

AGENDA ITEM MEMO

BOARD MEETING DATE: January 19, 2021

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Ashley Harden, General Counsel
Jessica Zuba, Deputy Executive Administrator, Water Supply & Infrastructure

FROM: Temple McKinnon, Director, Water Use, Projections & Planning

SUBJECT: 2021 Regional Water Plans development, adoption, and review processes

ACTION REQUESTED

Briefing and discussion on the development, adoption, and review processes for the 2021 Regional Water Plans.

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 Texas Administrative Code (TAC) §357.50, regional water planning groups are required to submit their adopted regional water plans to the Board for approval every five years.

During each five-year planning cycle, the responsibilities of the Board include:

- designating and reviewing regional water planning areas;
- providing technical and financial assistance to the regional water planning groups;
- adopting population and demand projections and any associated revisions;
- resolving interregional conflicts, if any;
- approving the regional water plans;
- adopting a state water plan;
- approving amendments to regional water plans; and
- adopting amendments to the state water plan.

Our Mission

Leading the state's efforts in ensuring a secure water future for Texas and its citizens

Board Members

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member

Jeff Walker, Executive Administrator

Fifth cycle of regional water planning

Texas has just completed its fifth 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 adopted their final regional water plans and submitted them to TWDB by the November 5, 2020 contract deadline.

The regional water planning group members developed 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. All planning groups also include non-voting members from the TWDB, the Texas Department of Agriculture, the Texas Parks and Wildlife Department, the Texas State Soil and Water Conservation Board, as well as liaisons from adjacent regional water planning groups. Additionally, some planning groups have included the Texas Commission on Environmental Quality as a non-voting member as deemed appropriate.

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 a draft, or Initially Prepared Regional Water Plan;
- submitted the draft plan to TWDB staff for review and comment;
- held at least one public hearing to solicit comments on the draft plan;
- considered public and other comments and revised their plan, as appropriate; and
- adopted their final plan and submitted it to the TWDB for approval.

Development of the plans was performed in conformance with TWC §16.053; and 31 TAC, Chapters 355, 357 and 358; and the TWDB agency grant contract including associated guidance documents. Together, the statute, rules, and contract documents provided a framework on which the regional water plans were developed and which allows the TWDB to combine the regional plans in a meaningful way as we prepare 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 consisted of 11 tasks that align with 11 chapters contained in each regional water plan:

- 1) Description of the regional water planning area
- 2) Population and water demand projections
- 3) Evaluation of existing source availability and water supply
- 4) Identification of water needs
- 5) Identification, evaluation, and recommendation of water management strategies, including documentation of why certain strategy types were not recommended
- 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, impediments to that implementation, and comparison to the previous regional water plan

Most of the key data on which the regional plans are based is aggregated in and managed through the TWDB's state water plan relational database and application. The database was populated by both the TWDB and the regional planning group technical consultants. This database is a foundational tool that the TWDB relies on, for example, to check that, in the event of a repeat of a drought of record conditions, implementation of the regional and state water plans would not result in overallocation of any water supply sources and thereby create an associated shortage and risk to public health and safety. This database is also the key tool by which the 16 regional plans are incorporated into the state water plan, including the interactive state water plan platform.

All 16 regional planning groups also separately submitted their regional prioritizations of all their recommended projects that is used by the TWDB as one element of the prioritization of applications received in the State Water Implementation Fund for Texas program. Planning groups followed the uniform standards for their regional prioritizations. Those standards were developed by the Uniform Standards Stakeholder Committee and approved by the TWDB.

Agency review of the regional water plans

All 16 of the 2021 *draft* Initially Prepared Plans were delivered to the TWDB by the March 3, 2020 deadline and the Executive Administrator (EA) reviewed each to determine

whether statutory and regulatory requirements had been satisfactorily met. After reviewing the draft plans, the 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.

All 16 regional water planning groups satisfactorily addressed all the TWDB comments and made additional changes after considering 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 November 5, 2020 for approval by the Board.

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

KEY ISSUES

In order to incorporate the upcoming 2022 State Water Plan as the basis for funding program consistency reviews, the EA intends to replicate the approach used following the adoption of the 2016 Regional Water Plans. The EA will review all relevant funding applications for consistency based upon the 16, Board-approved 2021 Regional Water Plans. Therefore, projects considered for TWDB funding will be based upon the 2022 State Water Plan.

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 only after it has determined that the plan complies with statute and rules, including TWC §16.053 and 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:

- No interregional conflicts exist;
- 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.