

**July 15, 2020 Meeting Materials for the
Enhancing Interregional Coordination Committee of the
Interregional Planning Council**

1. Agenda
2. Meeting presentation
3. Committee Charges
4. Liaison membership requirement in 31 TAC 357.11(e)(3)
5. TWDB Formal Interregional Conflict Process
6. Draft/Example Committee Action Plan

1. Agenda

**Enhancing Interregional Coordination Committee of the
Interregional Planning Council**

July 15, 2020, 10:00 am

Meeting will be conducted via GoToWebinar at:

<https://attendee.gotowebinar.com/register/5357999735070396686>

PLEASE SEE: <http://www.twdb.texas.gov/waterplanning/rwp/ipc/committees.asp>

**The Chairman of this Committee may choose to address the items identified in this agenda in an order outside of the pre-arranged numbering.*

1. Call to order and welcome
2. Public comment
3. Committee Member feedback and discussion of [Committee Charges](#)
4. TWDB Reference Materials
 - a. <http://www.twdb.texas.gov/waterplanning/rwp/ipc/index.asp>
 - b. [Recommended strategies in the 2021 Initially Prepared Plans \(IPPs\) serving multiple regions](#)
 - c. [Interactive map of draft WUG needs and surpluses for development of the 2021 IPPs](#)
 - d. [2021 Regional Water Plan Technical Memorandums](#)
 - e. [Liaison practices from RWPG Best Management Practices Guide Section 3.1](#)
 - f. [Liaison membership requirement in 31 TAC 357.11\(e\)\(3\)](#)
 - g. [Interregional Planning Council Meeting Minutes](#)
 - h. [TWDB Formal Interregional Conflict Process](#)
5. Overview of formal interregional conflict process by TWDB
6. Discussion and Action, as appropriate – Committee Action Plan
7. Discussion and Action, as appropriate - Ways to Enhance Interregional Coordination
8. Consideration and Action, as appropriate – Committee recommendations to the Interregional Planning Council regarding Ways to Enhance Interregional Coordination
9. Discuss next steps: methods to move forward including scheduling of Committee meetings, background materials needed for future meetings or discussion and steps that can be accomplished before future meetings
10. Discussion of agenda for future meetings
11. Report and possible action on report from Committee Chair
12. Public comment
13. Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Melinda Smith at melinda.smith@twdb.texas.gov or at (512) 463-6478 two (2) work days prior to the meeting so that appropriate arrangements can be made.

Direct links to this information can be found on our website at
<http://www.twdb.texas.gov/waterplanning/rwp/ipc/committees.asp>

To view/listen to the Enhancing Interregional Coordination Committee Meeting on Wednesday, July 15, 2020, please use GoToWebinar. If you are a visitor for this meeting and wish to address the Committee, you will have an opportunity to do so under agenda items number 1 and 12 through the GoToWebinar application.

Additional Information may be obtained from: Ron Ellis, Regional Water Planner, Texas Water Development Board, 512/463-4146, Ron.Ellis@twdb.texas.gov

Emergency Mtg: No

2. Meeting presentation

Interregional Planning Council

Enhancing Interregional Coordination Committee

July 15, 2020

AGENDA

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12. Public comment
13. Adjourn

2. PUBLIC COMMENT

- Those on video Go To Webinar – Click “raise hand” on your screen.
- Those with telephone access – The organizer will unmute phone attendees to provide public comment.
- Limit comments to 3 minutes each.

3. FEEDBACK AND DISCUSSION OF COMMITTEE CHARGES

- Committee Member feedback and discussion of Committee Charges
- Committee Charges

4. REVIEW AND DISCUSSION OF RESOURCES

TWDB Reference Materials

- a. <http://www.twdb.texas.gov/waterplanning/rwp/ipc/index.asp>
- b. [Recommended strategies in the 2021 Initially Prepared Plans \(IPPs\) serving multiple regions](#)
- c. [Interactive map of draft WUG needs and surpluses for development of the 2021 IPPs](#)
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- g. [Interregional Planning Council Meeting Minutes](#)
- h. [TWDB Formal Interregional Conflict Process](#)

5. FORMAL INTERREGIONAL CONFLICT PROCESS

- Overview of formal interregional conflict process by TWDB
- [Interregional Conflict One-Pager](#)

6.
CONSIDERATION
OF AN ACTION
PLAN

- Draft committee Action Plan
- Committee member roles

7. DISCUSSION OF ENHANCING INTERREGIONAL COORDINATION

Council 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 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.

