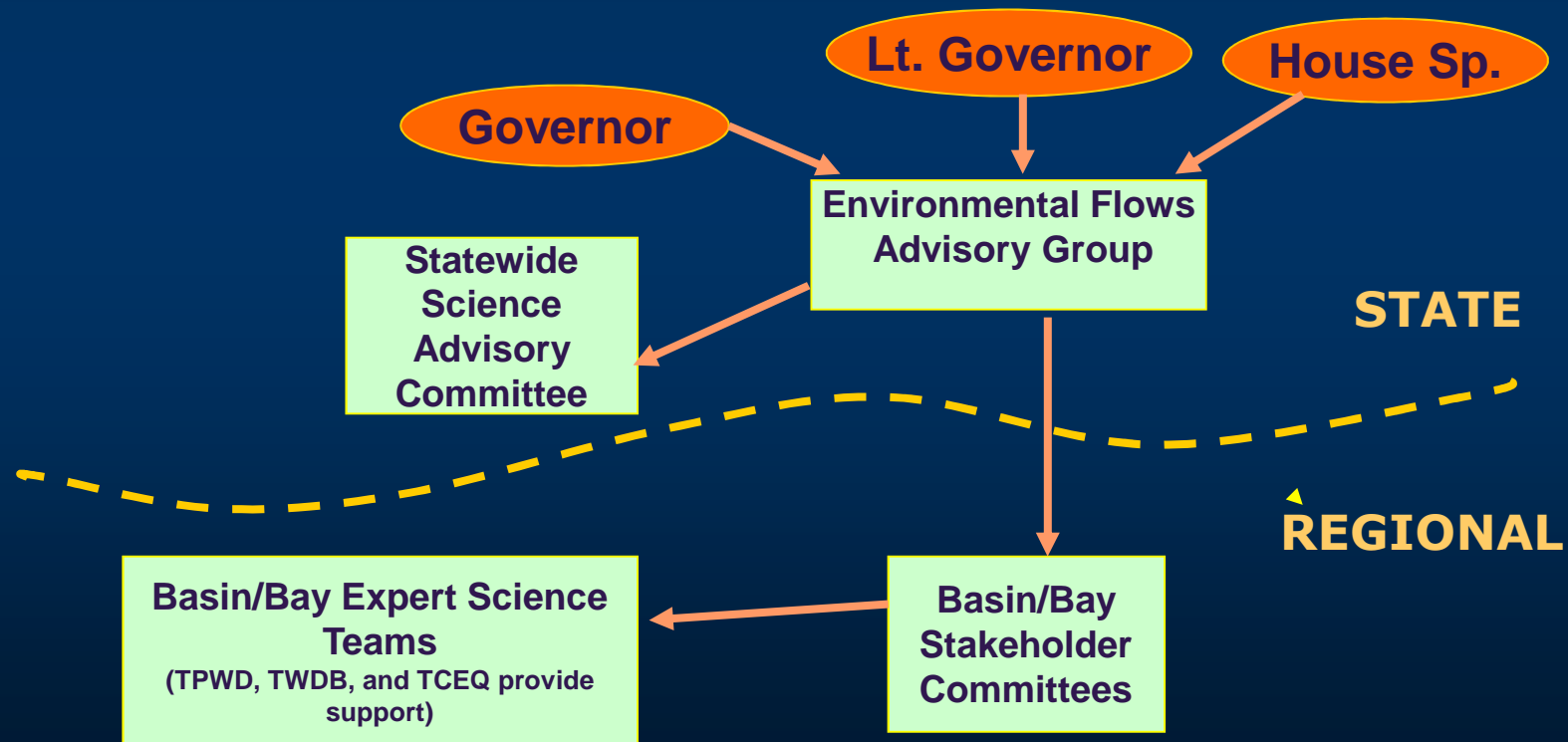
Flows that remain in the stream. Environmental flows provide for aquatic and riparian habitat; water quality protection; recreation; navigation; and freshwater inflows to bays and estuaries



