

**Galveston Bay Freshwater Inflows Group
26 June 2003 Meeting Summary**

Participants Present: Jim Adams, John Bartos, Jeff Dallarosa, Woody Frossard, Guy C. Jackson, Ken Kramer, Cindy Loeffler, Carl Masterson, Paul Nelson, Gary Powell, Ann Sheridan, Ximena Simmons, Brian Sybert, Kerry Whelan, Mary Ellen Whitworth, Pudge Willcox, Woody Woodrow

Support Team Present: Glenda Callaway, Greg Graml, Pris Weeks

Others Present: David Parkhill (KBR), Fred Werner (USFWS)

1. The Galveston Bay Freshwater Inflows group met at the E.B. Cape Center in Houston, Texas. Self introductions were made.
2. The August 2002 meeting summary was approved. Approval of the December summary was deferred until further review. The summary will be e-mailed to members.
3. **Weeks** presented the draft agenda. She will pull together threads from the strategy discussion under item 6 to help develop item 7.
4. The following updates were provided by GBFIG members:
Jim Adams reported that Region H will meet next Wednesday to consider water demands. **Kramer** will present the Sierra Club position. The budget is OK this biennium, but will be cut in the next biennium. **Jackson** inquired regarding irrigation water.

Loeffler provided an update on Region C, which is considering ecologically unique streams and is also working on demand. Region C is preparing plan amendments for items not previously included. **Adams** provided further explanation regarding plan amendments. **Powell** noted that 11 of 13 regions have requested amendments.

Callaway provided an update regarding the TCEQ Water Rights Advisory Work Group meeting.

Kramer provided an update on the instream flow applications. TCEQ denied the San Marcos River Foundation application filed in December of 2000, based on a lack of legal authority to issue a permit for the stated purpose. Commissioner Dewhurst's brief was also discussed. TCEQ Executive Director Margaret Hoffman and the staff brief indicated TCEQ had the authority. SMRF has appealed in district court. It is not clear what will happen to the remaining five applications. Caddo Lake had a priority date. It appears that the TCEQ will return all of the applications. SB 1639 (which incorporates SB1374) states that the TCEQ can issue permits only for expressly authorized uses. The Legislature has not authorized instream flows as a permitted use. The Legislature has authorized the

TCEQ to place conditions on permits. The new law does not change the Texas Water Code regarding beneficial uses. **Loeffler** commented that existing water rights can be amended to cover environmental flows.

Kramer commented regarding the Study Commission on Environmental Flows described in the law. He noted that there is no moratorium on consumptive uses, which creates a problem of priority date of the permits. Additionally, there were changes to the Water Code regarding what TCEQ must do on water rights permits.

Adams commented regarding HB2660 stipulation regarding Conservation Goals in Water Conservation Plans. The TCEQ is to adopt rules regarding monitoring, implementation, and reporting.

Kramer noted that letters to stakeholders regarding nominations to the Task Force on Water Conservation established under SB 1094 would be going out soon.

Adams inquired about proposed legislation pertaining to sprinkler shutoffs.

Kramer stated that this did not pass. **Nelson** reported that the City of Houston requires shutoffs triggered by rain gage sensors.

Jackson inquired whether special session topics would include resurrecting bills that died at end of the prior sessions. **Powell** stated that there were a large number of bills that died, and he would be surprised if governor opened them.

Powell also updated the group on the SB2 instream flow study program. In October 2002, an MOA was developed regarding how the agencies would work together. In December, an overview document and priority sites were developed.

Priority:

- Neches
- Angelina
- Brazos
- Trinity
- Colorado
- Guadalupe
- San Antonio

2nd tier:

- Upper & Lower Sabine
- Tributaries to Red; Bois d'Arc Reservoir

Agency staff were directed to begin development of a technical document to be sent for peer review. This document will cover some new methods. The TWDB approved funds for peer review in June 2003. The agencies was the new methods acceptable and transferable, so cities and authorities will be able to use them. The National Academy of Science (NAS) is to review the document, under contract of \$300,000 to talke about 14 months (next summer). The goal is to send a draft to NAS in July.

