

RWPG Chairs Conference Call Meeting Notes

Type of Meeting: RWPG Chairs Conference Call (CCC)

Date of Meeting: February 22, 2021

Location of Meeting: Microsoft Teams

TWDB Staff in Attendance: Temple McKinnon, Sarah Backhouse, Yun Cho, Ron Ellis, Lann Bookout, Kevin Smith, William Alfaro, Elizabeth McCoy, and Matt Nelson.

Number of Planning Group Members in Attendance: 13 regions represented

Senators/Representatives/Other VIPs in Attendance: N/A

Report filed by: Sarah Backhouse

Report filed on: March 1, 2021

Agenda Items Discussed:

1. Introductions, Opening Comments, and Agenda Order

Sarah Backhouse welcomed participants, introduced the Texas Water Development Board (TWDB) staff present and acknowledged the representatives present from each regional water planning group (RWPG). She indicated that the meeting was being recorded and that written notes will be provided. Agenda item 4b will be discussed under agenda item 6.

RWPG participants:

A – C.E. Williams (Chair), Ben Weinheimer (Exec Cmte), and Dustin Meyers (Panhandle Regional Planning Commission)

B – Randy Whiteman (Chair), Stacey Green, and Danna Bales (Red River Authority)

C – Kevin Ward (Chair) and Howard Slobodin (Trinity River Authority)

D – Kyle Dooley (Riverbend Water Resources District)

E – None

F – John Grant (Chair)

G – Wayne Wilson (Chair)

H – Philip Taucer (Freese and Nichols, Inc.)

I – None

J – None

K – David Van Dresar (Chair), David Wheelock (Vice-Chair)

L – Tim Andruss (Chair) and Caitlin Heller (San Antonio River Authority)

M – Jim Darling (Chair) and Manuel Cruz (Lower Rio Grande Valley Development Council)

N – John Byrum (Nueces River Authority)

O – Aubrey Spear (Chair) and Kelly Davila (South Plains Association of Governments)

P – Phillip Spenrath (Chair)

Handout A: [Sixth Cycle of Regional Water Planning working schedule](#)

Handout B: [TWDB Priorities for the 87th Texas Legislative Session](#)

Handout C: [Proposal for publication of proposed amendments related to regional water planning](#)

2. Fifth Cycle Wrap-up

Sarah Backhouse provided an update on wrapping up the fifth cycle of regional water planning.

- a) All plans approved 1/19
 - i. All 16 regional water plans were approved by the TWDB Board on January 19, 2021 and an email notification was provided to RWPG stakeholders. Plans are available on the TWDB's website.
- b) Final invoicing reminders
 - i. The deadline to submit any remaining payment requests is February 28, 2021 (*please note that this deadline was subsequently extended to March 29, 2021*). The fifth cycle contracts expire at the end of March. Please submit any outstanding subcontract amendments or budget memorandums as soon as possible.

3. Interregional Planning Council

Temple McKinnon provided the following update on the Interregional Planning Council (IPC):

- a) The IPC report was submitted to our Board last October. TWDB is in the process of implementing recommendations regarding several topics. Regarding communications best practices Sarah will discuss improvements later in the agenda. TWDB is implementing recommendations where we can, but some of them will take time and more information will be distributed to RWPGs this year for other recommendations. For example, we are aggregating policy recommendations from all regional water plans and will distribute that to the planning groups. The IPC report is on the TWDB website and it has been distributed to all planning group members. Enhanced interregional coordination recommendations will be implemented in your next scope of work with more deliberate and documented consideration of interregional project opportunities and potential issues. We will be soliciting further stakeholder input later this summer when we review our guidance principles taking into consideration some recommendations from the Council and regional water plan including how to plan for droughts worse than a drought of record. The Chair of the IPC was Suzanne Scott and has since left the Region L RWPG. Tim Andruss has been appointed to the IPC as Region L's representative. The IPC dissolves upon adoption of the next state water plan this summer. Following adoption of the state water plan, the nomination process will begin for the next council.

4. Regional Water Planning Program Updates

Sarah Backhouse and Temple McKinnon provided updates on the following items:

- a) TWDB Regional Water Planning [website](#) demo
 - i. Sarah demonstrated where to find certain regional water planning information on the TWDB's website, including documents relevant to development of the 2026 regional water plans, RWPG meeting schedules, past regional water plans, educational information, the interregional planning council, and projections data.
- b) Working schedule for the 2026 Regional Water Plans [Handout A]
 - i. This item was discussed under agenda item 6.

