

Interregional Planning Council Meeting Minutes

June 22, 2020, 1:00 p.m. to 5:00 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 HNRC, Katherine Thigpen of SWRA, Madison Kieschnick of Sen. Buckingham's office

TWDB Board Members and Staff: Chairman Peter Lake, Matt Nelson, Temple McKinnon, Sarah Backhouse, Ron Ellis, Elizabeth McCoy, Lann Bookout, William Alfaro, Kevin Smith, Jean Devlin, Bryan McMath

MEETING GENERAL

Temple McKinnon (TWDB) called the meeting to order and determined that a quorum was present. Ms. McKinnon reviewed the agenda and meeting materials and provided a reminder of the deadline to complete the poll for member availability through October. Ms. McKinnon then introduced TWDB Chairman Peter Lake, who provided opening remarks and thanked members for their work on the Council.

AGENDA ITEMS

1. Public Comment – No public comments were offered.

2. Consideration of Meeting Minutes from June 10, 2020 Meeting

The Council considered the minutes of the June 10, 2020 meeting. Suzanne Scott (Region L) asked for clarification on Kelley Holcomb's remarks on page 6 of the minutes regarding the role of Council as it relates to solving interregional conflicts. Kelley Holcomb (Region I) confirmed that the minutes accurately reflect his statements from the June 10, 2020 meeting. Mr. Holcomb made a motion to approve the minutes as presented. Gail Peek (Region G) seconded the motion. The minutes were unanimously approved.

3. Consider Election of a Chair and Vice-Chair for the Council

Mark Evans (Region H) introduced the agenda item and requested the Council consider electing a Chair and Vice-Chair. Mr. Evans proposed that electing a Chair and Vice-Chair would bring leadership, direction, and focus to Council's work. Mr. Evans made a motion to nominate Suzanne Scott as Chair and Kelley Holcomb as Vice-Chair. Carl Crull (Region N) seconded motion. Members unanimously approved the motion. Mr. Evans thanked Ms. Scott and Mr. Holcomb for their willingness to serve. Ms. Scott thanked members for their confidence.

Ms. Scott then provided an overview of facilitator Suzanne Schwartz's memo to the Council regarding process. The memo outlines a seven-step process for the Council to consider as a framework for moving forward in their work. The memo recommends that after the full Council develops problem and goal statements on the four discussion topics, committees then be formed to brainstorm and select solutions and develop action plans on each topic. Committee work would then be considered by the full Council. Ms. Scott asked members for feedback on the proposed process. Mr. Holcomb noted agreement with the process outlined in memo. Members agreed by consensus to follow the process outlined in the memo to continue their work.

4. Consideration of Planning Water Resources for the State as a Whole, Ways to Enhance Interregional Coordination, Dealing with Interregional Conflict, and General Best Practices for Future Planning

A. Planning Water Resources for the State as a Whole

Facilitator Suzanne Schwartz introduced the topic of planning water resources for the state as a whole and reviewed the Council's progress on the topic. The Council approved by motion a problem and goal statement at the June 10, 2020 meeting. Ms. Schwartz asked if member would like to have any additional discussion on this topic.

Jim Thompson (Region D) offered a revision to the goal statement and suggested adding "while meeting the mandated requirements of protecting the agricultural and natural resources of the state" to the end of the approved goal statement. Mr. Thompson offered this revision in order to emphasize a regional planning requirement to protect the state's agricultural and natural resources while planning for water supply needs. Melanie Barnes (Region O) agreed with Mr. Thompson and supported the additional language. Kevin Ward (Region C) reviewed requirements of Chapter 16, Subchapter C of the Water Code and stated that putting specific emphasis on two categories of needs detracts from the primary goal to meet all water needs of the state. Ms. Scott agreed that addressing needs should ensure protection of agricultural and natural resources but expressed concern that calling these two items out may appear to place agricultural and natural resource needs above the needs of other water user groups, such as municipal or industrial. Ms. Scott suggested the language could be broadened to include all mandated requirements.

