

By: Hegar

S.B. No. 2328

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the development of environmental flow regimes by the
3 Environmental Flows Advisory Group and Texas Commission on
4 Environmental Quality.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Water Code, Section 11.02362(c) and (d) are
7 amended and Section 11.02362(d-1) is added to read as follows:

8 Sec. 11.02362. DEVELOPMENT OF ENVIRONMENTAL FLOW REGIME
9 RECOMMENDATIONS.

10 (c) For the river basin and bay systems listed in Subsection
11 (b)(1):

12 (1) the advisory group shall appoint the basin and bay
13 area stakeholders committee not later than November 1, 2007;

14 (2) the basin and bay area stakeholders committee
15 shall establish a basin and bay expert science team not later than
16 March 1, 2008;

17 (3) the basin and bay expert science team shall
18 finalize environmental flow regime recommendations and submit them
19 to the basin and bay area stakeholders committee, the advisory
20 group, and the commission not later than March 1, [~~2009~~] 2010,
21 except that at the request of the basin and bay area stakeholders
22 committee for good cause shown, the advisory group may extend the
23 deadline provided by this subdivision;

24 (4) the basin and bay area stakeholders committee

1 shall submit to the advisory group and the commission its comments
2 on and recommendations regarding the basin and bay expert science
3 team's recommended environmental flow regime not later than
4 September 1, ~~[2009]~~ 2010; ~~[and]~~

5 (5) the advisory group shall submit to the commission
6 its comments on and recommendations regarding the basin and bay
7 expert science team's recommended environmental flow regime not
8 later than December 31, 2010; and

9 (6) the commission shall adopt the environmental flow
10 standards as provided by Section 11.1471 not later than September
11 1, ~~[2010]~~ 2011.

12 (d) For the river basin and bay systems listed in Subsection
13 (b)(2):

14 (1) ~~[¶]~~ the advisory group shall appoint the basin and
15 bay area stakeholders committees ~~[for the river basin and bay~~
16 ~~systems listed in Subsection (b)(2)]~~ not later than ~~[September]~~
17 November 1, [2008] 2009; ~~[, and shall appoint the basin and bay area~~
18 ~~stakeholders committees for the river basin and bay systems listed~~
19 ~~in Subsection (b)(3) not later than September 1, [2009] 2010. The~~
20 ~~advisory group shall establish a schedule for the performance of~~
21 ~~the tasks listed in Subsections (c)(2) through (5) with regard to~~
22 ~~the river basin and bay systems listed in Subsections (b)(2) and (3)~~
23 ~~that will result in the adoption of environmental flow standards~~
24 ~~for that river basin and bay system by the commission as soon as is~~
25 ~~reasonably possible. Each basin and bay area stakeholders~~
26 ~~committee and basin and bay expert science team for a river basin~~
27 ~~and bay system listed in Subsection (b)(2) or (3) shall make~~

1 ~~recommendations to the advisory group with regard to the schedule~~
2 ~~applicable to that river basin and bay system. The advisory group~~
3 ~~shall consider the recommendations of the basin and bay area~~
4 ~~stakeholders committee and basin and bay expert science team as~~
5 ~~well as coordinate with, and give appropriate consideration to the~~
6 ~~recommendations of, the commission, the Parks and Wildlife~~
7 ~~Department, and the board in establishing the schedule.]~~

8 (2) the basin and bay area stakeholders committee
9 shall establish a basin and bay expert science team not later than
10 March 1, 2010;

11 (3) the basin and bay expert science team shall
12 finalize environmental flow regime recommendations and submit them
13 to the basin and bay area stakeholders committee, the advisory
14 group, and the commission not later than March 1, 2012, except that
15 at the request of the basin and bay area stakeholders committee for
16 good cause shown, the advisory group may extend the deadline
17 provided by this subdivision;

18 (4) the basin and bay area stakeholders committee
19 shall submit to the advisory group and the commission its comments
20 on and recommendations regarding the basin and bay expert science
21 team's recommended environmental flow regime not later than
22 September 1, 2012;

23 (5) the advisory group shall submit to the commission
24 its comments on and recommendations regarding the basin and bay
25 expert science team's recommended environmental flow regime not
26 later than December 31, 2012; and

27 (6) the commission shall adopt the environmental flow

1 standards as provided by Section 11.1471 not later than September
2 1, 2013.

3 (d-1) For the river basin and bay systems listed in
4 Subsection (b)(3):

5 (1) [F]the advisory group shall appoint the basin and
6 bay area stakeholders committees for the river basin and bay
7 systems not later than November 1, 2010;

8 (2) the basin and bay area stakeholders committee
9 shall establish a basin and bay expert science team not later than
10 March 1, 2011;

11 (3) the basin and bay expert science team shall
12 finalize environmental flow regime recommendations and submit them
13 to the basin and bay area stakeholders committee, the advisory
14 group, and the commission not later than March 1, 2013, except that
15 at the request of the basin and bay area stakeholders committee for
16 good cause shown, the advisory group may extend the deadline
17 provided by this subdivision;

18 (4) the basin and bay area stakeholders committee
19 shall submit to the advisory group and the commission its comments
20 on and recommendations regarding the basin and bay expert science
21 team's recommended environmental flow regime not later than
22 September 1, 2013;

23 (5) the advisory group shall submit to the commission
24 its comments on and recommendations regarding the basin and bay
25 expert science team's recommended environmental flow regime not
26 later than December 31, 2013; and

27 (6) the commission shall adopt the environmental flow

1 standards as provided by Section 11.1471 not later than September
2 31, 2014.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.