

Environmental Flows and the SB 3 Process

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**Texas Commission on
Environmental Quality**



Environmental Flows and the SB 3 Process

In 2007, the 80th Legislature passed:

House Bill 3 relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows; and,

Senate Bill 3 relating to the development, management, and preservation of the water resources of the state.



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SB 3 established the Environmental Flows Advisory Group.

This group appointed the Statewide Science Advisory Committee and the Basin and Bay Area Stakeholder Committees.

Each Basin and Bay Area Stakeholder Committee appointed the Basin and Bay Expert Science Team for their basin and bay system.



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The Basin and Bay Expert Science Teams develop environmental flow regime analyses and a recommended environmental flow regime. These recommendations only consider reasonably available science and do not take into account the need for water for other uses.



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The Basin and Bay Stakeholder Committees review the Science Team's recommendations and consider them in conjunction with other factors, including the present and future needs for water for other uses. The Stakeholders recommend environmental flow standards for their basin and strategies to meet those standards.



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The Basin and Bay Stakeholder Committees report their recommendations to the TCEQ.

The Stakeholders and the Science Team are to reach their recommendations on a consensus basis to the maximum extent possible.



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After submitting their recommendations to the TCEQ, each Stakeholder Committee, with the assistance of their Science Team, must prepare a work plan. The work plan establishes a periodic review of the science and recommendations, may include monitoring or other studies, and establishes a schedule for continuing the validation and refinement of the standards.



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The TCEQ will take the recommendations from the Stakeholder Committees, as well as input from the Environmental Flows Advisory Group and the Science Advisory Committee, and will consider the information along with other information listed in Texas Water Code, Section 11.147(b)(1) – (10).

By rule, the TCEQ will adopt environmental flow standards for each basin and bay system.



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To implement the rulemaking requirement of SB 3, the TCEQ will conduct three separate rulemakings.

The first rulemaking covered:

- the river basin and bay system consisting of the **Trinity and San Jacinto Rivers and Galveston Bay**, and
- the river basin and bay system consisting of the **Sabine and Neches Rivers and Sabine Lake Bay**.

This rule was adopted in April 2011.



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The second rulemaking will cover:

- the river basin and bay system consisting of the **Colorado and Lavaca Rivers and Matagorda and Lavaca Bays**, and
- the river basin and bay system consisting of the **Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays.**

This rule is scheduled to be adopted by September 2012.



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The third rulemaking will cover:

- the river basin and bay system consisting of the **Nueces River and Corpus Christi and Baffin Bays**,
- the river basin and bay system consisting of the **Rio Grande, the Rio Grande estuary, and the Lower Laguna Madre**, and
- the **Brazos River and its associated bay and estuary system**.

Scheduled to be adopted by September 2013.



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SB 3 is an adaptive management process.

The TCEQ may alter an environmental flow standard or environmental flow set-aside through a rulemaking by following a schedule set by the commission.

The TCEQ may not alter a standard more than once every 10 years unless the work plan for that area allows it.



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