

## Interregional Planning Council Meeting Minutes

May 28, 2020, 10:00 a.m. to 12:00 p.m.

held via Zoom Videoconference

*Council decisions bolded and italicized in document*

### Participation: Number of Interregional Planning Council Members present **14 of 16**:

A	Steve Walthour	E	Scott Reinert-absent	I	Kelley Holcomb	M	Tomas Rodriguez
B	Russell Schreiber	F	Allison Strube	J	Ray Buck – absent	N	Carl Crull
C	Kevin Ward	G	Gail Peek	K	David Wheelock	O	Melanie Barnes
D	Jim Thompson	H	Mark Evans	L	Suzanne Scott	P	Patrick Brzozowski

**Facilitator:** Suzanne Schwartz

**Senators/Representatives/Other VIPs in Attendance:** Shannon Houston of House Natural Resources Committee

**TWDB Board Members and Staff:** Director Brooke Paup, Matt Nelson, Temple McKinnon, Sarah Backhouse, Ron Ellis, Elizabeth McCoy, Lann Bookout, William Alfaro, Kevin Smith, Jean Devlin, Bryan McMath

### MEETING GENERAL

TWDB Director Brooke Paup provided opening remarks and thanked members for their work on the Council. Meeting facilitator, Suzanne Schwartz, called the meeting to order and reviewed meeting logistics. Temple McKinnon (TWDB) called the roll and determined that a quorum was present.

### AGENDA ITEMS

**1. Public Comment** – No public comments were offered.

**2. Consideration of Meeting Minutes from April 29 Meeting**

The Council considered the minutes of the April 29, 2020 meeting. Kelley Holcomb made a motion to approve the minutes as presented. Gail Peek seconded the motion. The minutes were unanimously approved.

**3. Consideration of Issues that Interregional Planning Council May Consider**

Suzanne Schwartz presented a draft working document of issues for the Council to consider. The draft document included ideas brainstormed and prioritized via polling at the April 29, 2020 meeting and issues from Rep. Larson’s letter to the Council. Items for Council consideration have been grouped into the following four categories:

- Planning Water Resources for the State as a Whole
- Enhancing Interregional Coordination

- Dealing with Interregional Conflict
- Best Practices for Future Planning

Members then discussed the issues presented and offered several changes to the document. Kevin Ward (Region C) discussed the evolution of state and regional water planning, noting that some older water plans included a greater emphasis on meeting water quality and flood control needs of the state (referenced the 1957 planning act and the water quality acts passed by the state and federal government.) He suggested that these are now more of an afterthought and more recent regional plans seem to approach water quality as a box to check in the process to simply make sure quality doesn't conflict with supply rather than addressing water quality issues. He recommended adding the issue ***increase emphasis on water quality and flood control in water supply planning process, acknowledging the new regional flood planning process*** under the topic Planning Water Resources for the State as a Whole. Mr. Ward and Carl Crull (Region N) discussed the statewide flood planning process and that there is a water supply component in the flood planning program. Gail Peek (Region G) agreed with Mr. Ward and noted the importance of water quality when considering innovative water technologies such as aquifer storage and recovery, when combining water types, and when addressing issues with aquifer recharge. Carl Crull shared that Region N has discussed impacts of seawater desalination on water quality in bays and estuaries. He noted that water quality requires more emphasis as new sources of supply become necessary. Melanie Barnes (Region O) added that now is the time to bring serious discussions of water quality into the planning process, and provided example of water quality in the Dockum as an issue in Region O.

Mark Evans (Region H) offered that the Council report should be forward-looking and try to anticipate problems that may occur in the future relating to interregional conflict. In discussion, clarification was sought on whether legislative intent was for Council to develop a process on how to handle future interregional conflict, or to identify areas where interregional use would occur and thus the need for interregional coordination. Mr. Ward suggested looking ahead to future needs for water and identifying where and when potential conflicts could present (he provided examples of San Antonio, Corpus Christi and the Garfield water right, and High Plains irrigation.) Mr. Evans said the charge is to identify interregional conflicts, and that the Council should consider process development and ways to identify potential areas of conflict between the regions. He suggested (and the Council added) the following issue under Dealing with Interregional Conflict: ***proactively consider potential areas of conflict and ways to coordinate in advance of conflict.***

Mr. Crull said the Council will serve into the future and could further discuss ways to address issues identified for an October report. Jim Thompson (Region D) agreed with Mr. Crull that certain mandates are required legislatively of the Council, including improving coordination between planning groups, and that Rep. Larson's letter also provided directives to the Council. He stated that the Council should first address these charges.

