

**Framework for SAC review of
BBEST work products**

Senate Bill 3 provides that “In accordance with the applicable schedule...the advisory group [EFAG], with input from the science advisory committee [SAC], shall review the environmental flow analyses and environmental flow regime recommendations submitted by each basin and bay expert science team. If appropriate the advisory group shall submit comments on the analyses and recommendations to the commission for use by the commission in adopting rules under Section 11.1471. Comments must be submitted not later than six months after the date of receipt of the analyses and recommendations.” Texas Water **Sec. 11.02362 (q)**, as added by SB 3.

Other potentially relevant provisions of the law, as added by SB 3, include:

- **Sec. 11.02362 (n):** “Each basin and bay expert science team [BBEST] shall submit its environmental flow analyses and environmental flow regime recommendations to the pertinent basin and bay area stakeholders committee, the advisory group [EFAG], and the commission [TCEQ]..... The ...advisory group may not change the environmental flow analyses or environmental flow regime recommendations of the basin and bay expert science team.”
- **Sec. 11.02361 (e):** “The science advisory committee [SAC] shall (1) serve as an objective scientific body to advise and make recommendations to the advisory group on issues relating to the science of environmental flow protection...”
- **Sec. 11.002 (15)** “Environmental flow analysis” means the application of a scientifically derived process for predicting the response of an ecosystem to changes in instream flows or freshwater inflows.
- **Sec. 11.002 (16):** “Environmental flow regime” means a schedule of flow quantities that reflects seasonal and yearly fluctuations that typically would vary geographically, by specific location in a watershed, and that are shown to be adequate to support a sound ecological environment and to maintain the productivity, extent and persistence of key aquatic habitats in and along the affected water bodies.
- **Sec. 11.02362(m):** “...In developing the [environmental flow] analyses and [environmental flow regime] recommendations, the science team [BBEST] must consider all reasonably available science, without regard to the need for the water for other uses, and the science team’s [BBEST’s] recommendations must be based solely on the best science available.”

Based on these provisions and the work done to date by the SAC, a possible set of over-arching questions to guide the SAC review is as follows:

1. Do the environmental flow analyses conducted by the BBEST appear to be based on a consideration of **reasonably** available science, without regard to the need for water for other uses?
2. Do the environmental flow regime recommendations appear to be based solely on the best science available?
3. To what extent are the environmental flow analyses conducted by the BBEST grounded in a scientifically derived process for predicting ecosystem response to changes in instream flows or freshwater inflows?
4. Do the environmental flow recommendations reasonably represent seasonal and yearly fluctuations that typically vary geographically, by specific location in the watershed? If not, why not? Was an adequate alternative adopted?
5. Do the environmental flow recommendations appear to be adequate to support a sound ecological environment and to maintain the productivity, extent and persistence of key aquatic habitats in and along the affected water bodies? If not, why not?
6. Did the BBEST adequately document the assumptions embedded in and underlying its analysis and recommendations, and its decision-making process?