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Contacts:
Jennifer Ellis, National Wildlife Federation, 512-468-5077; Tyson Broad, Sierra Club, 325-248-3137; Myron Hess, National Wildlife Federation, 512-576-3948

TCEQ Rules Fail to Adequately Protect Region's Rivers and Bays

Austin, Texas –The Texas Commission on Environmental Quality (TCEQ) adopted rules today that fall short of protecting environmental flows in the Guadalupe, San Antonio, Mission and Aransas rivers and into the San Antonio Bay system. By placing limits on new water rights permits, these rules are intended to help ensure sufficient water flows in the rivers and into the bays. On a more positive note, TCEQ also adopted a more reasonable set of rules for the Colorado and Lavaca rivers and Matagorda and Lavaca bays today.

“The result for the Guadalupe and San Antonio rivers and the San Antonio Bay system is extremely frustrating because of the use of flawed modeling by TCEQ staff in developing the initial rule proposal. Following staff’s recommendation, TCEQ Commissioners reduced environmental protections far below the levels recommended by the region’s stakeholder committee in an apparent attempt to minimize effects on future water development. Without adequate justification, TCEQ failed to capitalize on the work of the stakeholders who had struck a careful balance between future water supply needs and environmental protection,” said **National Wildlife Federation’s Jennifer Ellis, who served on the stakeholder committee.**

For about two years, a group of diverse stakeholders worked with a team of scientist to develop environmental flow recommendations that provide adequate water for fish and wildlife – and the businesses that depend on them – while allowing for reasonable opportunities to develop future water supplies. These stakeholders included representatives of municipalities, river authorities, commercial fisheries, regional water planning, industries, and other groups. This process was established by Senate Bill 3 in 2007 to create flow rules for each of Texas’s major river basins and bays.

“The stakeholder process was a difficult and time-consuming effort designed to address all reasonable concerns of the various interests,” noted **Tyson Broad, a Sierra Club representative, who also served on the stakeholder committee.** “A vast majority of stakeholders (21 of the 24 members) recognized the value of finding a middle ground and endorsed a full set of recommendations. By rejecting so much of the stakeholders’ hard work, TCEQ missed an opportunity to adopt a balanced approach that could have helped minimize controversy over future surface water projects in the Guadalupe River basin,” he added.

Among other shortcomings, the adopted rules exclude protections for many of the high flow pulses that the scientists and stakeholders identified as critical to the health of the region’s river and bays. These surges of freshwater cue fish spawning, spread plant seeds, deliver nutrients and sediments to the bay and maintain bay salinity at levels needed to support healthy fish and wildlife, including oysters. “We appreciate the addition by the Commissioners of one level of high pulse flows in the Guadalupe River basin to the rules adopted today. This is definitely a step in the right direction but still not sufficient to protect the health of the rivers and bay system,” added **Mr. Broad.**

Senate Bill 3 directs TCEQ to adopt rules that ‘are adequate to support a sound ecological environment, to the maximum extent reasonable considering other public interests and other relevant factors.’ “Because the TCEQ rules aren’t adequate to protect a sound ecological environment, particularly for the San Antonio Bay system, TCEQ needs to provide adequate justification for short-changing our rivers and bays and the natural heritage of all Texans. The agency didn’t do that,” explained **Myron Hess, an attorney with National Wildlife Federation.**

Fortunately, in the case of the new rules adopted for the Colorado and Lavaca rivers and Matagorda and Lavaca bays, TCEQ adhered much more closely to unanimous stakeholder committee recommendations. However, even there, TCEQ did reduce protections for larger pulse flows recommended by the stakeholders.

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