

INTERREGIONAL PLANNING COUNCIL



2020

REPORT TO THE TEXAS WATER DEVELOPMENT BOARD

Interregional Planning Council

Report to the Texas Water Development Board

Submitted by the

Interregional Planning Council

Suzanne Scott, Chair

Kelley Holcomb, Vice Chair

October 16, 2020

**Interregional Planning
Council Members**

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Region L

Kelley Holcomb, *Vice Chair*
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Gail Peek, *Enhancing
Interregional Coordination
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Mark Evans, *Planning Water
Resources for the State as a
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Jim Thompson
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October 16, 2020

Chairman Peter M. Lake

Director Kathleen Jackson

Director Brooke T. Paup

Dear Board Members:

It is our honor as members of the Interregional Planning Council to provide you with our inaugural report.

The Interregional Planning Council was created by House Bill 807, 86th Legislative Session. The Council serves to 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; to facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and to share best practices regarding operation of the regional water planning process.

Respectfully submitted on behalf of the 16 members of the Council,

Suzanne B. Scott



Suzanne Scott
Chair
Interregional Planning Council

Kelley Holcomb
Vice Chair
Interregional Planning Council

c: The Honorable Charles Perry
Chairman, Senate Committee on Water, & Rural Affairs

The Honorable Lyle Larson
Chairman, House Committee on Natural Resources

Regional Water Planning Group Members

Adopted and approved for submittal to the Texas Water Development Board on September 30, 2020, by the undersigned members of the Interregional Planning Council.

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Signature Carl E. Crull Date 9/30/2020
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Scott Reinert
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Signature Gail Peek Date 9/30/2020
**Gail Peek, Enhancing Interregional
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Signature Tomas Rodriguez Date 10/1/2020
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Signature Mark Evans Date 9/30/2020
**Mark Evans, Planning Water Resources for
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Signature Ray Buck Date 9/30/2020
Ray Buck
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Signature David Wheelock Date 9/30/2020
David Wheelock
Region K



Participants during the September 15, 2020 meeting of the Interregional Planning Council.

Interregional Planning Council

Report to the Texas Water Development Board

This report was prepared on behalf of the Interregional Planning Council (Council), at their direction and based upon their meetings, decisions, and recommendations with guidance from their contracted facilitator. The full Council approved the final content and submission of this report to the Texas Water Development Board on September 30, 2020.

Acronyms and Short Forms

ASR – Aquifer storage and recovery

Board – The governing board of the Texas Water Development Board

Chairs – Chairs of Regional Water Planning Groups

Council – Interregional Planning Council

Planning group – Regional Water Planning Group (RWPG)

Regions – Regional Water Planning Areas (also called RWPA or planning regions)

RWPG – Regional Water Planning Group (also called planning group)

RWPA – Regional Water Planning Area

TAC – Texas Administrative Code

TCEQ – Texas Commission on Environmental Quality

TOMA – Texas Open Meetings Act

TWC – Texas Water Code

TWDB – Texas Water Development Board

WMS – Water Management Strategy

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1. Executive Summary

History and Background of Regional Coordination

Coordination between regional water planning groups (RWPGs) has been required by the Texas Water Development Board (TWDB) administrative rules for planning since the inception of the regional water planning process. Coordination includes explicit authorization for planning groups to formalize coordination agreements (31 TAC §357.11(i)) and the overarching guidance principle of multi-regional coordination (31 TAC §358.3(20)). Planning groups coordinate with other RWPGs during the development of their plans when considering shared sources and when looking at regionalization of water supply projects, particularly along the boundaries of regional water planning areas. To further facilitate communication between planning groups, the TWDB has hosted regular conference calls and arranged for TWDB Work Sessions with the planning group Chairs or designees on specific subjects, such as new legislative requirements. As a result of the feedback received, the TWDB has modified its technical guidance and administrative rules for planning, including requirements for notifying adjacent planning areas of recommended projects located within those adjacent regions.

In past planning cycles, some RWPGs established formalized joint workgroups with adjacent regions to coordinate their planning efforts. Examples include Regions C and D for the development of the 2001 Regional Water Plans and Regions K, L, M, N, and P following development of the 2001 Regional Water Plans. Other opportunities for ongoing sharing of information are the required liaisons appointed by each planning group to participate in the adjacent region's planning process. During the development of the 2021 Regional Water Plans, the TWDB facilitated coordination meetings with Regions C and D over the shared source of Lake Wright Patman and the development of future supplies in the Sulphur Basin.

These types of previous coordination efforts were discussed by the Interregional Planning Council (Council) and its committees over numerous meetings, as well as the idea that enhanced interregional coordination could potentially head off potential interregional conflict. However, the Council also discussed that while the prescribed planning process does identify steps to promote interregional coordination, RWPGs are focused directly on their respective planning efforts and infrequently take the time to be more deliberate in addressing interregional coordination. Historically, there have been too few coordination efforts or interregional conflicts to provide strong lessons on how to improve those processes. The Council agreed that a more focused process to

coordinate with neighboring regions could be beneficial if conducted much earlier in the planning cycle. This is especially the case as RWPGs increasingly consider accessing water resources outside their regions to meet future water demands. The Council noted that enhanced coordination in the development, use and impact of water resources is critical to support the effective implementation of the state water plan.

Summary of Council Charge and Legislative Guidance

Texas Water Code Section 16.052, amended in 2019 by House Bill 807,¹ requires the TWDB to appoint an Interregional Planning Council during each five-year state water planning cycle. The Council, is composed of one member from each RWPG (Appendix A), is charged by statute to

(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.²

The Council is required to: "(1) hold at least one public meeting; and (2) prepare a report to the Board on the council's work."³ Members of the Council serve until adoption of a new state water plan.

On April 27, 2020, Representative Lyle Larson (Chair of the House Natural Resources Committee and sponsor of House Bill 807) issued a letter to Council members noting that the following topics would be beneficial for the Council to consider:

- Review and make recommendations regarding any identified interregional conflicts
- Review the viability and justification of projects included in the state water plan

¹ House Bill 807, 86th Texas Legislature, Regular Session (2019)

² Texas Water Code Section 16.052(c)

³ Texas Water Code Section 16.052(d)

- Make recommendations on how to encourage the inclusion of alternative projects, including innovative strategies such as aquifer storage and recovery (ASR) and desalination
- Provide an outline of a plan to facilitate better interregional coordination in the future
- Identify potential new multi-regional projects for consideration that serve the state as a whole
- Identify additional ways that the TWDB might assist in interregional coordination and planning at the statewide level

Given the timeframe for the Council to operate, he encouraged the Council to focus on interregional conflicts, reviewing viability and justification of projects in the regional water plans, and creating an outline of how to improve interregional coordination moving forward. The letter stated the Council's report should include a summary of the policy discussions held by the Council and encouraged recommendations for RWPGs, the TWDB, and the legislature. At the April 29, 2020, meeting, Chairman Larson also asked the Council to consider how drought contingency plans align with planning multi-regional water supply projects.

Council Meetings and Deliberations

The Council met nine times between April 29, 2020, and September 30, 2020. All meetings were held via Zoom video conference, an exception to the Texas Open Meetings Act (TOMA) based on a procedure authorized in executive order by Governor Greg Abbott on March 16, 2020, to contain the spread of COVID-19, while also maintaining government operations and transparency. Meeting minutes are found in Appendix B, and specific policy recommendations are found in Sections 2 through 5 of this report.

Throughout its meetings, the Council and its committees discussed how their work was addressing the legislative charges. The TWDB provided background materials frequently to the Council and committees, all of which may be found on the Council's web page at <http://www.twdb.texas.gov/waterplanning/rwp/ipc/index.asp>.

