

TO: Board Members

THROUGH: Kevin Patteson, Executive Administrator
Les Trobman, General Counsel
Jeff Walker, Deputy Executive Administrator
Water Supply & Infrastructure

FROM: Matt Nelson, Director, Water Use, Projections, & Planning

DATE: December 4, 2015

SUBJECT: Briefing and discussion on the process of developing, adopting, and approving the 2016 Regional Water Plans.

ACTION REQUESTED

This is an informational item presenting the development, adoption, and review processes for the 2016 Regional Water Plans. No action is required.

BACKGROUND

In accordance with §16.051 of the Texas Water Code (TWC), the Texas Water Development Board (TWDB) is required to develop and adopt a comprehensive state water plan every five years that incorporates the regional water plans developed and approved in accordance with TWC §16.053. Pursuant to TWC §16.053(i) and 31 TAC §357.50, regional water planning groups are required to submit their adopted regional water plans to the Board for approval every five years.

Fourth cycle of regional water planning

Texas has just completed its fourth cycle of the regional water planning process that was created in 1997 by Senate Bill 1, 75th Texas Legislature. All sixteen regional water planning groups have adopted their final regional water plans, and submitted them by the December 1, 2015 contract deadline, to the TWDB for approval by the Board.

The regional water planning group members prepared their plans over the last five years under regional water planning grant contracts with the TWDB. Each of the planning groups conducted their work at open meetings and in a participatory manner. The 12 statutorily required planning group member interests represented in each region include: agriculture, industry, environment, public, municipalities, business, water districts, river authorities, water utilities, counties, power generation, and groundwater management areas. Planning groups also include non-voting members from the TWDB, the Texas Department of Agriculture, the Texas Commission on

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Environmental Quality, the Texas Parks and Wildlife Department, as well as liaisons from adjacent regional water planning groups.

Each planning group approves its own bylaws to govern methods of conducting business and each group has a political subdivision of the state, such as a river authority or council of government, to administer the planning process and enter into and manage contracts related to developing their regional water plan. With the support of their political subdivision and technical consultants, each regional water planning group:

- selected a political subdivision to act on the planning group's behalf including applying for grant funding and entering into a contract with the TWDB;
- procured technical consultants to perform analyses and develop the documents;
- refined a standardized scope of work for developing their regional water plan with public input;
- developed an Initially Prepared Regional Water Plan (IPP);
- submitted the IPP to TWDB staff for review;
- held at least one public hearing to solicit comments on the IPP;
- considered public and other comments and revised their plan, as appropriate; and
- adopted their final plan and submitted it to TWDB for approval.

Development of the plans must be performed in conformance with TWC §16.053; Texas Administrative Code, Chapters 355, 357 and 358; and the TWDB agency grant contract including associated guidance documents. Together, the statute, rules, and contract documents provide a framework on which the regional water plans are developed and which allows the TWDB to combine the regional plans in a meaningful way when preparing the state water plan.

Regional water plans

Regional and state water planning is based on several fundamental parameters that guide the entire process, including

- planning for drought of record conditions when, generally, water supplies are lowest and water demands are highest;
- conducting evaluations for all water user group categories (municipal, manufacturing, steam-electric, mining, irrigation, and livestock); and
- reporting the associated data over a 50-year planning period by water user group, county, river basin, and regional water planning area.

Regional water planning contracts and rules consist of 11 tasks that align with 11 chapters in each regional water plan:

- 1) Description of the regional water planning area
- 2) Population and water demand projections
- 3) Evaluation of existing water supply
- 4) Identification of water needs
- 5) Identification, evaluation, and recommendation of water management strategies
- 6) Impacts of the plan and consistency with the protection of water, agricultural, and natural resources
- 7) Drought response information and recommendations
- 8) Regulatory, administrative, and legislative recommendations
- 9) Evaluation of the financing needs of sponsors of water management strategies
- 10) Public participation and adoption of the plan

11) Implementation of and comparison to the previous regional water plan

Planning groups must also separately submit a prioritization of all the recommended projects for funding consideration from the State Water Implementation Fund for Texas program. Planning groups follow the uniform standards for regional prioritization that were approved by the TWDB. These standards, required in statute, were developed by the chairs of the planning groups through a stakeholder committee process facilitated by the TWDB.

Agency review of the regional water plans

All 16 of the 2016 IPPs - draft regional plans - were delivered to the TWDB by the May 1, 2015 deadline and the EA reviewed each to determine whether statutory and regulatory requirements had been satisfactorily met. After reviewing the IPPs, TWDB staff provided a comment letter to each regional water planning group within 120 days that included comments and questions that had to be satisfactorily addressed in their final, adopted regional water plan in order to meet statutory, agency rule, and/or contract requirements. The planning groups also provided public notice of their draft plan and held public hearings and accepted oral and written comments.

The planning groups modified their IPP plans to address the TWDB comments and in consideration of other agency and public comments received. Planning groups then adopted their final regional water plans at a public meeting and submitted them to the TWDB by December 1, 2015 for approval by the Board.

The EA has reviewed the 16 adopted regional water plans for compliance with rules and statute. Those plans will be presented to the Board for approval consideration as separate Board items.

KEY ISSUES

In accordance with 31 TAC §357.50, the Board is required to consider approval of submitted regional water plans and may approve a regional water plan (RWP) only after it has determined that the RWP complies with statute and rules including TWC §16.053, 31 TAC Chapters 355, 357, and 358.

In accordance with TWC §16.053, the Board may approve a regional water plan only after it has determined that:

- all interregional conflicts involving that regional water planning area, if any, have been resolved;
- the plan includes water conservation practices and drought management measures; and
- the plan is consistent with long-term protection of the state's water resources, agricultural resources, and natural resources.

RECOMMENDATION

No action is required.