

Interregional Planning Council Meeting Minutes

September 15, 2020, 1:30 p.m. to 4:30 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

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

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|---|-------------------|---|----------------------|---|-------------------|---|--------------------|
| 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: None noted

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

MEETING GENERAL

Chair Suzanne Scott (Region L) called the meeting to order. Meeting facilitator, Suzanne Schwartz, determined that a quorum was present and reviewed the agenda and meeting materials.

AGENDA ITEMS

1. Public Comment – Heather Harward, on behalf of Texas Water Supply Partners, provided written and verbal comments on regional water planning, interregional conflict, interregional and visionary projects, and funding.

Suzanne Scott asked TWDB staff to post the comment letter from Texas Water Supply Partners on the TWDB website, and Mark Evans (Region H) requested that Texas Water Supply Partners' written comment be distributed to Council members.

2. Consideration of Meeting Minutes from August 12, 2020 Meeting

The Council considered the minutes of the August 12, 2020 meeting. Steve Walthour (Region A) made a motion to approve the minutes as presented. Tomas Rodriguez (Region M) seconded the motion. ***The minutes were unanimously approved.***

3. Consider Committee Reports and Recommendations

Ms. Scott introduced the agenda item and noted that recommendations from committees have been compiled into a draft Council report for members to discuss. Ms. Scott added that in her review of the draft report she identified two items for the Council to consider: review of the viability and justification

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of projects in the State Water Plan and review of how drought contingency plans align with planning multi-regional projects. Ms. Scott asked members to keep these issues in mind as they review the draft report. Additional Council discussion is also needed on interregional conflict recommendations. The Council tabled consideration of these topics until later in the meeting.

Ms. Schwartz explained that underlined text in the draft report represent non-substantive edits from Council members. Items that are highlighted blue are substantive discussion items, and items highlighted yellow are where members had questions on portions of the report. Discussion will focus on substantive issues. Ms. Schwartz encouraged members to bring up any other items they would like to discuss.

Ms. Scott noted that Kelley Holcomb (Region I) suggested and will draft a report section on Council deliberations to provide background to readers on Council operations, such as, operating with a chair and vice-chair and working in committees. This will be included for review in the next report draft. Mr. Holcomb also suggested titles in Section II of the report be revised to the reflect committee's name.

The Council reviewed proposed revisions to the Enhancing Interregional Coordination problem statement. The Enhancing Interregional Coordination Committee adopted a revised problem statement at the committee's August 28, 2020 meeting. Additional revisions to the committee's problem statement were submitted by Council members to clarify repetitive language in the statement.

The following revised problem statement was presented: ***In creating regional water plans that comprise the state water plan, the expectations for the scale at which planning groups coordinate is not clear or consistent throughout the state. Coordination and optimization requirements among regions and with TWDB are not fully formalized in statute or rule. Coordination roles of consultants, sponsors, stakeholders, liaisons and members of the regional water planning groups tasked with considering water management strategies and the impacts among and between regions are not fully specified or uniformly practiced. Moreover, regions are not considering opportunities and issues of cooperation and coordination early enough in the water planning cycle process. Further, while there have been few interregional conflicts, regions may not be coordinating early and effectively on issues related to shared water resources and the development of multi-regional projects.***

Gail Peek (Region G) noted that the revisions are slightly different but not substantively different from the committee's revised problem statement. Committee member Patrick Brzozowski (Region P) stated his support of the proposed changes.