April 29, 2020: At its first meeting the Council shared best practices for current or past regional and state planning efforts, brainstormed and ranked 10 issues to consider in

accomplishing its statutory charge, and discussed what it would like to accomplish. The Council agreed to the following operational provisions:

- Quorum – A simple quorum (nine members) will be required to conduct business.
- Chair/Co-chair – Members determined not to select a chairperson⁴ and indicated a preference for using a facilitator at meetings.
- Decision making – Decisions will be accomplished by a simple majority vote of the members present.
- Number of meetings and logistics – Members preferred to hold several shorter, remote meetings while the governor waived portions of the Texas Open Meeting Act.
- Use of subcommittees – Members felt that subcommittees are not necessary at this time.
- Public comment and participation – Members agreed to solicit public comment both at the beginning and end of Council meetings.

May 28, 2020: The Council reviewed and discussed its previously identified issues that had been grouped thematically into four topics for future discussion:

1. Planning Water Resources for the State as a Whole
2. Enhancing Interregional Coordination
3. Dealing with Interregional Conflict
4. Best Practices for Future Planning

The Council added new issues to the document and approved an action plan to guide Council deliberations through the month of June. The Council discussed logistics, including report preparation and the use of alternates.

June 10, 2020; June 22, 2020; and June 29, 2020: The Council discussed the four topical areas (Planning Water Resources for the State as a Whole, Enhancing Interregional Coordination, Dealing with Interregional Conflict, and Best Practices for

⁴ The Council ultimately chose to use a chair and vice-chair at its June 22 meeting and to establish committees.

Future Planning), ultimately developing a problem and goal statement for each of the topics and brainstorming criteria and solutions to the problems.

June 22, 2020: The Council revisited the earlier decision to appoint officers and committees and appointed Suzanne Scott (Region L Planning Group Chair) as Chair and Kelley Holcomb (Region I Planning Group Chair) as Vice-Chair and agreed to establish committees.

June 29, 2020: The Council established committees as further documented in the Committee Deliberations Section below.

July 29, 2020; August 12, 2020; and September 15, 2020: The Council received reports from committee Chairs on progress to date, including potential recommendations to bring to the Council at a future meeting. The workgroup assigned to Dealing with Interregional Conflict provided a report (Appendix C) discussing the need to coordinate early in the planning process to identify and resolve conflicts. As part of that report, the workgroup proposed the use of a stakeholder process if a conflict is unlikely to be resolved through the current planning process. The workgroup recommended that its identified issues be further developed by the Enhancing Interregional Coordination Committee; the Council agreed.

September 15, 2020: The Council discussed and made policy decisions on a draft Council report. The primary issues of focus included: interregional conflict; assuring that all legislative charges and those noted by Chairman Larson were addressed (specifically including the review and viability of projects in the state water plan and alignment of drought contingency plans with planning of multi-regional water supply projects); and how to make plans more visionary. The Council finalized the schedule and process to review and approved the final report.

September 30, 2020: The Council approved its final report and determined that future meetings of the Council would be established in coordination with the Council Chair and Vice-Chair and the TWDB.

Committee Deliberations

After further assessment of the level of effort required to adequately address the legislative charges and Chairman Larson's request for consideration of additional topics, the Council reconsidered the need for committees. On June 29, 2020, the Council established three committees, each tasked with a specific legislative charge. In addition,

the Council established a work group tasked specifically with the issue of deliberating interregional conflicts.

The Enhancing Interregional Coordination Committee was chaired by Gail Peek (Region G), the Planning Water Resources for the State as a Whole Committee was chaired by Mark Evans (Region H), and the Best Practices for Future Planning Committee was chaired by Steve Walthour (Region A). The issue of Dealing with Interregional Conflict was assigned to a workgroup of Jim Thompson (Region D) and Kevin Ward (Region C), to be facilitated by Suzanne Schwartz, to refine issues for the Council to further consider. Chair Scott provided the committees with charges to address in their work, including the development of recommendations to be brought to the Council for action (Appendix D). The committees were directed to use the problem and goals statements developed by the Council to guide their work, and also to consult Council discussions and brainstorming for each of these areas.

Each committee was assigned additional staff members from the TWDB to provide administrative and technical support. Each committee met independently of the Council to accomplish its assigned tasks. A standardized template was created to facilitate the workflow process (Appendix D) and ensure the uniformity needed to include each recommendation into the Council's final report.

The three committees created by the Council met a combined total of 12 times from July 15, 2020, to August 28, 2020; the Interregional Conflict Workgroup met once, yielding to the Council as a whole to provide further deliberations. During the course of this period, the full Council continued to meet periodically to receive updates from each committee, and ultimately their final recommendations. On September 15, 2020, each committee's final recommendations were accepted and approved, and the Council deemed their work complete.

Summary of Recommendations

Below is a summary of recommendations illustrating that this inaugural Council addressed, to the best of its ability, its legislative charges and additional directives from Chairman Larson. This Council believes it has met its charges comprehensively in the time allowed. It has provided recommendations for future actions by the TWDB, legislature, RWPGs and future Councils. This summary of recommendations is organized first by the general topic of the recommendation, and then by entities targeted by the recommendations. The following recommendations are outlined in further detail in Sections 2 through 5 of this report.

Summary by Topic

Regarding Enhancing Interregional Coordination (Section 2), the Council recommends that interregional project development issues and opportunities be identified at the beginning of the planning cycle (2.1); roles for participants in the planning process be defined at the beginning of the planning cycle (2.2); and coordination between planning groups be documented by the middle of the planning cycle (2.3).

Regarding Planning Water Resources for the State as a Whole (Section 3), the Council recommends actions toward long range and visionary planning (3.1).

Regarding Best Practices for Future Planning (Section 4), the Council recommends actions regarding simplified planning (4.1); engagement of RWPG membership and the public (4.2); communication between the TWDB, RWPGs, and members (4.3); TCEQ as ex-officio member (4.4); reimbursement of labor costs for RWPG administrative agencies (4.5); Open Meetings Act modification for video-conferencing (4.6); and improving the regional water planning process (4.7).

Regarding Interregional Conflicts (Section 5), the Council recommends coordination protocols (5.1) or, if an unresolved conflict exists, additional methods including state-funded assistance (5.2).

Summary by Entity to Which Recommendation is Made

TWDB recommended actions

1. Revise planning requirements (contract and rules, as appropriate) so that
 - a. RWPGs identify, in their final adopted regional water plans, a list of strategies to become the basis for RWPGs to further coordinate in the following planning cycle (2.1.a.1);
 - b. RWPGs consider strategy information provided by the TWDB early in the planning cycle, including specifically identifying those strategies sourced in other RWPAs (2.1.a.2);
 - c. RWPGs document early consideration and coordination associated with the early identified projects and involve RWPG liaisons and project sponsors (2.1.a.3).

2. Support and facilitate the RWPGs in identifying issues or opportunities for interregional coordination, including how to better assist liaisons. (2.1.a.4)
3. Develop and maintain an aggregate listing of each RWPG's active committees and share with all RWPGs for informational purposes. (2.2.a.1)
4. Require that RWPGs initiate direct coordination discussions. (2.2.a.2)
5. Require that the Technical Memorandum document interregional coordination efforts. (2.3.a.1)
6. Require that the Technical Memorandum document the consideration of and coordination about interregional water management strategies. (2.3.a.2)
7. Support or facilitate RWPGs with technical or administrative resources during interregional coordination. (2.3.a.3)
8. Require RWPGs to conduct work on a high-level view of planning, beyond the 50-year planning horizon and drought-of-record conditions, and not necessarily focused on water management strategy evaluations. (3.1.a.1)
9. Utilize RWPG Chairs conference calls to consider multi-regional projects. (3.1.a.2)
10. Evaluate alternatives to the current simplified planning process that address timing and data concerns. (4.1.a)
11. Provide Council recommendations to all RWPGs to inform their planning process. (4.2.a.1)
12. Provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council. (4.2.a.2)
13. Provide the implementation status of policy recommendations to the RWPGs and the Council. (4.2.a.3)
14. Develop standardized, easy to adopt practices and protocols that apply to all RWPGs. (4.2.a.4)
15. Provide feedback to RWPGs regarding TWDB funding for water supply and water conservation projects that are recommended in the regional water plans. (4.2.a.5)
16. Require RWPGs to receive member orientation services and documents provided by the TWDB at the beginning of each cycle. (4.3.a.1)
17. Require RWPG Chairs and Administrative Agents to follow recommendations in the Best Management Practices Guide document prepared and updated by the TWDB. (4.3.a.2)
18. Invest in media consultants to assist in effectively delivering messages and review current practices for email for providing material. (4.3.a.3)
19. Require RWPGs to add TCEQ as a non-voting member. (4.4.a.1)