Weeks inquired regarding the panel and whether there would be a public meeting on the NAS report.

Powell indicated that this work is mostly math based; but the agencies want them to hold at least one meeting in Texas. There is one task on legal foundings.

Parkhill inquired regarding shuffling Tier 1 & 2 entities. **Powell** answered that the Texas Water Development Board reserved that right.

Frossard inquired regarding the review of the overview. **Powell** said they are concentrating on Volume 1 now, and will look at Volume 2 when it goes to NAS.

5. **Kramer** noted upcoming water conferences sponsored by the Lone Star Chapter of the Sierra Club and others. He advised the group that the Sierra Club educational publication "Texas Water" is available in English and in a Spanish version. **Adams** noted that the Major River's Program supported by river authorities had produced educational materials for 4th and 5th grade students. **Jackson** added there is a need to compile a list of website contacts for the group.

Loeffler spoke regarding a TPWD education video. She has a few copies. KERA Dallas is a partner in producing the video. She also noted the TPWD Magazine issue that focused on bay and estuary information. **Jackson** distributed strips of paper showing how to get the video. The first copy is free; after that, it is \$7 per copy. He suggested the need for a follow-up video about appropriation of water in the rivers. **Adams** said that the San Jacinto River Authority website has a section on education containing 8 fact sheets written at the 8th grade level, but they also needed some at the 5th grade level. The fact sheets can be downloaded from their website.

6. **Graml** presented a slide presentation regarding GBFIG Task 3. Both Region H and Region C combined management strategy impacts on inflows will be studied. He said that TCEQ WAM Run 3, the permanent water rights permitting model will be used. **Weeks** recalled that **Woodrow** had inquired regarding the statistics that are being produced. **Whelan** asked if water quality items such as Total Dissolved Solids were taken into account. **Graml** responded that they were not; only water supply was considered. There was discussion of the impact of reservoir sedimentation and of evaporation potential.

There was discussion of a staff presentation on the bay and estuary studies to the TCEQ commissioners planned for their Work Session on July 25th.

7. **Weeks** noted that the group is working on Task 3 (studies) and Task 4 (policy options) simultaneously and referred to the February/March 2002 scenario ranking. After discussion, it was decided that **Weeks** will e-mail options and recommendations from those exercises.

She said that unresolved issues include:

- Spatial and temporal distribution of freshwater inflows
- Relationship of salinity and inflows

Parkhill inquired if anyone was surprised by the results of the modeling. There was general comment that the results were interesting but not surprising. **Loeffler** noted that the importance of the seasonal timing of inflows was apparent. **Parkhill** asked if only the Trinity is now of concern? There was general comment that the entire system still needed to be considered.

Kramer said that if the group would be making recommendations to Region H on Management Strategies; the regional water planning schedule would dictate the time frame. **Weeks** said that the group needs to agree on the mission and time frame for Management Strategies. **Woodrow** noted that the details still need to be determined, including 25 percentile, spatial freshwater needs, and salinities; tie management strategies to those.

Jackson commented regarding the importation of water and the diverse groups involved. He suggested written statements about what each interest considers a good management strategy. **Weeks** confirmed that the group will be looking for the needed specifics. **Sheridan** commented that if inflows are fine for now, the group still needs a way to monitor and sets of management strategies (responses) in place.

Parkhill commented that Task 3 work is essentially done. **Graml** stated that a separate model was run 3 times with different scenarios including reuse with no new imports. It was difficult to see the impacts of smaller strategies.

Nelson noted that there are always different technical requirements, for example, the last discussion of the freshwater requirements of different fish species.

Jackson commented that he trusts the engineers and experts, but is concerned about the TV ads showing an additional 2 million people in the next 20 years.

Callaway asked if GBFIG members would give some thought to the Study Commission on Environmental Flows, particularly with respect to how GBFIG might provide input to that group.

Kramer commented that GBFIG needs more frequent meetings. **Weeks** responded that the facilitation contract being worked out anticipated 6 meetings over 12-18 months.

8. The next meeting was tentatively set for September.
9. Meeting adjourned.