Ms. Peek made a motion to approve the revised problem statement as presented. Mr. Brzozowski seconded the motion. No opposition was noted. ***The Council unanimously approved the revised problem statement.***

The Council considered the following revised Enhancing Interregional Coordination goal statement: ***Regions should coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, potential impacts, and identification of water management strategies that impact more than one Region. In addition, regions should cooperate to address water supply needs of their regions to benefit the implementation of the State Water Plan. Planning groups should utilize consistent methods as identified by the TWDB to achieve coordination in meeting these goals.***

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Mr. Brzozowski made a motion to approve the revised goal statement as presented. Ms. Peek seconded the motion. No opposition was noted. ***The Council unanimously approved the revised goal statement.***

Members then reviewed proposed edits to Enhancing Interregional Coordination recommendations. Under the identifying issues and opportunities recommendation, Ms. Scott proposed an additional recommendation for RWPGs to include standing agenda items for reports from interregional liaisons to promote a formal exchange of information between RWPGs. Ms. Scott suggested the recommendation as an opportunity for regional liaisons to report back to their planning group.

The Council recommendation to the RWPGs was revised to: *The Council recommends that the RWPGs should, at a minimum, enhance their coordination efforts in accordance with the TWDB process revisions recommended above. RWPGs should include standing agenda items for reports from interregional liaisons to promote a formal exchange of information between RWPGs.*

Ms. Peek noted it was not clear to the Enhancing Interregional Coordination Committee what role liaisons are performing. The committee thought more clarity is needed on liaison roles. Ms. Scott asked if a recommendation should be made for future Interregional Planning Councils to review the roles of liaisons.

The Council recommendation to Future Interregional Planning Councils was revised to: *Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination and review the role of interregional liaisons.*

Carl Crull (Region N) added that part of this recommendation is identifying and clarifying what liaison roles are. Temple McKinnon (TWDB) asked if the Council would like to consider a recommendation for TWDB on this topic. Ms. McKinnon added that TWDB staff attend every RWPG meeting and could provide information to regional liaisons in order to keep liaisons better informed.

Ms. Scott suggested language be added to recommend TWDB review how to best assist liaisons. The fourth recommendation to TWDB was revised to: *The TWDB will support and facilitate the RWPGs by adding the early identification of coordination opportunities within scoped tasks for the consultants, reporting data, highlighting existing tools, and/or developing new tools to assist RWPGs with identifying issues or opportunities for interregional coordination, including how to better assist liaisons.* No opposition was noted to the proposed revisions.

Ms. Scott asked for clarification on the committee's recommendation on defining roles for participants in the planning process, specifically the recommendation for TWDB to develop and maintain a list of active RWPG committee so that each region can best determine a mechanism for water management strategy planning for each region. Ms. Peek clarified that many water management strategies are carried forward to the next cycle. The committee discussed providing a list of water management strategies to RWPGs for earlier coordination in the following planning cycle.

Ms. Scott noted she was confused by the reference to RWPG committees and suggested additional work be made on the wording. Ms. Peek added that some regions have a variety of committees to review water management strategies some regions just utilize an executive committee.

The committee proposed no recommendations to future Interregional Planning Councils under defining roles for participants in the planning process. It was suggested that the Council consider a

recommendation for future Interregional Planning Councils to monitor the effectiveness of enhanced efforts to promote interregional coordination. Mr. Holcomb noted that this type of recommendation may be a given and advocated no recommendations for future Councils. Ms. Scott offered that this recommendation be reviewed in the context of the whole report to see what is best for readability. No concerns were noted on this approach.

Kevin Ward (Region C) commented that recommendations on documenting coordination between planning groups collectively seemed to discourage interregional water supply project development and suggested the tone of the recommendations be revised. He suggested language be added that strategies are being identified in an effort to encourage the development of projects that cross regional lines.

Mr. Holcomb supported the concept proposed by Mr. Ward. Ms. Peek clarified that it was not the intent of the committee for the recommendation discourage development of certain water management strategies. Jim Thompson (Region D) reiterated that the committee's intent was to identify opportunities for collaboration and not just impacts. Mr. Ward noted the recommendation is missing an element of encouraging interregional cooperation and projects and appears only to address potential feasible water management strategy coordination. Members discussed concerns with the recommendation. Ms. Schwartz offered to revise the language in the recommendation to address member's concerns. Mr. Thompson, Mr. Ward, and Ms. Peek will review the revisions before they are presented to the Council.