20. Review and make a recommendation to the legislature regarding additional non-voting members that affect statewide regional water planning stakeholders. (4.4.a.2)
21. Consider allowing for the reimbursement of labor costs for the RWPG's designated administrative agency. (4.5.a.1)
22. Revise rule and contract limitations to accommodate these expenses. (4.5.a.2)
23. Evaluate the fiscal impacts associated with technology required for virtual meetings. (4.6.a)
24. Incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. (4.7.a.1)
25. Evaluate the RWPG voting and non-voting membership costs of time and funding. (4.7.a.2)

Legislative recommended actions

1. While some recommendations in this report merely require that work by the TWDB and the RWPGs be done "smarter" or "more efficiently," many of the recommendations will require additional costs in terms of agency manpower, extra work, or extra tasks for RWPG consultants. All of these will require legislative funding. The Council makes these recommendations humbly, knowing that the state is facing an unusual fiscal situation in the upcoming years. However, we urge legislative consideration for funding these efforts, which are crucial to meet the legislative charge of the Council and to move forward on the improvements suggested by the Council.

Some specific recommendations for additional funds to be appropriated for the planning process are

- a. for additional planning group work for interregional coordination (2.1-3.b);
- b. for additional planning group work associated with long range, visionary planning (3.1.b.3);
- c. for better methods of disseminating information for the regional water planning process (4.2.b.1);
- d. funding enhanced communications between RWPGs, the TWDB, and RWPG members (4.3.b);
- e. to accommodate labor costs for administering RWPGs (4.5.b).

2. Return to providing initial sponsorship of projects by the State without financial guarantees from local sponsors. (3.1.b.1)
3. Provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects. (3.1.b.2)
4. Establish a process for coordination amongst state agencies, at the state level, related to installation of infrastructure during planning and construction of large-scale projects. (3.1.b.4)
5. Discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly (TWC Sec. 16.053(i)) (4.1.b.1) or strike simplified planning from the statute. (4.1.b.2)
6. Authorize the use of remote conferencing or webinars. (4.2.b.2)
7. Amend TWC Sec. 16.053(c) to add TCEQ as an ex-officio member of each RWPG. (4.4.b)
8. Amend the Texas Open Meetings Act to allow virtual participation during the regional water planning process. (4.6.b)

Regional Water Planning Group recommended actions

1. Enhance interregional coordination efforts and include standing agenda items for reports from interregional liaisons. (2.1.c)
2. Receive the early input from project consultants and sponsors, planning liaisons, and stakeholders to improve interregional coordination and mitigate future interregional conflict. (2.2.c)
3. Involve the appropriate parties and coordinate timely on potentially feasible interregional water management strategy opportunities and issues. (2.3.c)
4. Collaborate with other RWPGs early in the planning process for multi-regional project opportunities. (3.1.c)
5. Provide new member orientations. (4.2.c.1)
6. Utilize educational programs and subject matter speakers at RWPG meetings. (4.2.c.2)
7. Develop better methods to encourage public participation. (4.2.c.3)
8. Follow recommendations in the Best Management Practices Guide. (4.3.c.1)
9. Read and disseminate the Best Management Practices Guide and New Member Guide. (4.3.c.2)
10. Consider adding TCEQ as an ex-officio member if not required by the Legislature. (4.4.c)

11. Include requests for funding in Chapter 8 recommendations of the regional water plans. (4.5.c)

Future Interregional Planning Council recommended actions

1. Review progress on all of the recommendations in this report and submit its assessment to the TWDB.
2. Monitor the effectiveness of enhanced efforts to promote interregional coordination and review the role of interregional liaisons. (2.1-3.d)
3. Consider whether the Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole. (3.1.d.1)
4. Utilize state agencies' expertise to assist RWPGs in developing a vision of planning resources for the state as a whole. (3.1.d.2)
5. Hold work sessions to "deep dive" into more complicated topics. (4.2.d.1)
6. Require RWPG Chairs to meet at minimum on an annual basis to evaluate and document best practices. (4.2.d.2)
7. Review existing technology and recommend appropriate changes. (4.3.d)
8. Review materials and meeting notes from TWDB's lessons learned technical meetings with RWPG consultants. (4.7.d)

2. Enhancing Interregional Coordination

Problem and Goal Statement

The Council adopted the following statements to describe the existing problems observed and desired goal regarding Enhancing Interregional Coordination:

Problem Statement

In creating regional water plans that comprise the state water plan

- the expectations for the scale at which RWPGs coordinate is not clear or consistent throughout the state;
- coordination and optimization requirements among RWPGs and with the TWDB are not fully formalized in statute or rule. Coordination roles of consultants, sponsors, stakeholders, liaisons and members of the RWPGs tasked with considering water management strategies and the impacts among and between regions are not fully specified or uniformly practiced;

- RWPGs are not considering opportunities and issues for cooperation and coordination early enough in the water planning cycle;
- while there have been few interregional conflicts, RWPGs may not be coordinating early and effectively on issues related to shared water resources and the development of multiregional projects.

Goal Statement

RWPGs 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 cover more than one region. In addition, RWPGs should cooperate to address water supply needs of their regions to benefit the implementation of the state water plan. RWPGs should utilize consistent methods as identified by the TWDB to achieve coordination in meeting these goals.

Review of Existing Practices and Conditions

The Enhancing Interregional Coordination Committee held three committee meetings to accomplish its charge. The Committee reviewed interregional coordination issues identified by the Council, in addition to new issues identified by members of the committee. The committee narrowed its focus to the following items:

- Coordinating early enough in the water planning cycle
- Identifying interregional issues and opportunities
- Defining roles for planning process participants and documenting coordination between planning groups

The committee identified the following existing practices and observations associated with these topics.

Identifying Issues and Opportunities: The planning process currently does not have explicit requirements regarding when and how RWPGs may identify project development issues (including strategies that propose to develop or use a water resource in another region) and regionalization opportunities. The only specific requirement to notify other RWPGs regarding strategies that propose to develop or use a water resource in another region occurs too late by notice of the Initially Prepared Plan (31 TAC §357.50(b)). By this

stage of the planning process, it is too late to adequately coordinate and resolve any potential water planning conflicts between regions.

Defining Roles for Planning Process Participants: Consultants, sponsors, and stakeholders may have knowledge or other avenues for early identification of potential opportunities for collaboration and coordination on water resources or potential conflicts between or among regions. Sharing knowledge of when and how consultants, sponsors, and stakeholders are integrated into the water planning cycle in each RWPG may help identify and tailor ways to responsibly develop the state's water resources through early identification of potential opportunities for collaboration and coordination or to mitigate or eliminate conflicts between regions.

Documenting Coordination Between Planning Groups: Because the planning process does not currently provide explicit requirements for coordination, RWPGs typically utilize varying approaches to achieve compliance with current TWDB rules.