Tomas Rodriguez (Region M) reminded members that majority voted to approve the goal statement and suggested not returning to prior decisions made by the Council. Mr. Thompson agreed but noted the goal statement was a working document and planning for the state as a whole should address mandated requirements. Mr. Thompson made a motion to adopt the following revised goal statement: Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that benefit the state as a whole, while meeting the mandated requirements of protecting the agricultural and natural resources of the state. Ms. Barnes seconded the motion.

In discussion of the motion, Gail Peek (Region G) noted that approval of the goal statement at the last meeting was made with the understanding that this is a working document that may be revised. Ms. Peek agreed with Ms. Scott that the statement should be broad and not point out one group or interest because the Council's goal is to address any type of conflict. Mr. Ward read Texas Water Code Section 16.053(a), which includes language that regional water plans shall protect the agricultural and natural resources of a region in addition to providing for public health, safety, and welfare and further economic development. Mr. Ward noted that specifically calling out agricultural and natural resources elevates those items above other interests without mentioning what the requirements are for regional water planning as a whole.

Ms. Scott suggested the goal statement be revised to ***Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that benefit the state as a whole, while meeting the mandated requirements of the regional water planning process, including protecting the agricultural and natural resources of the state.*** Mr. Ward stated that the history of state water planning can involve the development of water resources on agricultural land and thus it is a balance of considerations. Mr. Thompson and Ms. Barnes agreed to Ms. Scott's changes to the motion.

Mr. Rodriguez asked for clarification on how the statement includes municipal interests. Ms. Scott noted the revised statement refers to all mandated requirements, agricultural and natural resources are then highlighted as included. Ms. Schwartz asked if there were any opposed to the motion. Mr. Ward and Mr. Evans opposed the motion. **With a majority in favor of the language, the Council approved the revised goal statement.**

Ms. Schwartz reviewed the four criteria for planning water resources for the state as a whole that were presented at the last meeting:

- ***Legislation/legislative mandate***
- ***Council can accomplish by Fall 2020***
- ***Council can accomplish into Spring 2021***
- ***For next council to consider***

Ms. Peek noted a typo in the materials presented on the screen, which was corrected. Ms. Scott asked for clarification on the criteria and how they would be utilized. Mr. Evans suggested that discussion of the criteria could be postponed until the next meeting to allow the Chair and Vice-Chair to discuss and evaluate the criteria. Mr. Holcomb noted the criteria were put forward knowing that there is not a lot of time to evaluate solutions to determine if they meet intent and goals of the Council. Mr. Holcomb recalled that the proposed criteria were identified to make a road map on how to address Rep. Larson's directives and still leave room for future Councils to move forward on these topics. Ms. Scott asked if any further discussion is needed, noting that this is a roadmap and recommending retaining the flexibility to change the criteria in the future as solutions are identified. Mr. Holcomb made a motion to approve the criteria. Mr. Evans seconded the motion. **The Council unanimously approved the criteria for planning water resources for the state as a whole.**

Ms. Schwartz then presented several possible solutions (below items a-g) that had been compiled from Council discussions and Representative Lyle Larson's recommendations. Ms. Schwartz noted that solutions were initially referred to as "issues" in earlier discussions. So far solutions include brainstormed ideas that can be considered for addressing the question of planning water resources for the state as a whole. The solutions presented will be a starting point for the committee to consider and bring back to the full Council for final action or recommendations.

Possible Solutions for Planning Water Resources for the State as a Whole:

- a. Identify potential new multi-regional projects for consideration that serve the state as a whole
- b. Identify any large amounts of undeveloped /unappropriated water supplies and available developed water across the state.
- c. Review the viability and justification of projects included in the State Water Plan/ Make recommendations on how to encourage the inclusion of innovative strategies such as aquifer storage and recovery and desalination
- d. Identify additional ways TWDB might assist in interregional coordination and planning at the statewide level
- e. Methods to plan for the larger picture of water resource development
- f. Increase emphasis on water quality and flood control in water supply planning process, acknowledging the new regional flood planning process
- g. Legislative support for interstate water resources for the State of Texas as a whole and neighboring states that may benefit

Mr. Holcomb asked if it is correct to think of the possible solutions as an idea board that will be evaluated and vetted later in committee. Ms. Schwartz confirmed that the committee will work on evaluating and recommending which solutions to pursue. Ms. Scott asked if “identify additional ways TWDB might assist in interregional coordination and planning at a statewide level” falls under the topic of interregional coordination. Ms. McKinnon noted TWDB is willing to assist for each item and suggested the Council consider making discrete statements on TWDB assistance under each topic. Ms. Scott, Mr. Holcomb, and Ms. Barnes agreed with that approach..