- c) Input on communications
 - i. Communication and engagement with RWPG members was a big point of discussion among the best practices committee of the Interregional Planning Council. TWDB's planning program has made the following recent improvements 1) using a standard email (RegionalWaterPlanning@twdb.texas.gov) to provide broadcast program communications to RWPGs, 2) sending broadcast communications to all RWPG members, rather than only the RWPG Chairs, administrators, and technical consultants, 3) posting copies of broadcast communications on the 2026 Regional Water Plan document webpage for reference. RWPG administrators will still be responsible for forwarding communications to members that do not have email addresses and should make sure to provide any updated email addresses to the TWDB.
- d) Member survey feedback
 - i. The TWDB intends to develop a RWPG member feedback survey this year similar to the survey that was provided at the end of the fourth cycle of planning. The survey solicited feedback on TWDB assistance, the implementation of planning, and administration of the planning groups. Example program improvements that were developed based on feedback from the last survey include the new member guide, best practices guide for RWPG administrators, and regional water planning frequency asked questions. Sarah welcomed input from the Chairs on survey topics.
- e) Regional Water Planning Area boundary review
 - i. The TWDB is required by statute to review the planning area boundaries every five years. The TWDB solicited public input on the boundaries last fall and did not receive any public comments. The TWDB Board meeting on the 25th will address confirming the existing boundaries.
- f) 2022 State Water Plan development
 - i. TWDB staff has been developing the draft 2022 State Water Plan. We anticipate taking the draft plan to the TWDB Board for approval to publish in April. Following Board approval, there will be a public comment period on the draft plan, prior to adopting the final version in the summer. We anticipate the release of the 2022 Interactive State Water Plan site to coincide with adoption of the final plan. There will be a public hearing associated with the draft state water plan, information will be provided in the public notice.
- g) TWDB Legislative Priorities Report [Handout B]
 - i. TWDB's Legislative Priorities Report is on the TWDB website. Three of the four recommendations to the Legislature involve regional water planning groups. Two of the recommendations remove the requirements for the infrastructure finance report (IFR) and the project prioritization. These are tasks typically completed towards the end of the planning cycle. House Bill 1905 has been filed and proposes removal of those tasks. The reasoning being that IFR served a means to assess financing needs in the years prior to the SWIFT program. However, with the development of SWIFT, the actual demand for that program is currently a better indicator of the need for state assistance for water supply projects. For project prioritization, the effort required for the planning groups to

prioritize projects was not proportionate to how the results are utilized in the prioritization for SWIFT purposes. This acknowledges limitation of resources and the use of best available information. The third item impacting planning groups is a request for additional funding for regional planning of about \$2.6 million per cycle, in addition to the baseline amount. Since 2009 there have been about 10 new requirements and enhancements have been added to the water planning process and over that same time period funding has remained at a consistent level. TWDB received feedback from planning group administrators and consultants on costs they have occurred and tasks that not sufficiently funded.

5. Regional and State Water Planning Rulemaking

Sarah Backhouse provided an update on current and future rulemaking efforts:

- a) Current rulemaking for Regional Water Planning Grants and Public Notice and Participation [Handout C]
 - i. An email was provided to all RWPG members on 2/11 notifying them of this rulemaking. Chairs are encouraged to at minimum review the Board memo included in the email that highlights the proposed key changes. The attachments including the rule proposals include the specific changes.
 - ii. The key change to be aware of in Chapter 355 (Regional Water Planning Grant rules) is the allowance for limited labor costs for administrator staff. There will be limitations specified in the contract expense budget, and this will be a limited amount, especially to begin with, as we have not received any additional money specifically for this. Everyone needs to be aware that this expense would be coming out of the total funds for plan development. The RWPG or chair must also approve the use of such funds. Administrators are encouraged to coordinate with the chair and/consultants (if procured) on what funding is appropriate to be set aside in your regions.
 - iii. The notice and public participation rules were revised to streamline the requirements and where we could make them more consistent with the new flood planning rules. We've received feedback over the years that this rule section has been confusing and hard to follow. Comments from administrators that work on the public notices would be appreciated if there are still unclear aspects. A few key proposed changes to be aware of include increasing the minimum notice for regular meetings from three to seven days, revising the public comment period on the draft regional plans so that there is one 60 day comment period for the public and agencies (TWDB's 120 day timeline is not revised by this change), and the proposal removes the 30-day notice associated with the Board taking action on funding applications.
 - iv. These rules will be posted in the Texas Register on Friday, February 26th, and there will be a comment period open through March 29th.
- b) Upcoming rulemaking regarding State Water Planning Guidance Principles and other revisions to Regional Water Planning rules
 - i. We will be initiating another rulemaking this year regarding the state water planning guidance principles and any other updates necessary for regional water planning rules. There are 28 guidance principles in rule that guide the

requirements of the state and regional water plan development. We will be starting this effort with the solicitation of preliminary input from stakeholders prior to drafting any proposed rule revisions. The anticipated timeline to initiate stakeholder input is late March or early April. We also planning to hold a meeting with technical consultants for their input on technical aspects of the plan this summer.