Recommendations

2.1 Identifying Issues and Opportunities

Identification of, and coordination around, project development, including strategies that are proposed to develop or use water resources in another region and that would impact the region of origin, should occur **at the beginning** of the planning cycle. Implementing this recommendation will help expedite the identification of opportunities for coordination and collaboration, as well as potential interregional conflict concerns. It will help ensure that there are deliberate actions taken by the RWPGs at the beginning of the planning process to identify **and coordinate on interregional project issues and opportunities**.

a. Texas Water Development Board

The Council recommends that the TWDB revise planning requirements (contract and rules, as appropriate) so that

1. RWPGs identify, in their final adopted regional water plans, a list of strategies that were recommended, alternative, or considered, or other projects based upon local knowledge, that present issues or opportunities for other regions and that merit further direct interregional coordination. For the sixth planning cycle, beginning in 2021, development of this list would be an immediate first task for the RWPG as the 2021 Regional

Water Plans are being finalized prior to this Council's recommendations. This list will become the basis for RWPGs to identify issues that encourage further coordination among and between planning regions during the first year(s) of future planning cycles;

2. RWPGs consider strategy information provided by the TWDB during the first year(s) of the following planning cycle regarding recommended strategies in all Regional Water Planning Areas (RWPAs), including specifically identifying those strategies sourced in other RWPAs and/or those strategies that, if implemented, could potentially impact the region of origin;
3. RWPGs document consideration and coordination associated with the identified projects (items 1 and 2 above) at their pre-planning meeting (31 TAC §357.12(a)(1)) and at their meeting to approve the process for identifying potentially feasible strategies (31 TAC §357.12(b)). Strategies that would develop or use a water resource in another region or otherwise impact the region of origin must be specifically considered and documented. RWPG liaisons and project sponsors from adjoining regions should be individually invited to these public meetings;
4. 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.

b. Legislature

The Council recommends that the legislature appropriate additional funds to the planning process specifically to support a required task of the RWPG to identify and facilitate interregional coordination, to allow for the additional RWPG work recommended by this Council.

c. Regional Water Planning Groups

The Council recommends that the RWPGs, 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.

d. Future Interregional Planning Councils

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination and review how best to utilize interregional liaisons in the development or use of shared water resources.

2.2 Defining Roles for Participants in the Planning Process

Identify the appropriate parties (RWPG consultants, sponsors, stakeholders, liaisons) and define their roles in an interregional coordination process **at the beginning** of the planning cycle. Implementing this recommendation would assist the RWPGs in understanding how each region considers water management strategies, as well as earlier engagement of consultants, sponsors and stakeholders to identify and consider potential collaboration, coordination, or conflict between or among regions.

a. Texas Water Development Board

The Council recommends that the TWDB should:

1. Develop and maintain an aggregate listing of each RWPG's active committees. This listing would be shared with all RWPGs so each RWPG can determine the best mechanism for coordinating water management strategy planning with other RWPGs (e.g., scope of work committee, executive committee, etc.).
2. Require RWPGs affected or impacted by a water management strategy that presents potential opportunity for collaboration, coordination, or conflict to promptly initiate direct discussions between or among the RWPG mechanisms for water management strategy coordination.

b. Legislature

The Council recommends that the legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Council.

c. Regional Water Planning Groups

The Council recommends that the RWPGs should implement timely actions to receive the early input of consultants, sponsors, liaisons, and stakeholders when

identifying and considering water management strategies in order to improve interregional coordination on potential opportunities for collaboration and coordination or to mitigate or eliminate conflict between regions.

d. Future Interregional Planning Councils

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination.

2.3 Documenting Coordination Between Planning Groups

Documenting the identification of feasible water management strategies, opportunities and issues, and the coordination between planning groups should occur ***in the middle*** of the planning cycle. Implementing this recommendation will help ensure that there are deliberate actions taken by the RWPGs in the middle of the planning process, yet prior to the development of the draft plans, to identify and coordinate on interregional project ***issues and opportunities***.

a. Texas Water Development Board

The Council recommends that the TWDB should:

1. require that the Technical Memorandum (31 TAC §357.12(c)) document the consideration of the issues and opportunities for interregional coordination identified and the process and progress of work to address them;
2. require that the Technical Memorandum document the consideration of potentially feasible water management strategies that would develop or use a water resource in another region, or otherwise impact the region of origin, and the process and progress of coordination work on those strategies;
3. support or facilitate RWPGs with technical or administrative resources, as able, as RWPGs coordinate and collaborate with each other on any potentially feasible water management strategies that would develop or use a water resource in another region, or otherwise impact the region of origin.

b. Legislature

The Council recommends that the legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Council.

c. Regional Water Planning Groups

The Council recommends that the RWPGs should involve and engage the appropriate parties and should commit to timely coordination and collaboration on any potentially feasible water management strategies that would develop or use a water resource in another region, or otherwise impact the region or origin, in order to resolve conflict and to better identify and plan interregional projects. The RWPGs should require technical consultants to present identified opportunities to coordinate between regions during the development and analysis of potential water management strategies. Project sponsors should be required to identify potential stakeholders that would be included in the development of water management strategies

d. Future Interregional Planning Councils

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination.

3. Planning Water Resources for the State as a Whole

Problem and Goal Statement

The Council adopted the following statements to describe the existing problems observed and desired goal regarding Planning for Water Resources for the State as a Whole:

Problem Statement

Planning water resources for Texas as a whole is hindered by the varied and unique characteristics of different regions of the state, land use patterns and trends, the costs of such planning, the protective nature of regions and states over their natural resources, the ownership of water supplies and the impacts of water development, constraints of existing laws and rules, and the many competing needs for the water.

Goal Statement

Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that address the water needs for 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.

Review of Existing Practices/Conditions

The Planning Water Resources for the State as a Whole Committee held four committee meetings to accomplish its charge. The committee reviewed the issues associated with planning water resources for the state as a whole as identified at the April 29, June 22, and June 29 meetings of the Council, in addition to new issues identified by members of the committee. The committee narrowed its focus of planning water resources for the state to the following items: long-range and visionary planning, project sponsorship and cost, and methods to improve regional coordination. The committee identified the following existing practices and observations associated with these topics:

- Existing regional water planning
- Existing multi-regional water projects and supplies
- Viability and justification of projects in the state water plan
- Alignment of drought contingency plans with planning of multi-regional water supply projects
- Previous state water planning
- Long-term and visionary planning
- Project sponsorship
- Existing laws and rules
- Innovative projects
- Methods to improve regional coordination

Existing Regional Water Planning: Existing regional water planning as intended with Senate Bill 1 is a regional, "bottom up" process. Together the individual planning regions make up the state water plan. This process has worked well at the regional level;

however, it was not designed to address planning water resources for the state as a whole. The Council's recommendations focus on working within the framework of the existing regional water planning processes, and therefore do not try to establish new criteria for defining multi-regional projects. It is intended that the TWDB establish guidance to implement recommended changes to TWDB rules. It was not the Council's intention to recommend specific multi-regional projects or identify specific large-scale projects for state sponsorship.

Existing Multi-Regional Water Projects and Supplies: A review of existing data provided by the TWDB on multi-regional projects and interregional basin transfers (see Appendix E) shows that of the 32 recommended water management strategies serving multiple regions in the 2021 Initially Prepared Plans, 22 involve the Region C planning area (see Appendix F). Historically there was less concentration of multi-regional projects in a single area.

Viability and Justification of Projects in the State Water Plan: Currently, project viability (as feasibility) and justifications (based on identified water needs and an overall need to manage risks associated with drought shortages) are addressed by each RWPG through their evaluations of feasible strategies in accordance with TWDB rules and guidance. There are also related considerations of project viability as part of the application of the Uniform Standards when planning groups prioritize their projects at the regional level. The TWDB also reviews draft plans to help ensure that the timing and yields of projects appear feasible. The Council considers these processes sufficient for each planning group in developing a viable (as feasible) regional water plan and, thus, credible state water plan. The Council members are individuals from other regions and are not in a reasonable position to question or reassess the viability of projects that have already been determined to be feasible by another planning group. Such a process would require much greater human and technical resources and would likely be redundant, wasteful, and counter-productive to the successful bottom-up planning process. The nature of the incentives would likely work against the intent of such a process, either discouraging credible reviews due to a lack of resources or effort or—more concerning—encouraging potentially unfair reviews that question the viability of other groups' projects. More fundamentally, this Council does not believe it to be the statutory role of the Interregional Planning Council and does not have the financial or technical resources that would be required to further investigate all 16 planning groups' strategy viability determinations.