Mr. Evans asked a question regarding Solution a – will the Council be identifying potential new multi-regional projects for the state will sponsor? Or will Council be identifying sponsors for projects? Patrick Brzozowski (Region P) noted that Mr. Ward had previously made a comment that there are some projects the state needs to get involved in, and the Council will need to identify where there are issues that the state needs to get involved and potentially take the lead on multi-regional projects that benefit the state as a whole. These types of projects may or may not have a local sponsor and this issue should be addressed by the Council.

Steve Walthour (Region A) suggested that TWDB will have to be involved in large projects, especially if developing resources outside of the state. Mr. Holcomb asked if the TWDB would or should get involved in the match making process between projects, project sponsors, and end users. Ms. Scott noted the Council can consider criteria to recommend when the state may need to be involved in development of multi-regional projects instead of keeping it at the regional planning group level. Matt Nelson (TWDB) suggested it may be appropriate for the Council to evaluate and recommend what the state’s role might be or might do when it comes to multi-regional projects. Ms. Barnes recommended the Council review current multi-regional projects and see if they can develop criteria for what level of project may require state involvement, whether state involvement is the TWDB or the Council. She provided an example of a project between two regions as one that could potentially be handled at a regional level, but a larger project with multiple sponsor across regions and involving multiple state agencies may require state involvement. Ms. Scott offered that a project could be used as an example to develop a process and show how the process could work because the Council can’t do the technical work of the actual project evaluation. Mr. Holcomb noted general concern about the Council getting into the weeds of identifying or recommending projects that are multi-regional and suggested the Council focus on interregional

conflict, not finding sponsors and end users for projects. Ms. Scott agreed, saying that could put the Council in the position of endorsing a project that members may not know enough about. Mr. Holcomb suggested removing Solution 'a'. Solution 'a' was revised to: **Identify potential criteria to evaluate new multi-regional projects for consideration that serve the state as a whole, including recommendations for state involvement where appropriate.**

Ms. Barnes asked if solution 'b' had the same concerns for the Council reviewing specific projects; Russell Schreiber (Region B) noted the same for solution 'c'. Discussion surrounded rather the legislative charge was to identify specific new projects or identify a process for planning groups to utilize. Mr. Schreiber stated he wasn't qualified to determine the viability or justification of projects in other regions and didn't think the same held for others to determine for Region B. Solutions 'b' and 'c' were revised to read: identify criteria to evaluate and review the criteria to evaluate, respectively. Ms. McKinnon provided guidance on Solution 'c' having the Council provide recommendations to improve TWDB rules and guidance to planning groups on how they offering this solution could include recommendations on how planning groups provide documentation of their justifications and viability of projects in their plans. It was noted that TWDB is required by statute to review planning guidelines every 5 years. This review will occur next year and will include solicitation of stakeholder input. Ms. McKinnon offered that TWDB could get Council preliminary input on planning guidelines prior to their dissolution next year and in advance of other stakeholder preliminary input. Mr. Holcomb suggested the Council could provide guidance on items for review in the rulemaking process and requested that be added as a new solution: **Advise the TWDB with preliminary input on their statutorily mandated planning guidelines review.**

Kevin Ward noted it can be difficult think of multi-regional projects, but the Council has been requested to identify projects for the benefit of the state. These could come from the regional water planning process or the group could look into old ideas like Trans Texas or importing water from Oklahoma or Louisiana. He offered that something that gets missed by the legislature not hearing from constituents is the full gist of larger projects moving water. The example was provided of moving water from the Trinity basin to the San Jacinto basin, including the subsequent reuse benefitting almost 50% of the state's population and is associated economy. He suggested the Council could provide commentary to the legislature on projects that could have a big impact on the state's water resources, beyond the planning horizon of the current plans, with support of information provided by the TWDB. Some of these alternative projects might assist in conflicts that have or may present and that is what the Council has been asked to review and comment on to the Legislature.