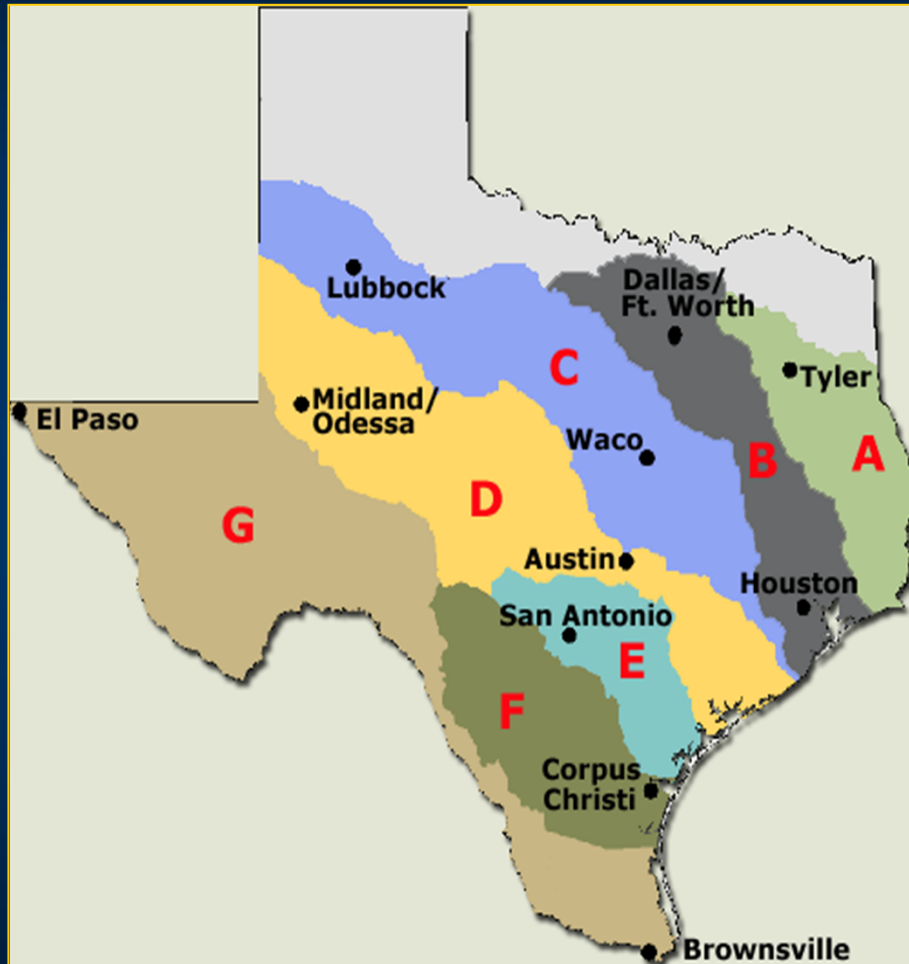
SB 3 Article 1

Environmental Flow Regime Development

Players



Basin/Bay Areas



A. Sabine & Neches Rivers/Sabine Lake Bay Area (light green) 2008-2010

B. Trinity & San Jacinto Rivers/Galveston Bay Area (grey) 2008-2010

C. Brazos River/Bay & Estuary Area (blue)

D. Colorado & Lavaca Rivers/Matagorda & Lavaca Bays Area (yellow)

E. Guadalupe, San Antonio, Mission, & Aransas Rivers/Mission, Copano, Aransas & San Antonio Bays Area (aqua)

F. Nueces River/Corpus Christi & Baffin Bays Area (dark green)

G. Rio Grande/Rio Grande Estuary & the Lower Laguna Madre Area (tan)

Four Distinct Stages

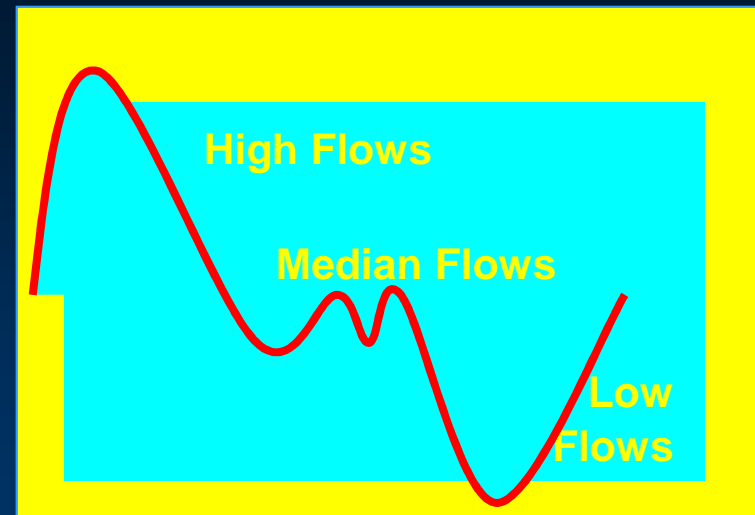
1. Environmental flow analysis and environmental flow regime recommendation by BBEST
2. BBASC comments and recommendations regarding the BBEST environmental flow regime; recommendations regarding environmental flow standards and strategies to meet standards
3. TCEQ environmental flow standards developed and adopted through rulemaking
4. TCEQ implements environmental flow standards through a condition in a new permit

Environmental Flow Regime Development: BBEST



Environmental flow regimes are to be developed and recommended by the basin and bay expert science teams working with technical support from state agencies; recommendations shall be made without regard to the need for the water for other uses and must be based solely on the best science available

Environmental Flow Regime Definition



“A schedule of flow quantities that reflects seasonal and yearly fluctuations that typically would vary geographically, by a specific location in a watershed, and that are shown to be adequate to support a sound ecological environment and to maintain the productivity, extent, and persistence of key aquatic habitats in and along the affected water bodies.”

Environmental Flow Regime Development: BBASC



BBASC develops and submits its comments on and recommendations regarding the BBEST environmental flow regime to the TCEQ for formal consideration in commission rulemaking; also submits recommendations regarding environmental flow standards and strategies to meet the standards

Committee to operate on a consensus basis to the maximum extent possible