Alignment of Drought Contingency Plans with Planning of Multi-Regional Water Supply Projects: The development of multi-regional water supply projects could

introduce a situation where drought conditions exist around the source of supply but not in the area of demand. Sufficient consideration should be given to drought contingency plans for entities relying upon multi-regional projects if those affect the reliability of the supply.

Previous State Water Planning: State water planning prior to Senate Bill 1 attempted to address state water resources. The Trans-Texas Water Program, created in the 1992 State Water Plan to meet long-term future water demands in the South Central and South Texas regions, is an example. Previously studied multi-regional projects focused on the state as a whole, including moving water from the Sabine River in East Texas to areas of West Texas, a transmission line from the coast to bring desalinated seawater supply inland, and a state water grid system.

Long-term and visionary planning: Multi-regional and large-scale projects are not a focus within the existing regional water planning process. Large water needs are not shown when planning for just a 50-year horizon or using drought of record. The recent study that describes future multi-year droughts (“megadrought”) is an example of the need for longer range planning.⁵ Without interregional coordination of partnerships, Region N’s development of seawater desalination strategies to provide a drought-proof supply only represents long range planning for the region when it has the potential to involve multiple regions.

Project Sponsorship: Obstacles to multi-regional and large-scale projects are associated with sponsorship of potential projects. A primary factor for project sponsors is lowest project cost. Project sponsors have a responsibility to keep rates affordable for their customers.

Existing Laws and Rules: Several obstacles associated with existing laws and rules to multi-regional projects include interbasin transfer laws, land condemnation process, environmental flow requirements, environmental and endangered/threatened species requirements, and reservoir permitting for only identified water supply needs.

Innovative Projects: Obstacles hindering development of innovative projects include high project costs, negative public perception and acceptance of reuse and seawater desalination projects, and greater risks associated with unproven technology and spending limited public funding on “research and development” with the greater

⁵ *Unprecedented Drought Challenges for Texas Water Resources in a Changing Climate: What Do Researchers and Stakeholders Need to Know?*
<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2020EF001552>

potential of things going wrong with sophisticated projects. Flood control projects related to water supply are understood to be considered by the new regional flood planning process. Obstacles to development of flood control projects for water supply use include off-channel flood storage being land-intensive, flood control in urban areas going downstream to rural areas without proper flood control mitigation, and high project cost and water quality concerns if stored flood water was pumped into the ground. Obstacles to aquifer storage and recovery (ASR) projects include water supply ownership, right-of-capture issues with regard to access and protection of injected water, and concern that without a groundwater conservation district, entities could be restricted on what can be pumped out of ASR.

Methods to Improve Regional Coordination: Several methods may be identified to improve regional coordination toward multi-regional and large-scale projects, including consideration of projects during RWPG Chairs' conference calls, larger roles for RWPG liaisons, meeting amongst major water providers, and establishing a process for coordination amongst state agencies related to installation of infrastructure during planning and construction.

Recommendations

3.1 Long Range and Visionary Planning

The Council makes the following recommendations on long range and visionary planning.

a. Texas Water Development Board

The Council recommends that the TWDB do the following:

1. Revise 31TAC Chapters 357 and 358 as appropriate and include a new, specific task in the RWPGs' contracted scope of work focused on a high-level view of planning and not necessarily focused on water management strategy evaluations. This new task would authorize:
 - a. long-range, visionary planning effort, beyond the 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., megadroughts); and
 - c. evaluation of identified feasible projects without limitation of sponsorship or costs.
2. Utilize RWPG Chairs' conference calls to consider multi-regional projects.

b. Legislature

The Council recommends the legislature

1. return to providing initial sponsorship of projects by the State without guarantees from local sponsors;
2. provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects;
3. provide additional funding for the regional water planning process to accommodate tasks associated with long range, visionary planning;
4. establish a process for coordination amongst state agencies, at the state level, related to installation of infrastructure during planning and construction of large-scale projects.

c. Regional Water Planning Groups

The Council recommends that the RWPGs should find new ways to meet and collaborate with other RWPGs early in the planning process to identify and develop opportunities for multi-regional projects and projects that are innovative and visionary within the current regional planning framework and requirements. This could be established in the form of a new scope of work planning task and chapter within the regional water plans.

d. Future Interregional Planning Councils

The Council recommends future Interregional Planning Councils

1. consider whether the Interregional Planning Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole;

- utilize state agencies' expertise to assist regions in developing a vision of planning resources for the state as a whole.

4. Best Practices for the Future of Planning

Problem and Goal Statement

The Council adopted the following statements to describe the existing problem observed and goal to be achieved regarding maximizing Best Practices for the Future of Planning:

Problem Statement

Formal requirements may stymie the use of best practices. Formalized sharing of information between RWPGs is not always facilitated timely in the planning cycle by the TWDB, including group processing of Chapter 8 (Recommendations Regarding Legislative and Regional Policy Issues) recommendations. Funding may be inadequate to devote time and effort for reviewing best practices.

Goal Statement

The RWPGs will review processes for improvement in sharing and solving best practices among and between regions. A formalized process will occur early in the planning process so that best practices are shared between regional water planning groups.

Review of Existing Practices/Conditions

The Best Practices for Future Planning Committee held five committee meetings to accomplish its charge. The committee reviewed best practice issues identified at the April 29, June 22, and June 29 meetings of the Council, in addition to new issues identified by members of the committee. The committee narrowed its focus of best practices to the following items:

- Simplified planning
- Enhancing engagement
- Communication
- Non-voting membership
- Labor costs for political subdivisions

- Video conferencing
- Improvements to the planning process

The following existing practices and observations are associated with these topics.

Simplified Planning: The simplified planning process under Texas Water Code (TWC) Section 16.053 is not functional. Requiring RWPGs to repeatedly update and consider groundwater and surface water availability values that have not significantly changed is a waste of regional water planning financial resources and creates lost opportunity costs to state and local governments and private stakeholders when those funds and efforts could be focused on other water resource issues in the planning process.

Enhancing Engagement of the RWPG Membership and the General Public: RWPGs are experiencing a variety of communication and engagement issues. Examples include information overload and not receiving valuable information and material prepared by the TWDB. Additionally, the public may not have the knowledge base to readily consume the technical and complex subject matter or have the time investment to attend public meetings.

Some RWPGs continue to struggle with finding new voting members to fill vacancies and keeping the general public engaged in the planning process, especially in regions where population, water resources, and water management strategies are not changing. There appears to be a growing sense of apathy on the part of the general public with regard to interest in regional water planning. It is unknown if the apathy is rooted in their confidence in local water planners, the overall planning process, or their lack of awareness of water planning activities.

Communication between the TWDB, RWPGs, and Members: Members of multiple RWPGs are unaware of educational material, program resources, and assistance made available by the TWDB. The TWDB's current practice to distribute program information is to send email communications to the RWPG Chairs, political subdivision contacts, and prime technical consultants. The political subdivisions are then expected to pass the communication to the RWPG membership. TWDB correspondence is not always distributed to the membership or is simply not viewed because of email overload. Additionally, the TWDB's orientations or informational presentations are sometimes declined by RWPGs.

Texas Commission on Environmental Quality (TCEQ) as an Ex-Officio Member: RWPGs often have questions regarding public drinking water systems, surface water

rights and availability, and permitting requirements that could best be answered or followed up on by representatives from the TCEQ. TCEQ is not required by statute to have representation on RWPGs; however, RWPGs have the discretion to add membership interest categories as appropriate to their region in accordance with their bylaws. As of July 2020, TCEQ has a representative assigned as a non-voting member to five out of 16 RWPGs.