Mr. Holcomb asked how the current TWDB solicitation for information on interregional projects fit into the Council's charge. Ms. McKinnon noted TWDB has an RFI open to receive input on multi-regional projects that a sponsor is planning to pursue. Information on the solicitation was sent to the Council for their information and will be available to planning groups next planning cycle. The results of the RFA will be shared with the Council. Mr. Holcomb commented that this could cast a broad net to catch potential multi-regional projects. Mr. Ward noted the process for state participation in funding projects and asked if that should be something for the Council to consider. Mr. Ward provided background on state participation funding and historical positions on whether the state should build, own, and operate its own projects but that he wasn't certain that the Council was charged with evaluating state funding mechanisms. Ms. Scott proposed turning the brainstormed solution list over to the committee for further consideration along with response information from the current Request for Information on Interregional Projects.

B. Ways to Enhance Interregional Cooperation

Ms. Schwartz presented the draft problem statement developed at the previous meeting on the topic of ways to enhance interregional cooperation. Additional language, underlined below, had been recommended for inclusion in the draft statement and was provided for Council consideration.

Draft Problem Statement: In creating regional water plans that comprise the state water plan, the expectations for the scale at which planning groups coordinate is not clear throughout the state. Although there have been few interregional conflicts, Regions may not be coordinating effectively on shared water resources, the development of multi-regional projects, or the impacts on agricultural and natural resources of proposed projects. Coordination requirements are not fully formalized in statute or rule, coordination roles of consultants and liaisons are not fully specified, and regions are not always coordinating early enough in the process.

Ms. Scott noted concern about calling out agricultural and natural resources, explaining it may imply other items are not as important. Mr. Thompson, who recommended the additional language, explained he recommended the language because these were important issues that came up in past interregional conflicts, which is a point made in the problem statement. He suggested that perhaps there is not enough discussion early on in the process. Ms. Scott asked if that point is that covered under the reference to shared water resources. Mr. Thompson noted the statement does not really look at other impacts involved in interregional conflict. Mr. Ward noted that coordination regarding agricultural and natural resources needs to be assigned to all projects in the regional water plans not just projects related to interregional conflicts. Mr. Ward said he is against including the added language on the impacts on agricultural and natural resources to the problem statement because it emphasizes one charge over others and fundamental criteria have not been established for what evaluations of these resources should be. Ms. Schwartz asked if this could be solved by saying regions may not be coordinating on issues related to shared water resources. Ms. Scott agreed with Ms. Schwartz.

Mr. Holcomb added that the resource issues are thoroughly addressed in the permitting stage of the project and the Council is charged with providing best management practices and encouraging and enhancing coordination, not solving disputes. Ms. Barnes offered that the focus of the problem should be if groups are getting together soon enough to work things out and coordinating effectively on the issues of shared water resources or development of multi-regional projects and impacts are just a part of it. Ms. Scott asked for clarification from Mr. Holcomb on the problem statement. Mr. Holcomb commented that the Council should not be specifically calling out agricultural or natural resources or any other resources because resource issues are resolved in the other (permitting) public process that the Council is not involved in. He recommended striking the language on impacts to agricultural and natural resources.

The problem statement was revised to: ***In creating regional water plans that comprise the state water plan, the expectations for the scale at which planning groups coordinate is not clear throughout the state. Although there have been few interregional conflicts, Regions may not be coordinating effectively on issues related to shared water resources and the development of multi-regional projects. Coordination requirements are not fully formalized in statute or rule, coordination roles of consultants and liaisons are not fully specified, and regions are not always coordinating early enough in the process.***

Mr. Evans made motion to approve the revised problem statement. Mr. Brzozowski seconded the motion. No opposition was noted. **The Council unanimously approved the problem statement.**

Ms. Schwartz then presented a draft goal statement, as modified by emailed comments from members, for the Council to consider: Regions coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, cooperate to address water supply needs and protection of agricultural and natural resources of their regions, and identify ways the TWDB can assist the planning groups in these goals.