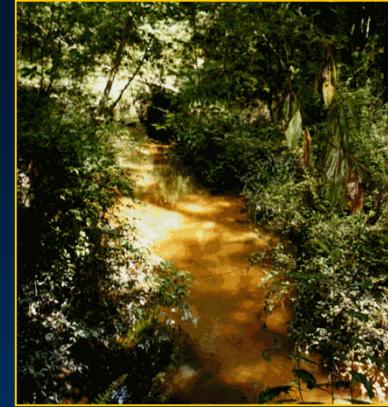
Environmental Flow Regime Development: BBASC Considerations & Tasks



BBASC reviews the BBEST environmental flow regime recommendations and considers them “in conjunction with other factors, including the present and future needs for other uses related to water to water supply planning in the pertinent river basin and bay system”

BBASC, after submitting its recommendations regarding environmental flow standards and strategies to meet the standards, with the assistance of the BBEST, prepares a work plan for approval by the EFAG

Environmental Flow Standard Development: TCEQ



Through public rulemaking process, TCEQ adopts environmental flow standards and establishes an environmental flow “set-aside” if applicable; rulemaking process allows for broad public input

Standard must be adequate to support sound ecological environment to maximum extent reasonable considering other public interests and relevant factors

Standard must consist of a schedule of flow quantities, reflecting seasonal and yearly fluctuations that may vary geographically by specific location in a river basin and bay system

Environmental Flow Standard Implementation: TCEQ



TCEQ applies standard to new permits through specific permit conditions; all new appropriation permits must contain a limited reopener provision to allow compliance with the environmental flow standard; maximum of 12.5% increase of the amount of the pass-through or release requirement for protection of environmental flows (annualized total contained in permit as issued)

Colorado/Matagorda Guadalupe/San Antonio Timeline: Statutory Provisions



BBASC appointed 9/30/09

BBASC appointed BBEST 3/30/10

EFAG establishes schedule for: BBEST environmental flow regime recommendation; BBASC comments, recommendations, and strategies to meet standards; TCEQ adoption of environmental flow standards

EFAG, in establishing schedule, considers recommendations by BBASC, BBEST, TCEQ, TWDB, and TPWD

Colorado-Lavaca Basin Milestones

- BBEST report submitted 3/1/2011
- Recommendations for 21 stream sites, Matagorda Bay, Lavaca Bay
- SAC reviewing
- BBASC beginning balancing process