Reimbursement of Labor Costs for Regional Water Planning Administrative Agents:

The role of the RWPGs' administrative agency includes a significant amount of administrative work. The agencies spend exorbitant amounts of time performing this role. The TWDB's administrative rules and contracts currently prohibit the reimbursement of labor costs for the RWPGs' administrative agencies. Multiple RWPGs rely on the collection of local funds to support the administrative work.

Open Meetings Act Modification of Video-Conference Restrictions: RWPGs, their committees, and subcommittees became subject to the Texas Open Meetings Act (TOMA) in 2017.⁶ The Council is also subject to the TOMA. Governor Abbott temporarily suspended a limited number of open meeting laws to allow governmental bodies to conduct meetings by telephone or video conference during the COVID-19 pandemic in order for these entities to continue to function. Once the disaster is over, options to conduct meetings by telephone or video conference will not be available. While the order has been in effect, any person regardless of where they are in the world has been afforded the opportunity to participate in public meetings and provide public comment if they wish, making the open meetings process more transparent.

Improving the Regional Water Planning Process: Modifications to the regional water planning process do not adequately allow for all RWPG members to provide substantial input on how to make the process better because it occurs at the end of the cycle when the RWPG is working on its final report. The most significant amendments to the planning process are based on recommendations from the 16 RWPG Chairs, TWDB staff, recommendations from the RWPG at the end of the cycle, and public comment periods on revisions to applicable statutes and rules. While the TWDB solicits feedback from RWPG members at the end of the planning cycles, the RWPGs are focused on completing the plans. Chairs' conference calls are scheduled throughout the planning cycle but cover so much information that Chairs don't have the opportunity to brainstorm new ideas, and prior work sessions held by the TWDB are no longer held or

⁶ Senate Bill 347, 85th Texas Legislature, Regular Session (2017)

results aren't formally documented. Engaging a small subset of the over 300 RWPG members could potentially lead to non-engagement by the rest of the membership.

Recommendations

4.1 Simplified Planning

The Council makes the following recommendations on simplified planning. Implementing these recommendations would allow full updates of the state water plan following updated census data, better align the regional water plans with the groundwater management area process, and potentially redirect State resources to solving water planning issues through funding special studies or other water resource challenges in the region.

a. Texas Water Development Board

The Council recommends the TWDB evaluate alternatives to the current simplified planning process that address timing and data concerns.

b. Legislature

The Council recommends the legislature amend the language in TWC Section 16.053(i) to either:

1. discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly, or
2. strike simplified planning from the statute.

c. Regional Water Planning Groups

No recommendations are made to RWPGs on simplified planning.

d. Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils on simplified planning.

4.2 Enhancing Engagement of the RWPG Membership and the General Public

The Council makes the following recommendations on enhancing engagement. Implementing these recommendations will enable RWPG membership and the public to be more engaged and increase their understanding of the process.

a. Texas Water Development Board

The Council recommends the TWDB

1. provide policy recommendations developed by the Council to all RWPGs to inform their planning process;
2. provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council;
3. provide an update to the above report, at an appropriate time in the planning cycle, of the implementation status of recommendations to the RWPGs and the Council;
4. develop standardized, easy to adopt practices and protocols that apply to all regions;
5. provide feedback to RWPGs regarding TWDB funding for water supply and water conservation projects that are recommended in the regional water plans.

b. Legislature

The Council recommends the legislature

1. provide funding for better methods of disseminating information for the regional water planning process;
2. authorize the use of one-way conferencing or webinars.

c. Regional Water Planning Groups

The Council recommends RWPGs

1. provide more focus on new member orientations;
2. utilize educational programs and subject matter speakers at RWPG meetings;

3. develop better methods to encourage public participation, for example,
 - i. surveys,
 - ii. targeted emails blasts,
 - iii. website updates for all RWPGs.

d. Future Interregional Planning Councils

The Council recommends future Interregional Planning Councils

1. hold work sessions to “deep dive” into more complicated topics;
2. require RWPG Chairs to meet on an annual basis, at minimum, for the purposes of evaluating and documenting best practices.

4.3 Communication Between the TWDB, RWPGs, and Members

The Council makes the following recommendations on communication between the TWDB, RWPGs, and members. Implementing these recommendations will enable RWPG membership to make informed decisions by increasing members’ understanding of the process and resources available.

a. Texas Water Development Board

The Council recommends the TWDB

1. require RWPGs to receive orientation services provided by the TWDB at the beginning of each cycle;
2. require RWPG Chairs and administrative agents to follow recommendations in the Best Management Practices Guide document prepared and updated by the TWDB; and
3. invest in inter-agency, intra-agency, or professional media consultants to assist the TWDB in effectively delivering digital messages to RWPG members. The TWDB should review current practices for email communications, opportunities to increase communications with RWPGs, use of social media, and methods for providing educational material.

b. Legislature

Funding is recommended to enhance communication between the TWDB, RWPGs, and members.

c. Regional Water Planning Groups

The Council recommends

1. RWPGs follow recommendations regarding communication with RWPG members as outlined in the Best Management Practices Guide;
2. RWPG members read the Best Management Practices Guide and New Member Guide.

d. Future Interregional Planning Councils

The Council recommends future Interregional Planning Councils review existing technology and recommend appropriate changes.

4.4 TCEQ as an Ex-Officio Member

The Council makes the following recommendations on TCEQ membership on the RWPGs. Implementing these recommendations would consistently provide RWPGs a subject matter expert and resource for water issues addressed by the TCEQ or other state agencies. In addition, this recommendation could increase coordination between the TWDB and the TCEQ on planning vs. regulation issues and requirements.

a. Texas Water Development Board

The Council recommends the TWDB

1. coordinate with TCEQ and amend 31 TAC Section 357.11(e) to require RWPGs to add a staff member from TCEQ as a non-voting member, if TWC 16.053(c) isn't amended by the Legislature as recommended below;
2. review and make a recommendation to the legislature regarding additional non-voting members that affect statewide regional water planning stakeholders.

b. Legislature

The Council recommends the legislature amend TWC Section 16.053(c) to add TCEQ as an ex-officio member of each RWPG.

c. Regional Water Planning Groups

The Council recommends RWPGs consider adding TCEQ as an ex-officio member if TWC 16.053(c) or TAC 357.11(e) are not amended.

d. Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils regarding TCEQ membership.

4.5 Reimbursement of Labor Costs for Regional Water Planning Administrative Agents

The Council makes the following recommendations on reimbursement of administrative labor costs. Implementing these recommendations would encourage political subdivisions to take on the role of the administrative agency for regional water planning. The agencies would no longer be penalized for accepting the responsibility of administering the regional water planning process.

a. Texas Water Development Board

The Council recommends the TWDB

1. consider allowing for the reimbursement of labor costs for the RWPG's designated administrative agency;
2. revise TAC Chapter 355 and regional water planning grant contract expense budget limitations to accommodate these expenses.

b. Legislature

The Council recommends the legislature provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs rather than permitting a reallocation of existing planning resources, as that would reduce the funding required to meet other required planning tasks.

c. Regional Water Planning Groups

The Council recommends RWPGs include requests for funding in Chapter 8 recommendations of the regional water plans.

d. Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils regarding reimbursement of administrative labor costs.

4.6 Open Meetings Act Modification of Video-Conference Restrictions

The Council makes the following recommendations on modification of TOMA video-conferencing restrictions related to regional water planning. Some regions are large and require traveling great distances. Implementing these recommendations would decrease regional water planning and lost opportunity costs to state and local governments and private stakeholders as well as create a more efficient process by allowing greater governmental transparency during consideration of items on an agenda and provide the public an avenue for increased meeting participation. Additionally, video conferencing can promote improved interregional coordination for liaisons to attend meetings. However, a digital divide does exist, and some regions might not have good internet access to ensure quality connectivity.

a. Texas Water Development Board

The Council recommends the TWDB evaluate the fiscal impacts associated with technology required for virtual meetings.

b. Legislature

The Council recommends the legislature amend the Texas Open Meetings Act to allow virtual participation during the regional water planning process as an alternative or in addition to requiring the public to be physically present to make public comment or as an option for a RWPG member that cannot physically attend a meeting resulting from any issue the legislature believes appropriate.

c. Regional Water Planning Groups

No recommendations are made to RWPGs on Texas Open Meetings Act modification.

d. Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils on Texas Open Meetings Act modification.

