

Texas: A New Model of Environmental Flow Protection

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Texas law expressly recognizes the importance of maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries and also requires the Texas Commission on Environmental Quality (the commission) to consider and provide for necessary freshwater inflows to maintain the state's bay and estuary systems in granting permits for use of state waters.

In recent years, however, stakeholders, including legislators, state agencies, and environmental, municipal, agricultural, industrial and other interest groups have worked diligently to craft a process whereby environmental flow needs are protected through the adoption of basin-wide standards, rather than current permit-by-permit consideration of instream and freshwater inflow needs. In 2007, this negotiated effort among water interests resulted in the passage of the environmental flow provisions in S.B. 3. S.B. 3 establishes local stakeholder groups and science teams to develop recommendations for commission adoption of environmental flow standards and, if appropriate, set-asides in all basin and bay systems in the state.

This presentation will address the history and statutory basis for environmental flow protection in Texas, provide a detailed discussion of the new collaborative process for developing environmental flow standards established in S.B. 3 including an update on implementation activities, and provide information on ongoing studies that will impact flow needs in Texas.