

Regional Water Planning in Texas: Interregional Conflict

What is an interregional conflict?

An interregional conflict exists when

- more than one regional water plan (RWP) includes the same source of water supply for identified and quantified recommended water management strategies (WMS) and there is insufficient water available to implement such WMSs; or
- in the instance of a recommended WMS proposed to be supplied from a different regional water planning area, the regional water planning group (RWPG) with the location of the strategy has studied the impacts of the recommended WMS on its economic, agricultural, and natural resources and demonstrated to the Texas Water Development Board (TWDB) Board members (Board) that there is a potential for a substantial adverse effect on the region as a result of those impacts.

What coordination should be undertaken prior to identification of a potential interregional conflict?

During the development of their Initially Prepared Plan (IPP)—draft plan—all RWPGs are encouraged by the TWDB to coordinate with neighboring regions and to proactively identify and work cooperatively to avoid potential interregional conflicts.

The TWDB's state water planning database, which contains data from the RWPs, will be a key tool in identifying potential conflicts associated with over-allocations of sources. The TWDB may use this database and information submitted by RWPGs on their methodologies to analyze water availability to identify areas that may warrant additional interregional coordination. If such areas are identified by the TWDB, certain RWPGs may specifically be asked by the TWDB to share information on technical approaches and data development with neighboring regions prior to submitting their IPP to the TWDB.

This sharing of information may be in the form of formal or informal coordination between the RWPG technical consultants, joint RWPG subcommittee meetings, or joint RWPG meetings, for example.

TWDB staff will conduct final water source over-allocation analyses as part of the agency's review of IPPs and final RWPs and notify RWPGs.

Additionally, RWPGs are encouraged to include tabulated quantified information associated with evaluations of feasible (including recommended) WMSs in one place within the RWP to aid RWPG members, other RWPGs, the public, and TWDB staff in understanding and reviewing RWPs.

How does an RWPG identify a potential interregional conflict?

Within 60 days of the submission of IPPs to the TWDB's Executive Administrator (EA), the RWPGs shall submit in writing to the EA and the other affected RWPG the identification of potential interregional conflicts. The RWPG identifying the potential conflict must provide the following information:

- Identification of the specific recommended WMS from another RWPG's IPP.
- A statement of why the RWPG considers there to be an interregional conflict.
- Any other information available to the RWPG that is relevant to the Board's decision.

The RWPGs shall seek to resolve conflicts with other RWPGs and shall promptly and actively participate in any TWDB sponsored efforts to resolve interregional conflicts.

What process does the TWDB follow when a potential interregional conflict has been identified?

Upon receiving an assertion of an interregional conflict, the EA will review the materials submitted

by the RWPG and take a recommendation on the potential conflict to the Board.

If the Board determines that an interregional conflict exists, the EA may use the following process to commence resolution of the conflict:

- Notify the affected RWPGs of the nature of the interregional conflict.
- Request affected RWPGs to appoint a representative or representatives authorized to negotiate on behalf of the RWPG and notify the EA in writing of the appointment.
- Request affected RWPGs' assistance in resolving the conflict.
- Negotiate resolutions of conflicts with RWPGs as determined by the EA.

If negotiated resolutions are successful and confirmed by the RWPG Chairs or designated representatives, the EA will take the negotiated resolution to the Board for their considered approval to resolve the conflict.

In the event the negotiation is unsuccessful, the EA may take the following steps:

- Determine a proposed recommendation for resolution of the conflict.
- Provide notice of intent to hold a public hearing on proposed recommendations for resolution of the conflict.
- Hold a public hearing on the proposed recommendation for resolution of the conflict.
- Make a recommendation to the Board for resolution of the conflict.

The Board shall consider the EA's recommendation and any written statements by a designated representative for each affected RWPG and determine the resolution of the conflict. The Board's decision is final and not appealable. The EA shall notify affected RWPGs of the Board's decision and shall direct changes to the affected RWPGs.

What steps must an RWPG take following a Board decision on conflict resolution?

In accordance with Texas Water Code § 16.053(h)(6) and direction from the TWDB, each RWPG involved will be required to prepare revisions to their respective plans and hold, after notice, at least one public hearing at a central location readily accessible to the public within their respective regional water planning areas.

The RWPGs shall consider all public and Board comments; prepare, revise, and adopt their respective plans; and submit their plans to the Board for approval and inclusion in the state water plan.

What if an interregional conflict cannot be resolved before regional water plans are finalized?

In the event that the Board has not resolved an interregional conflict early enough to allow an involved RWPG to modify and adopt its final RWP by the statutory deadline, all RWPGs involved in the conflict shall proceed with adoption of their RWP by excluding the relevant recommended WMS and all language relevant to the conflict.

Each RWPG involved must also add language to the RWP explaining the unresolved interregional conflict and acknowledging that the RWPG may be required to revise or amend its RWP in accordance with a negotiated or Board resolution of an interregional conflict.

Additional Resources

31 Texas Administrative Code, Regional Water Planning Rules, §357.10 (16), §357.50 (d), (e), and (f) (4), and §357.62:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.VIEWTAC?tac_view=4&ti=31&pt=10&ch=357&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.VIEWTAC?tac_view=4&ti=31&pt=10&ch=357&rl=Y)

Texas Water Code, §16.053 (h) (5), (6), and (7) (A):
<https://statutes.capitol.texas.gov/Docs/WA/htm/WA.16.htm#16.053>

For additional information, please call 512-936-2387 or visit

www.twdb.texas.gov/waterplanning/rwp/index.asp.