The Council reviewed the planning water resources for the state as a whole report section. Proposed revisions to the existing practices were reviewed. Mr. Holcomb proposed a revision to language that noted regional water planning was not designed to address planning water resources for the state as a whole. Mr. Holcomb explained that he proposed the revision because the planning process in SB1 was designed to roll up into the state water plan for the state as a whole. Ms. Scott added that although designed to produce a statewide plan, the process doesn't look holistically at the state as a whole – it's a state water plan comprised of regional strategies. After additional discussion, Mr. Holcomb withdrew his revision.

Mr. Holcomb asked for clarification on the intent of language on existing multi-regional water projects and supplies. Mr. Evans noted the committee discussed the language at great length. Mr. Ward proposed keeping the language as written since it references Appendix F. Mr. Holcomb indicated he was okay with the language as written.

Ms. Scott had submitted a comment asking for clarification that only one recommendation was proposed for planning water resources for the state as a whole. It was noted that one recommendation is proposed. The committee's report section also includes several observations on existing practices.

Ms. Scott noted a statement on future water reserves under project sponsorship existing practices was not clear. Mr. Ward suggested the statement be removed. Mr. Evans and committee members agreed to remove the statement.

The Council considered the recommendation that TWDB revise Texas Administrative Code Chapters 357 and 358 as appropriate, and include a new, specific task in the regional water planning group's contracted scope of work to authorize:

- a. Long-range, visionary planning effort, beyond current 50-year planning horizon, to identify projected statewide water needs (potential water shortages) and multi-regional projects to address these needs;
- b. Long-range, visionary planning to consider longer-term droughts greater than recorded drought of record (e.g., mega-droughts); and
- c. Evaluation of identified feasible projects without limitation of sponsorship or costs.

Mr. Thompson's concerns about planning beyond a 50-year schedule were noted. Melanie Barnes (Region O) clarified that the committee didn't intend to recommend changes to the planning process, but to ensure that the 50-year horizon and drought of record were not limitations when considering multi-regional projects. Mr. Holcomb asked if it was the intent of the committee for larger projects to be vetted in regional water planning process as water management strategies or to be identified and reviewed as a placeholder for future planning processed. Mr. Evans noted that the recommendation addresses a specific task in the scope of work not to perform a full vetting of these strategies but to spend time to thinking beyond the 50-year horizon. Mr. Holcomb noted his support for the recommendation. Ms. Schwartz asked if the recommendation needed additional language to distinguish long-range, visionary planning from normal water management strategy evaluations. Members agreed. Ms. Scott suggested this information could be included in a supplemental document and not necessarily in the State Water Plan. Mr. Ward suggested it could be included as an appendix.

The Council reviewed the best practices for future planning report section. Ms. Scott asked if legislative funding was needed to support recommendations on enhancing communication. Mr. Walthour noted the committee didn't include a request for funding since funding may be limited in the next legislative session. Ms. Scott agreed but noted that this would constitute another unfunded mandate. Mr. Walthour added that it may be an option for future sessions. Ms. McKinnon proposed that flexibility be given to address this type of funding recommendation as the report is revised. No objections were noted.

On the recommendation for Open Meetings Act modification of video-conference restrictions, Ms. Scott asked if a recommendation should be made for RWPGs to make technology available to support or accommodate virtual meetings. Mr. Walthour noted the committee didn't include a recommendation to RWPGs since the modification would first require action by the legislature. Ms. Scott agreed. No changes were made to the recommendation.