Council 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 meeting these goals.

8. CONSIDERATION OF RECOMMENDATIONS TO THE COUNCIL

- Committee recommendations
- Recommendations should be
 - Aligned with specific charge from the legislature and additional guidance by Chairman Larson
 - Specific and actionable
 - Delineate which entity the recommendation is directed to
 - Describe the resulting benefit

9. NEXT STEPS

- Schedule
- Background materials needed
- Assignments/accomplishments for next meeting

10. AGENDA FOR FUTURE MEETINGS

- Public comment
- Approve committee minutes
- Status of assignments
- Consider committee reports and recommendations
- Discuss next steps
- Chair's Report

II. CHAIR'S REPORT AND POSSIBLE ACTION

- Report from Committee Chair
- Action on Report Items, if necessary

12. PUBLIC COMMENT

- Those on video Go To Webinar – Click “raise hand” on your screen.
- Those with telephone access – The organizer will unmute phone attendees to provide public comment.
- Limit comments to 3 minutes each.

ADJOURN

3. Committee Charges

INTERREGIONAL PLANNING COUNCIL
COMMITTEE CHARGES
JUNE 29, 2020

The Interregional Planning Council (Council) was created by the Texas Legislature, 86th Regular Session, HB 807 (Act). The Act specifically requires the Council to generate a report to the Texas Water Development Board (TWDB) that accomplishes three specific tasks outlined in the Act, which are:

1. *improve coordination among the regional water planning groups, and between each regional water planning group and the board, in meeting the goals of the state water planning process and the water needs of the state as a whole;*
2. *facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and*
3. *share best practices regarding operation of the regional water planning process.*

At its June 22, 2020 meeting, the Council determined that given the limited time for accomplishing these tasks, a committee structure would be more effective and efficient for brainstorming ideas and solutions to address the legislative charges laid out in the Act. It is anticipated that the individual Committees will be formed, their council members and respective Chairs will be appointed at the June 29, 2020 meeting.

The Committees' work should be informed by the deliberation of the Council's work to date. With the exception of Best Practices, the Council has broadly discussed the task that each Committee will address, has drafted and adopted both problem and goal statements, and has brainstormed possible criteria and solutions for each Committee's substantive work.

Charge for Committees

1. To understand and analyze the problem in more depth:
 - a. Discuss and document the impact on water planning, what causes the problem, what stands in the way of fixing the problem.
 - b. The problem/issues should provide context to the existing conditions that are relevant to the formation of the Committee's recommendations
2. To use the Council's brainstorming of solutions and criteria, to generate additional solutions if needed, and then to develop recommendations the Committee will present to the Council for consideration for inclusion in the final report to the TWDB.
3. To draft and implement an action plan to accomplish its work.
4. To draft report language (following a standard format to facilitate final report preparation.)

5. To coordinate with the Council Chair and Vice-Chair and assigned TWDB staff, and with the Council via written materials and at posted Council meetings.
6. Consult with TWDB for information on the water planning process and the viability of recommendations.

Recommendations from each committee should be:

- a. Aligned with the specific charge from the legislature and the additional guidance provided by Chairman Larson;
- b. Specific and actionable;
- c. Delineate, where possible, if the recommendation is directed for consideration by the TWDB, Legislature, Regional Water Planning Groups, Future Interregional Planning Councils, others; and
- d. Describe the benefit resulting from the recommendation.

Role of Committee Chairs

1. Coordinate the committee work in accordance with the Committee Charge above and within the defined schedule to complete the Council's final report by September 30, 2020.
2. Work with the TWDB and the Council Chair/Vice Chair to establish the committee meeting dates and agendas within the required Open Meetings Act posting requirements (8 days prior to the meeting date).
3. Schedule committee meetings (now virtual meetings only) on dates agreed to by a majority of the committee members (committee chairs will be provided the contact information for committee members, TWDB staff and Council Chair/Vice Chair).
4. Adhere to Open Meetings requirements and avoid "walking" quorum deliberations among committee members.
5. Compile concise committee reports for the Council meetings identifying specific action/direction required from the Council necessary for the committee to continue its work—all recommendations from the committee will be considered by the Council prior to inclusion in the final report.
6. Ensure that the committee's section of the Council report is compiled within the defined format for the report—TWDB staff will provide writing/editing support.