4.7 Improving the Regional Water Planning Process

The Council makes the following recommendations on improving the regional water planning process. Implementing these recommendations would improve efficiency and effectiveness by eliminating waste in the planning process as well as improve productivity of the RWPG membership.

a. Texas Water Development Board

The Council recommends the TWDB

1. incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. This includes reducing or eliminating non-value-added activities and engaging the RWPG membership to map out all critical steps in planning;
2. evaluate the RWPG voting and non-voting membership costs of time and funding.

b. Legislature

No recommendations are made to the legislature on improving the regional water planning process.

c. Regional Water Planning Groups

No recommendations are made to RWPGs on improving the regional water planning process.

d. Future Interregional Planning Councils

The Council recommends future Interregional Planning Councils review materials and meeting notes from the TWDB's lessons learned technical meetings with RWPG consultants.

5. Addressing Interregional Conflict

Problem and Goal Statement

The Council adopted the following statements to describe the existing problem and desired goal to be achieved regarding Interregional Conflict.

Problem Statement

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 conflict, and when should these actions occur in the planning process.

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 evaluations.

Review of existing practices/conditions

Outline of the Coordination Process Within the Regional Planning Process to Identify and Address Conflicts

While RWPG coordination throughout the planning cycle may head off most conflicts, statute and TWDB rules recognize the potential for conflict to persist. Current statute does not indicate who determines if a conflict exists, only that the Board should resolve a conflict. The Board has defined interregional conflict and a process to resolve it in its administrative rules, which are generally summarized below:

- The RWPG is to notify the TWDB's Executive Administrator in writing within 60 days of the submission of the Initially Prepared Plans (IPP) to assert that a potential interregional conflict exists based upon demonstrated potential for a substantial adverse effect from the impacts of a recommended water management strategy (31 TAC §357.10(16)).⁷ The RWPG must provide information
 - identifying the specific recommended WMS from another RWPG's IPP;

⁷ TWDB rules state that an interregional conflict exists when

1. more than one RWP includes the same source of water supply for identified and quantified recommended water management strategies (WMSs) and there is insufficient water available to implement such WMSs; or
2. in the instance of a recommended WMS proposed to be supplied from a different RWPA, the 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 TWDB members that there is a potential for a substantial adverse effect on the region as a result of those impacts.

- providing a statement of why the RWPG considers there to be an interregional conflict; and
 - providing any other information available to the RWPG that is relevant to the Board's decision.
- The RWPG must also notify the other affected RWPG identified concerning the information submitted to the Board (31 TAC §357.50(d)).
 - The Executive Administrator considers the RWPG's assertion and informs the TWDB's governing Board of a potential finding of an interregional conflict.
 - If the Board finds an interregional conflict exists between IPPs, the Executive Administrator facilitates resolution of the conflict by notifying the RWPGs involved and working with them to resolve the conflict (31 TAC §357.62(a)).
 - If the conflict cannot be resolved, the Executive Administrator develops a recommendation to resolve the conflict, holds a public hearing on that recommendation at a central location readily accessible to the public with 30-day public notice, and takes a recommendation to the Board. The Executive Administrator then notifies the affected RWPGs of the Board's decision and directs changes to the affected RWPGs in accordance with 31 TAC §357.62(b).

Additionally, in the Board's January 8, 2015, order resolving the conflict between the 2011 Regions C and D Regional Water Plans, the Executive Administrator was directed to consider ways to identify potential conflicts and facilitate resolution early in the planning process. During the planning cycle to develop the 2021 Regional Water Plans, the Executive Administrator facilitated coordination between Regions C and D over assessment and development of supplies in the Sulphur River Basin. While not a "resolution" of an identified conflict, this facilitated coordination was initiated in April 2019, approximately one year prior to the due date of the draft initially prepared plans. No formal conflict was identified and brought to the attention of the TWDB under the procedures noted above as of the date of this report.

Acknowledgement of the Limitations of Planning Regions to Mitigate Conflicts

The Council and its Committees recognized that interregional conflicts are few, rare, and difficult when they occur. In addition, the regional water planning process has generally

done a good job in preventing and dealing with interregional conflicts. The Council identified the need for enhanced coordination with neighboring regions earlier in the planning process in an attempt to stave off entrenched and formalized interregional conflicts. The Council also discussed that there have been too few coordination efforts or interregional conflicts historically to provide strong lessons on how to improve that process. During preliminary discussions related to interregional conflict, the following issues **were raised by one or more Council members** with respect to the role and limitation of an RWPG in identifying or resolving interregional conflicts:

Role of the regions:

- It is not an RWPG's role to determine the public support or permitting viability of a project. The RWPG makes sure there is sufficient supply to meet the demand and identifies projects or strategies identified to meet that demand. 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).
- RWPGs and their volunteer members may not have the resources, and perhaps should not be charged, with the responsibility of going through their plan and all of the other plans to determine if a conflict exists. Rather, the TWDB should identify potential interregional conflicts since it has more information and access to the plans and planning tools. (Note: the TWDB currently determines if an interregional conflict exists due to an over-allocation of sources.)

Who resolves conflicts:

- At what level, and who, should be looking at well recognized disputes regarding development of a state water resource—should that be at a state leadership level rather than the TWDB or the two regions?
- Private mediation may be more effective than the public meetings that are currently required in the administrative process.

How should conflict be defined and assessed:

- Should statute define an interregional conflict?

- Should the impacts of a land-intensive project be assessed not only on its impacts on a region, but also related to its impacts on the economy of the state?

Recommendations

5.1 Enact coordination protocols to avoid conflicts or to enhance resolution of conflicts

The Council has made recommendations in Section 2, *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.

5.2 State-funded assistance for unresolved conflicts

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.

6. Conclusions

The members of the Council dedicated a significant number of hours in Council and committee meetings to deliberate, develop, and present this inaugural report to the TWDB. This report could not have been completed without the dedication of each member of the Council, with support from Temple McKinnon, P.G., TWDB director of the Water Use, Projections & Planning Division, and the TWDB Regional Water Planning staff, along with Suzanne Schwartz, who served as facilitator.

The Council members' collective experiences and direct involvement in the Regional Water Planning process provided vital insight into the formulation of recommendations that directly relate to the legislative charge for the Council. We were tasked with a significant charge and to complete it within an expedited timeline and during a global pandemic. In reality, without the modifications to the TOMA granted during the pandemic that allowed the Council and its committees to meet virtually, we would not have had the level of participation by Council members nor the ability to have as many meetings as were needed to complete this report. Under normal circumstances, Council

members would have been required to travel from all over the state to attend meetings in person at a determined location. In addition, it is worth noting that the work of the Council coincided with the end of the fifth water planning cycle to complete the 2021 Regional Water Plans. Again, if not for the pandemic that extended both the deadline for the submittal of the Regional Water Plans and the Council report, the TWDB staff and members of the Council tasked with significant roles in both efforts would have experienced significant challenges to complete as thorough of a report as contained in this submittal. As it was, the overlapping timelines, coupled with the additional pandemic-imposed work restrictions within the TWDB and with other entities throughout the state, did add unique complexities and challenges to the work of this Council.