Steve Walthour (Region A) suggested the group consider opportunities for the state to develop water resources in neighboring states and discussed his region's work with states to the north in the High Plains, including Oklahoma. He suggested such coordination could potentially prevent interregional conflict. He suggested adding the issue (and the Council added) ***Legislative support for interstate water resources for the State of Texas as a whole and neighboring states that may benefit*** under Planning Water Resources for the State as a Whole. Russell Schreiber (Region B) noted support for Mr. Walthour's recommendation, adding that this could be especially beneficial for regions along the

border. The facilitator noted that the issues document remains a working document, which can be modified in the future by the Council

#### **4. Consideration of Action Plan for Moving Forward**

Ms. Schwartz presented a draft action plan as a starting point for the Council to consider in moving forward with their work through the end of June, noting that the plan for moving forward past June would be discussed during the June 29 meeting. Temple McKinnon noted that the final planning rules that will be considered by the TWDB Board in June have been revised to remove the October 14, 2020 deadline for the Council to submit its report to the TWDB, stating instead that the report will be due prior to the adoption of the 2022 State Water Plan as determined by the TWDB Executive Administrator (EA). It was also noted that the next legislative session begins in January 2021.

Kelley Holcomb (Region I) asked if the proposed June 10 and June 22 meeting agendas were intended to provide an outline that would set the group up for a one- or two-day meeting to get into the details of the topics. Ms. Schwartz confirmed that a future meeting likely would be needed to further discuss issues and develop recommendations and a report. Gail Peek (Region G) mentioned that only brainstorming had occurred thus far and further discussion was needed to develop recommendations.

Mr. Walthour suggested committees or individuals might need to be assigned to develop a draft report. Mr. Holcomb agreed. It was mentioned how valuable in-person meetings are and the limitations of virtual meetings. Ms. McKinnon noted there are limitations for in-person meetings under current guidelines due to the pandemic. The Board will try to accommodate what it can, but at this time there is no determinate date for an in-person meeting. Ms. Schwartz asked members to please send her any ideas on how to improve their virtual meetings.

Mr. Evans asked if the draft report would be prepared by the TWDB. Details on who will prepare the report are not yet determined. It was noted that TWDB staff are available to assist in preparing the report. It is likely the Council, facilitator, and TWDB staff will all contribute in the development of the report. Ms. Schwartz asked if members had any suggested changes to the draft action plan. No changes were noted.

Suzanne Scott (Region L) asked if Council members were allowed to have alternates participate on their behalf if a member is unable to attend a meeting. Ms. McKinnon will confirm whether alternates are allowed.

In response to a question, Ms. McKinnon noted she does not know when the report due date would be set by the EA. The Council considered setting its own deadline for having a draft report prepared. One factor noted was for the report to be prepared early enough that it is available for consideration in the upcoming legislative session. Mr. Walthour asked if the Board was going to use the Council's report for the legislative session. Matt Nelson (TWDB) explained that it was the Council's decision about what they produced and when. The group considered having the report prepared by December but decided to plan for October to allow enough time for the report to be considered by the TWDB and legislature prior to the 2021 Legislative Session. Ms. Barnes suggested that the Council could prepare an initial report for October to meet any deadlines for legislative consideration, and if needed submit an additional report later in the year to document other issues that this Council resolved or that might require additional consideration by future Councils.

## **5. Consideration of Report Structure**

During this agenda item, the Council reviewed the draft report structure document. Mr. Holcomb asked if the Council report would be a standalone report or if it would be an appendix in the state water plan. Mr. Nelson noted the Council report would be a standalone document that would be considered in various ways. Mr. Evans asked that all members have the opportunity to sign off on the report. No issues were noted with the draft report structure. Changes will be made to the document as the Council moves through it's process. Members were encouraged to submit any ideas for improvement to Ms. Schwartz.

## **6. Consideration of Ways to Enhance Interregional Coordination & Planning Water Resources for the State as a Whole**

Ms. Schwartz noted this agenda item is the beginning of the Council discussion on interregional coordination and planning water resources for state as a whole. These items will be considered again at future Council meetings.

Ms. McKinnon provided a presentation on background materials that are available on the TWDB Interregional Planning Council webpage on both of these topics. Key points of the presentation included the following:

- Technical Memorandums for each region were submitted in September 2018 and then made available on the website. These documents include standardized database reports for data up to the determination of needs (no strategy data), the planning group process for identifying potentially feasible water management strategies and a list of those strategies, and declarations of simplified planning. Next cycle these reports will also include information on infeasible water management strategies based upon a statutory requirement and definition of infeasibility.
- The 2021 regional water plans are required to include documentation on why desalination and aquifer storage and recovery are not feasible water management strategies.
- Ms. McKinnon provided a demonstration of the Regional Data Visualization Map, which is an interactive map that displays draft planning data for water user groups (WUGs) with needs and surpluses and was made available to planning groups and their consultants in October 2018. It can help identify where there are groups of WUGs with needs which could potentially work together on a strategy to address their needs. It can also be used to identify where there are WUGs with surplus supplies which could potentially provide water to WUGs with needs.
- Recommended strategies in the 2020 Initially Prepared Plans (IPPs) that serve multiple regions are included in a spreadsheet on the Council website. There are 32 multi-regional water management strategies in the IPPs from seven sponsor regions. The spreadsheet provides details on strategy sponsors and benefiting WUGs. It also provides information on the percentage of statewide strategy volume that multi-regional water management strategies represent.
- Links to previous State Water Plans and Trans-Texas Water Program reports are also provided on the Council webpage. These are the historical documents of the state's planning efforts.