The Council then considered the report section on addressing interregional conflict. Ms. Scott highlighted the following language that was added based on discussions by the Interregional Conflict Working Group: *RWPGs can require project sponsors to identify potentially impacted stakeholders relating to a potential water management strategy, but the RWPGs do not have a role in the actual implementation of projects. The responsibility for project implementation remains with the project sponsor(s).*

Ms. Scott then highlighted the report section on recommendations regarding coordination protocols to avoid conflicts or to enhance resolution of conflict, which includes the following language:

The Council has made recommendations in II.A. Enhancing Interregional Coordination that will improve identification and early exploration of potential interregional conflicts during the normal regional water planning process. The Council expects this effort to reduce even further the potential for entrenched conflict. In the event that a conflict exists, or is likely to develop, that appears unlikely to be resolved

through this enhanced process, the Council supports additional methods to bring the affected regions and stakeholders together, including state-funded technical studies to support full understanding of the conflict and mitigation strategies. Such studies should be performed in a manner that allows the parties to trust the results.

Ms. Scott noted the importance of state funding of the proposed technical studies and asked members if there were any concerns with the recommendations. Mr. Thompson and Mr. Ward expressed support for the recommendation. No other concerns were noted.

The Council reviewed a comment from Mr. Thompson regarding if the impacts of a land-intensive project be assessed related not only on its impacts on a region, but also related to its impacts on the economy of the state. Mr. Thompson noted this seemed redundant because the statute already requires consideration impacts on of economic development but doesn't have a problem with including the statement if the Council wanted it included. Ms. Schwartz explained this was a compilation of the Council's discussion on interregional conflict. Mr. Thompson agreed with inclusion of the language.

The Council then considered its charge to make recommendations regarding the viability of projects in the State Water Plan. Representative Lyle Larson requested the Council consider this topic in his April 2020 letter to the Council. Ms. Scott reminded members that Representative Larson also asked the Council to consider how drought contingency plans align with multi-regional projects.

Ms. Scott asked members to consider where these topics might best fit into the report and opened the floor for discussion. Mr. Walthour proposed discussion of project viability would fit under planning water resources for the state as a whole. Mr. Holcomb agreed. Members asked for clarification on if the Council is being asked to review the viability of projects or make recommendations on a process for review. Ms. Scott clarified that, as she understood, the Council was charged to review how review of project viability is being done, does it need to be done, and whose role is it to perform this review.

Mr. Evans noted that the State Water Plan includes thousands of water management strategy projects. This would require an in-depth review for each project. Ms. Scott noted that RWPGs currently review project viability when performing the regional project prioritization. Technical evaluations also look at viability at a high level. Ms. Scott asked if this current process is sufficient or does something need to be done differently? Mr. Evans agreed that review of project viability seems to be addressed in the project prioritization.

Ms. Scott proposed adding an observation to the report to discuss how project viability is currently reviewed in regional project prioritizations and SWIFT reviews. Mr. Evans added the report can note the Council's discussion and conclusion that the RWPGs are completing project viability review in the prioritization process on a regional basis. He added that it would not be appropriate for regions to review the viability of projects outside their region. Ms. Barnes suggested an additional review could be performed by the Council for interregional projects. Mr. Evans noted scoring is done at the state level for SWIFT funding. If a project is not viable it will receive a low score. Ms. Scott asked Mr. Evans if he would agree to adding an observation to the planning water resources for the state as a whole report section outlining current practices and noting why current practices are sufficient. Ms. Scott added it is important that regions should not be charged with reviewing justification for projects from other regions. Ms. Scott asked members if she could work with TWDB staff to draft language on this observation. Mr. Holcomb requested clarifying language be included that outside of the current

practices discussed it is not the role of the RWPG or Council to further investigate project viability and justification. Mr. Holcomb contended that is the role of the TWDB. Members agreed.

