

By: Fraser

S.B. No. 1894

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedure for review by the Texas Commission on
3 Environmental Quality and related entities of environmental flow
4 standards and environmental flow set-asides for river basin and bay
5 systems and related matters.

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

7 SECTION 1. Section 11.02362(p), Water Code, is amended to
8 read as follows:

9 (p) In recognition of the importance of adaptive
10 management, after submitting its recommendations regarding
11 environmental flow standards and strategies to meet the
12 environmental flow standards to the commission, each basin and bay
13 area stakeholders committee, with the assistance of the pertinent
14 basin and bay expert science team, shall prepare and submit for
15 approval by the advisory group a work plan. The work plan must:

16 (1) ~~[establish a periodic review of the basin and bay~~
17 ~~environmental flow analyses and environmental flow regime~~
18 ~~recommendations, environmental flow standards, and strategies, to~~
19 ~~occur at least once every 10 years,~~

20 [~~2~~] prescribe specific monitoring, studies, and
21 activities; and

22 (2) [~~3~~] establish a schedule for continuing the
23 validation or refinement of the basin and bay environmental flow
24 analyses and environmental flow regime recommendations, the

1 environmental flow standards adopted by the commission, and the
2 strategies to achieve those standards.

3 SECTION 2. Section 11.1471, Water Code, is amended by
4 amending Subsection (f) and adding Subsection (g) to read as
5 follows:

6 (f) An environmental flow standard or environmental flow
7 set-aside adopted under Subsection (a) may be altered by the
8 commission in a rulemaking process undertaken in accordance with a
9 schedule established by the commission. The ~~[In establishing a~~
10 ~~schedule, the commission shall consider the applicable work plan~~
11 ~~approved by the advisory group under Section 11.02362(p). The~~
12 ~~commission's schedule may not provide for the rulemaking process to~~
13 ~~occur more frequently than once every 10 years unless the work plan~~
14 ~~provides for a periodic review under Section 11.02362(p) to occur~~
15 ~~more frequently than once every 10 years. In that event, the]~~
16 commission shall ~~[may]~~ provide for the rulemaking process to be
17 undertaken for each river basin and bay system for which
18 environmental flow standards have been adopted not more frequently
19 than every 10 years beginning January 1, 2022, unless the
20 commission determines that the process should be undertaken before
21 that date ~~[in conjunction with the periodic review if the~~
22 ~~commission determines that schedule to be appropriate]. A~~
23 rulemaking process undertaken under this subsection must provide
24 for the participation of stakeholders having interests in the
25 particular river basin and bay system for which the process is
26 undertaken.

27 (g) The commission shall evaluate the status of the work

1 plans submitted by the basin and bay area stakeholders committees
2 and approved by the advisory group under Section 11.02362(p) in
3 accordance with a schedule established by the commission. The
4 commission's schedule must provide for the first evaluation of work
5 plan status for each river basin and bay system for which
6 environmental flow standards have been adopted to be performed not
7 later than January 1, 2017, and for subsequent evaluations to be
8 performed every five years thereafter.

9 SECTION 3. This Act takes effect September 1, 2013.