Mr. Nelson provided an example of something the Council could consider under interregional coordination. Planning groups could acknowledge in the regional plans that they considered needs and surpluses from neighboring regions through review of the technical memoranda and interactive needs/surpluses map, since such consideration isn't explicit in the plans. Mr. Holcomb expressed concern that consultants don't have the budget to conduct this additional work. Mr. Nelson said this type of analysis and coordination is often already being done by the consultants, however certain

additional work suggested, such as further water quality analyses, could indeed be extensive additional work.

Mr. Ward asked if the planning database includes future supplies. Mr. Nelson indicated that the database includes availability data by source. Strategies and WUGs may utilize source availability to develop supplies. Ms. McKinnon noted that the Regional Data Visualization Map only includes demands and existing supplies data. It presents WUG needs prior to implementation of water management strategies. Mr. Ward noted it may be useful to have a tool that shows the availability of water sources that can be used to develop water management strategies. Mr. Nelson noted that this information is available in the database for groundwater sources based on the modeled available groundwater but determining this for surface water is more complex, given that availability is created with a project (e.g. storage). The discussion was tabled until the next meeting and it was suggested that TWDB could include in briefing for next meeting.

Ms. Schwartz asked Council members to continue brainstorming a list of problems they see with interregional coordination, using ideas submitted individually by Council members via email as a starting point. The brainstormed list will be used to develop a problem statement on the topic that they can then try to solve. Discussion included the following:

- Mr. Walthour suggested developing guidelines or measures for interregional conflict prioritization between two regions, such as first-come first-serve or how many people a proposed project will serve.
- Mr. Evans suggested a revision to the brainstorming document that planning group members should be, rather than they are not, knowledgeable about adjacent planning areas or planning areas where important sources of water may originate. David Wheelock (Region K) clarified the statement about the knowledge gap for planning members in some cases.
- Mr. Holcomb noted that the role of regional liaisons is to be a point of contact and information, not necessarily to solve problems between regions.
- Ms. Barnes noted, and Mr. Holcomb and Mr. Evans agreed, there is a need for guidelines on the role of liaisons.

Mr. Holcomb requested the working document used for brainstorming be sent to members to review and make changes and several members agreed with the request. Ms. Schwartz will send the working document out to members for their feedback and then develop a broad problem statement and goal statement for the Council to consider at the next meeting.

## **7. Discussion of Next Steps**

The next Council meeting will be held virtually at 1:00 p.m. on June 10, 2020. The Council considered the agenda for the next meeting and background materials for future topics. At the June 10, 2020 meeting the Council will consider ways to enhance interregional coordination and planning water resources for the state as a whole. No additional background materials were identified for the next meeting.

Mr. Ward inquired if the meeting could include a chat functionality. Several members noted a preference for having a chat function available. Ms. Schwartz replied that chat may not be exclusive to Council members in the Zoom application and suggested confirming whether its allowable under the Texas Open Meetings Act. Ms. McKinnon said she will confirm those issues for the next meeting.

Ms. Schwartz asked members to send her any suggested changes to the agenda or requests for background materials as soon as possible. Ms. McKinnon will send calendar invitations for scheduled meetings. Additional Council meetings are tentatively scheduled for June 22, 2020 and June 29, 2020. Mr. Holcomb asked if the Council would progress linearly through the issues identified because he did not want to double-back to revisit issues. Ms. Schwartz acknowledged there could be overlap in issues and asked the Council to send feedback on the order to discuss. Mr. Ward asked if the identified issues are prescriptive in evaluating how you can have or define an interregional conflict. He stated that it appeared the onus was more on one region to prove there is not an interregional conflict compared to one claiming there is an interregional conflict. He requested that the Council discuss carefully what would be appropriate for requirements on declaring an interregional conflict and the plan documentation requirements for controversial projects, and that it would be useful to provide recommendations to the TWDB and Legislature on these aspects. Ms. Schwartz suggested that Jim Thompson and Kevin Ward would be helpful in developing the agenda for that topic's discussion.

8. **Public Comment** - No public comments were offered.
9. **Adjourn** - The meeting adjourned at approximately 12:10 p.m.