Mr. Thompson requested language on project viability be revised to consider impacted regions be involved in review of multi-regional projects. Mr. Evans noted the intent of the language was not to exclude impacted regions for projects located in other regions. Report text was revised to the following: *Nor does the Council consider it appropriate for the Council or non-impacted regions to determine the viability and justification of another region's projects, given the bottoms up approach to planning.*

Ms. Scott asked members to consider how drought contingency plans align with planning multi-regional water supply projects. Mr. Holcomb noted this is beyond the scope of the regional water planning process without additional funding. Ms. Barnes observed that as droughts worsen municipalities increase water restrictions and asked if this charge is to address who falls off multi-regional projects as droughts get worse. Mr. Crull noted that drought contingency plans are required of all water supply entities, but different plans have different triggers and responses. Ms. Scott asked if there was a need for common drought contingency plans for users that share common resources? Mr. Holcomb noted the water code requires that if a supplier implements its drought contingency plan, all of its users are equally restricted. Mr. Crull provided an example that the City of Corpus Christi, which is a regional supplier for many municipalities in the region, requires cities to have a drought contingency plan that aligns with the City of Corpus Christi's plan. He added that this is not a multi-regional water supply project, but it could be done similarly.

Mr. Evans noted that drought contingency plans don't necessarily align with planning regions. Region H may not be in a drought when Region G is.

Mr. Ward made an association between drought contingency planning for multi-regional projects and Texas Water Code requirements to use the highest practicable water conservation before an interbasin transfer. He proposed that when moving water in multi-regional projects sponsors should consider how entities in the receiving and giving basins will respond to drought. Mr. Ward proposed that there needs to be a review of how drought contingency plans stretch water when considering multi-regional WMS projects.

Mr. Evans asked if Representative Larson was asking how drought contingency plans mitigate the need for water. Mr. Ward considered the charge was more about how drought impacts on multi-regional projects. Mr. Ward noted drought contingency plans stretch the water supply further and should be addressed in rule or TWDB process. Ms. Scott asked if this should be an observation under existing regional water planning in the section on planning water resources for the state as a whole. Mr. Evans agreed and added that there is a mechanism for drought contingency plans, but multi-regional projects introduce complications that need to be resolved. Report language will be drafted based on Council deliberations.

Mr. Holcomb noted that drought contingency plan regulations appear inconsistent and asked if the Council should request guidance from legislature on drought consistency planning for multi-regional water supply projects. Mr. Evans asked if this was asking for uniform drought contingency plan standards for multi-regional projects. Mr. Ward added that this would need to include review of best practices applicable to various regions. More work is needed to evaluate and make sure that sufficient drought contingency plans exist for those relying on multi-regional projects.

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Ms. Scott noted the Council had reviewed and addressed all of the substantive report comments.

4. Consider Recommendations on Interregional Conflict

No discussion under this agenda item. The Council discussed and addressed this topic under agenda item 3.

5. Consider Council Report Development and Approval Process

Ms. Schwartz reviewed the report development and approval process. Ms. Schwartz will work on modifications to the draft report based on comments from the meeting. A revised draft report will be sent to members on September 18. Members should submit any additional comments to Ms. Schwartz by close of business on September 22. Ms. Scott asked members for concurrence that Ms. Scott, Mr. Holcomb, Ms. Schwartz, and Ms. McKinnon edit the report for readability and flow without making changes to the report content. No opposition was noted. Ms. Scott noted a conclusion will also be drafted and added to the report. Ms. Schwartz noted that another draft would be sent to members on September 25, and any comments would be discussed at the meeting on September 30.

Mr. Holcomb asked if a signature page will be included with the final report. Ms. Scott asked members for their thoughts. No opposition was noted. Ms. McKinnon noted she will coordinate preparations for the signature page.

6. Discussion of Next Steps

Ms. Scott thanked the Council for their efforts and reminded members to submit any comments on the revised draft report to Ms. Schwartz by September 22, 2020.

7. Discussion of Agenda for Future Meetings

The next Council meeting is scheduled for 1:30 p.m. on September 30, 2020. No additional discussion.

8. Public Comment – No public comments were offered.

9. Adjourn – Ms. Scott adjourned the meeting at approximately 4:30 p.m.