6. Sixth Cycle of Regional Water Planning Initial Activities

Sarah Backhouse and Temple McKinnon provided updates on the initial activities for the sixth cycle of regional water planning:

- a) Request for applications and initial contracting timeline
 - i. Sarah discussed the Sixth Cycle of Regional Water Planning working schedule [Handout A]
 - ii. We will be posting the Request for Applications on March 12th. Once posted, TWDB will email the planning group administrators. The application period will only be open for 30 days, but we have streamlined the application components and the majority of the application will be compiling documents that the TWDB has prepared. For example, the scope of work, timeline, and the budget information will be provided by TWDB. The scope of work will include five initial tasks with funding allocated by a formula funding tool. The contracts will include budget flexibility that has been included in past cycles.
 - iii. We are still aiming to take the applications to the TWDB Board for approval to enter into contracts in June. August 31st is the budgetary deadline to execute the contracts. There is currently a large and costly 30-day notice associated with the date the Board takes action on the funding applications. The current rulemaking proposes to remove this notice and planning groups are asked to hold off on posting this notice unless you receive guidance from TWDB to do so. Final rules are anticipated to be adopted in May and would be affective prior to contract action. Please don't hesitate to contact TWDB if you have any questions on the application or this notice.
- b) Initial contract tasks
 - i. Initial tasks will be projections, policy recommendations, planning area description, and public participation. The first set of data that TWDB will be releasing associated with projections will be in September, and the first deadline for planning groups to provide feedback to TWDB will be March 2022. Planning groups should be working towards procuring consultants so that technical work can begin later this year. TWDB will not be able to accommodate the use of sub-WUGs in the state water planning database this cycle. Resources will be focused on projections development following a new census. Discrete level of information may still be presented in by the region in the regional plans.
- c) Subcontractor procurement
 - i. Hearing questions on this at recent meetings. Each administrator must procure a consultant for the new cycle. The procurement method should follow the requirements of the political subdivision to enter into professional services.
- d) Expectations and guidance for pre-planning and coordination meeting
 - i. Another big point of discussion among with IPC was that interregional

coordination does not occur early enough in the cycle. There will be a few new requirements regarding documentation of interregional coordination this cycle, one of them being at the pre-planning meeting. At this meeting the planning groups must specifically consider identifying strategies that provide opportunity for coordination with other regions or identify issues that may lead to conflicts with other regions. The technical memorandum this cycle will require documentation of this effort and the final plan would identify strategies to start the interregional coordination discussion the following cycle.

- ii. To assist in this initial coordination effort, TWDB will provide all regions a list of strategies from the current plan that serve multiple regions as your starting point for discussion and we will provide some example discussion points, such as acknowledging which strategies will require interregional coordination, how the planning group will coordinate with other regions and/or sponsors, and how to involve liaisons in the process. TWDB will develop a one-pager to outline these requirements prior to these meetings occurring.
- iii. Since this task and meeting will involve technical work, the pre-planning meeting should not be held until at least the date that the TWDB board authorizes contracts this summer (anticipated in June). The TWDB is currently not under contract for sixth cycle work. TWDB will request an allowance for only public notices to be eligible for reimbursement from February to May. Following Board approval to enter into contracts, TWDB will provide the strategy data for interregional coordination. Pre-planning public input must also occur prior to any technical work commencing. It may also be in the planning groups interest to have procured your technical consultant prior to this meeting.
- iv. Planning groups should wait until at least June to hold the pre-planning meeting, TWDB will provide additional guidance on the interregional coordination task, public input on the 2026 RWP development should be the first item that the planning group addresses at the pre-planning meeting, and any other agenda items involving technical items may occur following that.
- v. Planning groups should also be mindful that this pre-planning meeting also has a 30-day public notice requirement, including publishing in a newspaper, and additional entities to be notified, as required by statute.

7. Chairs Discussion

Sarah discussed the format of future Chairs calls and plans to keep using a virtual format to share documents visually. TWDB typically invites Chairs and Administrators for scheduling purposes and will continue to do so. Chairs are welcome to invite their consultants to listen, but we would prefer participation in these calls to be limited to the chairs or their administrators. Sarah asked the Chairs if they have any suggestions on topics or how to engage the Chairs on future calls. Temple suggested holding the next call before the end of the Legislative session. Jim Darling noted that the allowance to hold remote meetings for planning meetings has been helpful for planning group members and the public.

8. Wrap-up and next call topics and date

The next RWPG Chairs Conference Call meeting will be scheduled at a later date.