Mr. Ward recommend removing the reference to protection of agricultural and natural resources to tie the goal back to the problem statement because many factors have to be addressed in planning. Mr. Thompson noted the goal language is broader and water planning statute says these issues should be addressed in project planning not just in permitting. He said that regional water plans must protect agricultural and natural resources of the regions and state while planning for water supplies. Ms. Barnes agreed with Mr. Thompson noting that regions should coordinate earlier in the process to share what their priorities are, for example, prioritizing mining, industrial, or recreation water needs unique to each region. Mr. Thompson also noted that Region D has many people in the community that are interested in protecting agricultural and natural resources, and he is highlighting these issues because of their importance to his region. Ms. Scott expressed that these issues are also important to Region L, but other regions have other priorities, such as drought management, that are not being called out in the statement.

Mr. Brzozowski recommended changing the language to potential impacts. Mr. Holcomb agreed and suggested the Council could come up with a list of potential impacts that require coordination to include in the Council report. Mr. Thompson agreed with the revised statement as presented below.

Goal Statement: ***Regions coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, potential impacts, and cooperate to address water supply needs of their regions and identify ways the TWDB can assist the planning groups in these goals.***

Mr. Evans made a motion to approve the goal statement as drafted. Russell Schreiber (Region B) seconded the motion. **The Council unanimously approved the goal statement.**

Ms. Schwartz presented the following draft criteria for Council consideration. Criteria were developed from Council discussion at prior meetings and will be used to evaluate solutions for enhancing interregional coordination.

- a. Equity in addressing concerns independent of population/water demand needs
- b. Consideration for all water supply needs including future supply needs of less developed areas
- c. Ease of implementation
- d. Solution is expressed as (a best management practice/ a requirement for all regions)
- e. Maintains the current role of RWPGs as planners and not implementers: keep RWPGs in role of assessing supply and demand, not public support or permitting viability.

Ms. Scott asked if something could be added to address Mr. Thompson's concerns on project impacts. A new item was added: ***consider impacts of proposed projects***. Ms. Scott suggested adding criteria for encouraging earlier regional coordination. ***Encouraging earlier coordination by planning groups*** was added to the list. Mr. Holcomb asked about developing a list of resource-based items as part of the criteria. Mr. Ward suggested that effort be conducted by the Committee on the topic. Mr. Brzozowski made a motion to approve the criteria as a starting point for committee consideration and providing the

committee the flexibility to review the criteria in more detail. Mr. Holcomb seconded the motion. **The Council unanimously approved the criteria for enhancing interregional coordination.**

Ms. Schwartz reviewed four potential solutions that were developed from prior Council input.

- a. Develop a formal and informal process to look at projects that cross regions
- b. Formal Process for regions to coordinate on projects for shared resources from other regions (Regional Liaisons).
- c. Develop ways for metropolitan areas to work within multiple planning processes (April 29)
- d. To ensure the early coordination and to allow sufficient time for the review of impacts to agricultural and natural resources, any water supply projects for one region that originates from another region should be identified early in the planning process (add a date here) and the RWPGs should be promptly notified as to the size, scope and location of the project. (from Council email)

Mr. Thompson had offered Solution 'd' and proposed removing the reference to agricultural and natural resources. Mr. Holcomb pointed out a duplication at the end Solution 'b' as presented. This was corrected. Several members offered suggestions to rework the language in Solution 'd'.

Solution 'd' was revised to: Any water supply projects for one region that originates from another region should be identified early in the planning process (add a date here) and the RWPGs should be promptly notified as to the size, the project scope and location to ensure early coordination and to allow sufficient time for reviewing impacts.

No additional solutions were proposed. The list will be provided to the relevant committee for further consideration.