4. Liaison membership requirement in 31 TAC 357.11(e)(3)

[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

<u>TITLE 31</u>	NATURAL RESOURCES AND CONSERVATION
<u>PART 10</u>	TEXAS WATER DEVELOPMENT BOARD
<u>CHAPTER 357</u>	REGIONAL WATER PLANNING
<u>SUBCHAPTER A</u>	GENERAL INFORMATION
RULE §357.11	Designations

(a) The Board shall review and update the designations of RWPA as necessary but at least every five years, on its own initiative or upon recommendation of the EA. The Board shall provide 30 days notice of its intent to amend the designations of RWPA by publication of the proposed change in the *Texas Register* and by mailing the notice to each mayor of a municipality with a population of 1,000 or more or which is a county seat that is located in whole or in part in the RWPA proposed to be impacted, to each water district or river authority located in whole or in part in the RWPA based upon lists of such water districts and river authorities obtained from the Commission, and to each county judge of a county located in whole or in part in the RWPA proposed to be impacted. After the 30 day notice period, the Board shall hold a public hearing at a location to be determined by the Board before making any changes to the designation of an RWPA.

(b) If upon boundary review the Board determines that revisions to the boundaries are necessary, the Board shall designate areas for which RWPs shall be developed, taking into consideration factors such as:

- (1) River basin and aquifer delineations;
- (2) Water utility development patterns;
- (3) Socioeconomic characteristics;
- (4) Existing RWPA;
- (5) Political Subdivision boundaries;
- (6) Public comment; and
- (7) Other factors the Board deems relevant.

(c) After an initial coordinating body for a RWPG is named by the Board, the RWPGs shall adopt, by two-thirds vote, bylaws that are consistent with provisions of this chapter. Within 30 days after the Board names members of the initial coordinating body, the EA shall provide to each member of the initial coordinating body a set of model bylaws which the RWPG shall consider. The RWPG shall provide copies of its bylaws and any revisions thereto to the EA. The bylaws adopted by the RWPG shall at a minimum address the following elements:

- (1) definition of a quorum necessary to conduct business;
- (2) method to be used to approve items of business including adoption of RWPs or amendments thereto;
- (3) methods to be used to name additional members;
- (4) terms and conditions of membership;
- (5) methods to record minutes and where minutes will be archived as part of the public record; and

(6) methods to resolve disputes between RWPG members on matters coming before the RWPG.

(d) RWPGs shall maintain at least one representative of each of the following interest categories as voting members of the RWPG. However, if an RWPA does not have an interest category below, then the RWPG shall so advise the EA and no membership designation is required.

(1) Public, defined as those persons or entities having no economic interest in the interests represented by paragraphs (2) - (12) of this subsection other than as a normal consumer;

(2) Counties, defined as the county governments for the 254 counties in Texas;

(3) Municipalities, defined as governments of cities created or organized under the general, home-rule, or special laws of the state;

(4) Industries, defined as corporations, partnerships, sole proprietorships, or other legal entities that are formed for the purpose of making a profit and which produce or manufacture goods or services and which are not small businesses;

(5) Agricultural interests, defined as those persons or entities associated with production or processing of plant or animal products;

(6) Environmental interests, defined as those persons or groups advocating the conservation of the state's natural resources, including but not limited to soil, water, air, and living resources;

(7) Small businesses, defined as corporations, partnerships, sole proprietorships, or other legal entities that are formed for the purpose of making a profit, are independently owned and operated, and have fewer than 500 employees or less than \$10 million in gross annual receipts;

(8) Electric generating utilities, defined as any persons, corporations, cooperative corporations, or any combination thereof, meeting each of the following three criteria: own or operate for compensation equipment or facilities which produce or generate electricity; produce or generate electricity for either wholesale or retail sale to others; and are neither a municipal corporation nor a river authority;

(9) River authorities, defined as any districts or authorities created by the legislature which contain areas within their boundaries of one or more counties and which are governed by boards of directors appointed or designated in whole or part by the governor or board, including, without limitation, San Antonio River Authority;

(10) Water districts, defined as any districts or authorities, created under authority of either Texas Constitution, Article III, §52(b)(1) and (2), or Article XVI, §59 including districts having the authority to regulate the spacing of or production from water wells, but not including river authorities;

(11) Water utilities, defined as any persons, corporations, cooperative corporations, or any combination thereof that provide water supplies for compensation except for municipalities, river authorities, or water districts; and

(12) Groundwater management areas, defined as a single representative for each groundwater management area that is at least partially located within an RWPA. Defined as a representative from a groundwater conservation district that is appointed by the groundwater conservation districts within the associated groundwater management area.