C. Dealing with Interregional Conflict

Ms. Schwartz introduced the topic of dealing with interregional conflict and presented a draft problem statement for consideration based on brainstorming ideas submitted for dealing with interregional conflict. She reminded members that this topic is for what occurs after something has been declared a conflict.

Draft problem statement: The current roles, responsibilities, and timelines for identifying interregional conflicts may not be appropriate. Clear criteria are needed to define what may constitute an interregional conflict, what resolves an interregional conflict, and when these milestones should occur in the planning process.

Ms. Schwartz asked for feedback from members. Ms. Scott noted that sometimes interregional conflict is more related to project implementation than planning. The conflict can stem from permitting and stakeholder issues that fall outside the planning group's responsibilities and that the role of the planning group should be considered as part of the work on this topic.

Mr. Holcomb asked what happens if a conflict is identified and isn't resolved by the statutory deadline for final plan adopted? Is guidance needed? Ms. McKinnon noted that planning rules include a process that if the conflict is not resolved by the deadline for final plan adoption, then content related to the conflict is removed from the plans prior to adoption. The statement was revised to examine the current rules for addressing conflict.

The problem statement was revised to: ***The current roles (planning group, TWDB, Legislature, others), responsibilities, and timelines for identifying interregional conflicts, and the rules for addressing them, may not be appropriate. Clear criteria are needed to define what may constitute an interregional conflict, what is the planning group's role in defining and resolving a conflict, and when should these actions occur in the planning process.***

Mr. Schreiber asked where the rules on interregional conflict fall short. Mr. Ward offered that the process in some respects is not clear. One issue is that there is nothing in the current process for weighing impacts of a land-intensive project on the economy of the state versus direct resource impacts on the region. This may not be able to be resolved between the regions and the process doesn't come to conclusion. Historically the only resolution is that the conflicted regions agree to disagree. Interregional conflict may need to be raised to a higher level to be resolved and what determines that potential change of venue.

Mr. Thompson noted that the Region C and D conflict has gone on for several cycles, whether officially declared a conflict or not. The regions have tried several methods to resolve the conflict. For the first conflict, an official meeting was held with mediation that was closed to public. Representative from each region were able to come out with temporary resolution. For the second conflict, the rules had changed, and there were public meetings attended by hundreds of people and many public comments were provided. The regions were unable to resolve the conflict. Mr. Thompson noted he was in favor of private mediation rather than public meetings that these are the rules planning groups are currently operating under. He expressed that it was unfair to require the volunteer members of the planning groups to go through their plan and all of the other plans to determine if a conflict exists. Members then have to meet and take action on declaring a conflict prior to sending a letter declaring an interregional conflict to the TWDB. Mr. Thompson argued that TWDB should make the determination as to if there are interregional conflicts since they have more information and access to the plans. He continued that there is no official conflict between Regions C and D at this time because Region D could not meet because of the pandemic, but there is still a conflict even though no letter was sent to TWDB. There are fundamental differences and points of view with respect to certain projects that are difficult to resolve.

Ms. Scott asked Mr. Thompson and Mr. Ward if the problem statement captured the problem based on their experiences. Mr. Thompson agreed stating that rules for addressing what constitutes a conflict need to be reviewed. Mr. Ward agreed with the problem statement, adding he is not sure if it is the planning group's role to define or try to resolve interregional conflict when it is apparent from the beginning it can't be resolved, as the existence of lawsuits indicates. He asked how do you tear down the barrier between regions and address the true issues that exist; there will never be agreement if left to regions to address it. There has never been disagreement between the two regions that the water was needed to be put to work; only in the way it was proposed to be developed. Mr. Ward noted there is limited potential for successful mediation and at some point the issue needs to be raised to a higher level for resolution. Mr. Ward made a motion to approve the problem statement. Mr. Thompson seconded the motion. **The Council unanimously approved the problem statement.**

Ms. Schwartz presented a draft goal statement on dealing with interregional conflict. Grammatical revisions were made. Mr. Ward made a motion to approve the goal statement. Mr. Walthour seconded the motion. **The Council unanimously approved the below goal statement.**

Goal statement: ***Clear guidance will exist early in plan development to address the many factors that may contribute to an interregional conflict. Planning groups, supported by the TWDB, will identify***

potential conflicts earlier in plan development and will have considered and consistently documented their alternative project evaluation.

Ms. Schwartz presented brainstorming ideas for developing criteria for dealing with interregional conflict. The Council then considered the following criteria on the topic, which will be forwarded to the committee for evaluating potential solutions.

- Should conservation/water usage rates be considered in determining outcome of interregional conflict?
- Should measures such as first-come first-serve or how many people a proposed project will serve be considered in determining outcome of interregional conflict?
- Equity in addressing concerns for all water supply needs, including the future supply needs of less developed areas and natural resource needs.

Ms. Scott asked if is the first bullet was part of equity in addressing concerns of all water supply needs? Mr. Crull offered that the third bullet was more related to protecting rural areas and natural resources needs. Ms. Barnes observed that the first bullet may prioritize conservation projects. Ms. Scott suggested adding criteria related to implementation time and impacts. ***Proposed project impacts to the regions involved for implementing, or not implementing a project*** was added. Discussion around developing a list of impacts occurred and the it was suggested that the committee further flesh out that list.

Ms. Peek noted the second bullet could potentially lead to adverse impacts to smaller communities. The second item was revised to address impacts to small communities. Mr. Ward stated that interbasin transfer projects have to have conservation to the highest practicable level, which is a weighted factor. The first and second items were combined into one item and re-worked into the following statement: ***Consider the weight given to factors such as: conservation, water usage rates, first-come first-serve, or how many people a proposed project will serve be considered in determining outcome of interregional conflict, without adversely impacting smaller communities.***

Mr. Schreiber asked if TWDB rules already define criteria for evaluating interregional conflict that the Council should consider based on Water Code Section 16.053(h)(6) because there are not criteria defined in rules and don't want to reinvent what is in statute. That Water Code section is just general guidance; not specific criteria to consider. Mr. Ward noted it would be difficult to come up with comprehensive criteria that would apply to every interregional conflict scenario. He asked how you resolve conflict with groups that don't use the same set of criteria; Mr. Walthour agreed. Ms. Barnes noted that Council discussion may lead to a legislative recommendation that the state needs to be more involved. Ms. Scott noted that planning groups should not necessarily have to deal with stakeholder concern on project implementation; rather only if two regions are fighting over the same water to meet different needs. Ms. Barnes provided an example of developing thresholds to determine what would be the appropriate level of conflict requiring resolution. Mr. Ward noted the criteria are missing agreement between parties at the start of negotiations on how project impacts, benefits, and costs will be evaluated. Mr. Ward criteria should be that both regions enter into binding agreement of developing a process of evaluating the impacts. Ms. Scott asked if that is a criteria or a solution. He wasn't sure that developing criteria to evaluate solutions for dealing with interregional conflict was relevant. Mr. Schreiber agreed and stated it wasn't clear what the Council's role was in identifying interregional conflict and making recommendations. Mr. Ward questioned the authority of the planning groups in determining validity of sponsor's projects that have been studied. Mr. Schreiber asked if that is the form

of an MOU between the project sponsors and opposing entities. ***Agreement from the regions involved on what they will look at for impacts, benefits and costs of the project*** was added. ***Appropriate entities involved in identifying and resolving the conflict*** was added.

Mr. Walthour made a motion to approve the criteria with flexibility for committee to make changes. Ms. Barnes seconded the motion. **The Council unanimously approved the criteria for dealing with interregional conflict.**

Ms. Schwartz presented several brainstormed ideas on potential solutions. The list of potential solutions would be used as a starting point for committee work. Potential solutions included:

- Review and make recommendations regarding any identified interregional conflicts
- Develop a formal process for regions to coordinate on projects that cross regions
- Develop a formal process by which the IPC will improve coordination between regions in the event of an interregional conflict
- Define basis for and pertinent facts in resolving conflict
- Develop guidance for resolving interregional conflict
- Define roles of entities in the interregional conflict process: RWPGs, TWDB, the Council.
- Resolve interregional disputes, which deal with state water, at a state level higher than TWDB
- Consistent standards for details of information in plans and guidance for why, when, and where an interregional strategy requires more detailed information
- Review and make recommendations regarding any identified interregional conflicts

Ms. Scott proposed adding: Agreement from the regions involved on what they will look at for impacts, benefits and costs of the project and how that would be funded. No additional solutions were proposed. The list will be provided to the relevant committee for further consideration.