(e) The RWPGs shall add the following non-voting members, who shall receive meeting notifications and information in the same manner as voting members:

(1) Staff member of the Board to be designated by the EA;

(2) Staff member of the Texas Parks and Wildlife Department designated by its executive director;

- (3) Member designated by each adjacent RWPG to serve as a liaison;
 - (4) One or more persons to represent those entities with headquarters located in another RWPA and which holds surface water rights authorizing a diversion of 1,000 acre-feet a year or more in the RWPA, which supplies water under contract in the amount of 1,000 acre-feet a year or more to entities in the RWPA, or which receives water under contract in the amount of 1,000 acre-feet a year or more from the RWPA;
 - (5) Staff member of the Texas Department of Agriculture designated by its commissioner; and
 - (6) Staff member of the State Soil and Water Conservation Board designated by its executive director.
- (f) Each RWPG shall provide a current list of its members to the EA; the list shall identify the interest represented by each member including interests required in subsection (d) of this section.
- (g) Each RWPG, at its discretion, may at any time add additional voting and non-voting representatives to serve on the RWPG for any new interest category, including additional representatives of those interests already listed in subsection (d) of this section that the RWPG considers appropriate for water planning.
- (h) Each RWPG, at its discretion, may remove individual voting or non-voting members or eliminate RWPG representative positions in accordance with the RWPG bylaws as long as minimum requirements of RWPG membership are maintained in accordance with subsection (d) of this section.
- (i) RWPGs may enter into formal and informal agreements to coordinate, avoid conflicts, and share information with other RWPGs or any other interests within any RWPA for any purpose the RWPGs consider appropriate including expediting or making more efficient water planning efforts. These efforts may involve any portion of the RWPG membership. Any plans or information developed through these efforts by RWPGs or by committees may be included in an RWP only upon approval of the RWPG.
- (j) Upon request, the EA will provide technical assistance to RWPGs, including on water supply and demand analysis, methods to evaluate the social and economic impacts of not meeting needs, and regarding Drought Management Measures and water conservation practices.
- (k) The Board shall appoint an Interregional Planning Council during each state water planning cycle. The Interregional Planning Council will be subject to the following provisions:
- (1) The Interregional Planning Council consists of one voting member from each RWPG, as appointed by the Board.
 - (2) Upon request by the EA, each RWPG shall submit at least one nomination for appointment, including a designated alternate for each nomination.
 - (3) Interregional Planning Council members will serve until adoption of the State Water Plan.
 - (4) The Interregional Planning Council, during each planning cycle to develop the State Water Plan, shall hold at least one public meeting and deliver a report to the Board. The report format may be determined by the Council. The report at a minimum shall include a summary of the dates the Council convened, the actions taken, minutes of the meetings, and any recommendations for the Board's consideration, based on the Council's work. Meeting frequency, location, and additional report content shall be determined by the Council.
 - (5) For the planning cycle of the 2022 State Water Plan, the Council's report shall be delivered to the Board by a date established by the EA, which will be no later than adoption of the 2022 State Water Plan. Beginning with the planning cycle for the 2027 State Water Plan and each planning cycle thereafter, the report shall be delivered to the Board no later than one year prior to the IPP deliverable date for the corresponding State Water Plan cycle, as set in regional water planning contracts.

Source Note: The provisions of this §357.11 adopted to be effective August 12, 2012, 37 TexReg 5797; amended to be effective December 8, 2016, 41 TexReg 9589; amended to be effective April 11, 2018, 43 TexReg 2158; amended to be effective June 28, 2020, 45 TexReg 4211

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5. TWDB Formal Interregional Conflict Process

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

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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 interregional conflict will be considered resolved.

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) (5), 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.

6. Draft/Example Committee Action Plan

Draft Action Plan – Enhancing Interregional Coordination Committee

Expected Outcome: *Identify recommendations for enhancing interregional coordination for the full Council to consider and compile the committee’s report section.*

Action Steps	Responsible	Deadline	Resources	Potential Barriers	Result
<i>What Will Be Done?</i>	<i>Who Will Do It?</i>	<i>By When?</i>	<i>What do you need to complete this step? (People, money, tools, etc.)</i>	<i>What could get in the way of task completion? How will you overcome them?</i>	<i>What is the outcome of the task?</i>
Complete initial draft of committee report section	TBD				
Review and edit draft committee report section	All committee members				