D. Best Practices for Future Planning

Ms. Schwartz introduced best practices for future planning and asked members if they would like to develop problem and goal statements on this topic.

Mr. Walthour asked if all solutions formulated for the other topics were the best practices. Mr. Ward suggested cherry-picking what was appropriate in other solutions as best practices to improve the planning process. Ms. Barnes asked if this requirement was for planning groups to share information and learn from each other. Ms. Scott agreed and asked how to develop a mechanism to share what other planning groups do and that in the first year of the planning cycle planning groups should have a “lessons-learned” session and TWDB can process all Chapter 8 recommendations from the regional water plans for planning group consideration. Mr. Walthour suggested a survey of planning groups of sharing their best practices. Members discussed chair’s conference calls and past work sessions as mechanisms planning groups have used to share best practices in the past. It was noted that the Chair’s conference calls often don’t provide an opportunity for participants to brainstorm on process improvements. Ms. McKinnon noted that results from the past work sessions were used to update rules and guidance and develop a Best Management Practices guide. In 2016, a work session was held to review planning group bylaws and best practice matrix on membership and other items. Information on these work sessions are posted on the Council’s webpage Ms. Scott noted a need to formalize the process so future planning groups have a mechanism to coordinate on best practices and those practices continue. The following problem and goal statements were developed.

Approved 6/29/20

Problem statement: There is no formalized process by which to share best practices.

Goal statement: There is a mechanism that best practices are shared with RWPGs.

Ms. Schwartz asked if this was a good start for the committee to work on. Members agreed. No formal action was taken.

6. Discussion of Next Steps

Ms. Schwartz asked for feedback on the usefulness of several documents prepared to assist the committee in their deliberations. Several members noted the deliberations by discussion topic document was useful. Ms. McKinnon stated that TWDB will continue to develop this document for the Council.

Ms. Schwartz asked for feedback on the draft report content document. The document now includes content on background Council on formation, legislative direction, and general meeting summaries. Meeting minutes can be attached to the report. Ms. Schwartz asked if members like this general format and if this is something that should continue to be developed in this way. She noted committees will likely take up drafting of issues considered. Ms. Scott approved of the draft report document but envisions the final report won't be broken down by date but will more comprehensively report Council discussion and solutions. Ms. Barnes suggested the deliberations by topic document is the resource to use to compile the report. Ms. Schwartz asked if the summary of council meetings on page 2 is useful to have? Ms. Scott and Ms. Barnes agreed. Mr. Ward noted the summary was useful but may later become an appendix.

Ms. Schwarz noted that she will work with the Chair and Vice-Chair to develop committee assignments. Ms. Scott noted they will be surveying members for their committee preferences. Members will need to prioritize their preferences. Assignments will be made based on member preferences and regional distribution. Ms. McKinnon added that due to limited resources the facilitator will not attend committee meetings, but TWDB staff will be available to support the committees. Ms. Scott noted that committee chairs will be assigned. Members should self-nominate if interested in serving as a committee chair when completing the committee preference survey.

7. Discussion of Agenda for Future Meetings

The Council discussed the agenda for their next meeting, which is scheduled for 1:00 p.m. on June 29, 2020. Ms. McKinnon suggested that the Council may want to consider their remaining timeline and a deadline for the Council report at the next meeting. Ms. Scott agreed and noted the June 29 meeting will focus on logistics and cover committee assignments, schedule, and committee work products. Ms. Schwartz asked members to send her any requests for meeting materials.

8. Public Comment - No public comments were offered.

9. Adjourn – Mr. Brzozowski motioned adjournment. Gail Peek seconded the motion. The meeting adjourned at approximately 4:45 p.m.