As the future work of Councils is planned, we urge the TWDB to review the timing of the tasks within the normal planning cycle and determine how and when the work of the Council could be conducted most effectively to enhance the state water planning process. Based on our experience, it is suggested that future Councils are appointed as early in the planning cycle as possible. The first work of each future Council should be to review the following: recommendations of prior Council(s); policy recommendations included in each of the submitted Regional Water Plans; and all resulting actions by the TWDB or Texas Legislature. All of these resources should inform the goals and objectives of each Council's upcoming work. In addition, the timeline to complete the Council's work should avoid overlapping with the intensity of the work of RWPGs and TWDB staff required in the last year of the planning cycle. Deadlines for submitting the Council's report should be no later than a year before the final regional water plans are adopted, the fourth year of the planning cycle. We were honored to serve as the inaugural Council and present this report with optimism that the observations and recommendations contained within these pages contribute in a meaningful way to advance interregional coordination, promote planning for water resources for the state as a whole, and build upon the best practices of the dedicated RWPGs throughout the state.

7. Appendices

- A. List of Council Members and Committees**
- B. Minutes from Council and Committee Meetings**
- C. Interregional Conflict Facilitator's Report and Supporting Material**
- D. Committee Charges**
- E. TCEQ-Identified Interregional Basin Transfers and Responses to TWDB's 2020 RFI for Multi-Regional Projects**
- F. Multi-Regional Recommended Strategies from the 2017 State Water Plan**

Appendix A

List of Council Members and Committees

Appendix A - List of Council Members and Committees

In July 2019, the TWDB’s Executive Administrator requested each of the state’s 16 RWPGs to submit at least one nominee to serve on the Council. At its January 16, 2020 meeting, the TWDB appointed the Council’s members, and pre-approved use of Regional Water Planning Contract voting member travel funds for Council members to attend meetings. Although alternates were not appointed and therefore cannot be utilized during this inaugural Council, provisions for alternates were included for the appointment of future Councils in the revisions to TWDB’s administrative rules 31 Texas Administrative Code Section 357.11(k). The members appointed to the Council are:

Region	Council Member	Council or Committee Role	Council Member Affiliation	Supporting Background Provided from RWPGs During Nomination
A	Steve Walthour	Chair, General Best Practices for Future Planning Committee	General Manager, North Plains Groundwater Conservation District	Mr. Walthour has served on the Region A RWPG since 2007. He is a member of the agricultural and modeling subcommittees and has been an integral part of the Region A water planning process for the last 12 years. Mr. Walthour has over 25 years of experience in groundwater conservation programs.
B	Russell Schreiber	Member of General Best Practices for Future Planning Committee	Chair Region B; Director of Public Works , City of Wichita Falls	Mr. Schreiber has been a member of the Region B RWPG for 11 years and has served as Chair since 2017. He is a member of the Executive Committee, Technical Advisory Committee, and Groundwater Technical Committee.
C	Kevin Ward	Member of Planning Water Resources for the State as a Whole Committee and Interregional Conflict Work Group	Chair Region C; General Manager, Trinity River Authority	Mr. Ward has been a member of the Region C RWPG for 7 years and has served as Chair since 2018. He also serves on the Region H RWPG. Prior to joining the Trinity River Authority, Mr. Ward was the Executive Administrator of the TWDB.
D	Jim Thompson	Member of Enhancing Interregional Coordination Committee and Interregional Conflict Work Group	Chair Region D; Chief Financial Officer, Ward Timber	Mr. Thompson is currently the Chair of the Region D RWPG and previously served for six years on the Region D RWPG.

E	Scott Reinert	Member of Enhancing Interregional Coordination Committee	Vice-Chair Region E; Water Resources Manager, El Paso Water Utilities	Mr. Reinert has been a member of the Region E planning group for 10 years and currently serves as Vice-Chair.
F	Allison Strube	Member of General Best Practices for Future Planning Committee	Director of Water Utilities, City of San Angelo	Ms. Strube joined the Region F RWPG in 2018 and represents large municipalities. Ms. Strube also serves as a board member of the West Texas Weather Modification Association and a committee member for the Concho River Watermaster program.
G	Gail Peek	Chair, Enhancing Interregional Coordination Committee	Vice-Chair Region G; Of Counsel, Beard, Kultgen, Brophy, Bostwick & Dickson	Ms. Peek has been a member of the Region G RWPG for 12 years and currently serves as Vice-Chair. She also participates on the Executive and Groundwater Committees.
H	Mark Evans	Chair, Planning Water Resources for the State as a Whole Committee	Chair Region H; North Harris County Regional Water Authority	Mark Evans has been a member of the Region H RWPG since its creation (21 years) and has served as the Region H Chair since 2009. Mr. Evans previously served four terms as County Judge for Trinity County.
I	Kelley Holcomb	Council Vice-Chair; Member of General Best Practices for Future Planning Committee	Chair Region I; General Manager Angelina & Neches River Authority	Mr. Holcomb represents the River Authority Interest category, and has been a member of the Region I RWPG since 1998. Mr. Holcomb has served as Chair for 13 years and currently serves on the Executive and Nominations Committees. He also is past Chair of the Finance Committee.
J	Ray Buck	Member of Enhancing Interregional Coordination Committee	General Manager, Upper Guadalupe River Authority	Mr. Buck has represented the River Authorities interest category on the Region J RWPG for 14 years. Mr. Buck also oversees the Political Subdivision responsibilities for Region J.
K	David Wheelock	Member of Planning Water Resources for the State as a Whole Committee	Vice-Chair Region K; Water Supply Planning Manager, Lower Colorado River Authority	Mr. Wheelock has been a member of the Region K RWPG for over 5 years and currently serves as Vice-Chair of the planning group. He also participates on five Region K Committees and is the Administrative Agent for Region K. Mr. Wheelock has been involved with regional water planning since 1997.

L	Suzanne Scott	Council Chair	Chair Region L; General Manager San Antonio River Authority	Ms. Scott has been a member of the Region L RWPG for 11 years and has served as Chair since 2016. She also participates on the Policy Recommendations Committee and serves as Chair of the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Area Stakeholder Committee.
M	Tomas Rodriguez, Jr.	Member of General Best Practices for Future Planning Committee	Chair Region M; Retired Director of Utilities, City of Laredo	Mr. Rodriguez has been a member of the Region M RWPG for 11 years and currently serves as Chair. Before retiring, Mr. Rodriguez was the Director of the Utilities Department for the City of Laredo.
N	Carl Crull	Member of Planning Water Resources for the State as a Whole Committee	Owner, Crull Engineering, LLC	Mr. Crull has been involved with regional water supply issues since 1984. He previously served as Assistant City Manager for the City of Corpus Christi and worked for HDR Engineering Inc. before retiring to private practice. He joined the Region N RWPG in January 2017.
O	Melanie Barnes	Member of Planning Water Resources for the State as a Whole Committee	Retired Research Scientist, Texas Tech University	Dr. Barnes has been a member of the Region O RWPG since 2005. She serves as the Region O liaison to the Region F planning group. Dr. Barnes has also served on other Boards and Commissions involving local water issues.
P	Patrick Brzowski	Member of Enhancing Interregional Coordination Committee	Secretary Region P; General Manager, Lavaca-Navidad River Authority	Mr. Brzowski has served as Secretary of the Region P RWPG since 2003. He is also the Administrative Agent for Region P.

TWDB staff-support for Council Committees:

Enhancing Interregional Coordination: Ron Ellis, Temple McKinnon

Planning Water Resources for the State as a Whole: Kevin Smith, Matt Nelson

Best Practices for Future Planning: Elizabeth McCoy, Sarah Backhouse

Appendix B
Minutes from Council and
Committee Meetings

IPC MEETING MINUTES

4/29/20 Meeting

Interregional Planning Council Meeting Minutes

April 29, 2020, 1:00 p.m. to 4:00 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

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

A	Steve Walthour	E	Scott Reinert	I	Kelley Holcomb	M	Tomas Rodriguez
B	Russell Schreiber	F	Allison Strube	J	Ray Buck	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: Representative Lyle Larson and Shannon Houston of House Natural Resources Staff

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

Number of Attendees beyond known TWDB Staff: 11

AGENDA ITEMS

1. Welcome and Introductions

TWDB Director Kathleen Jackson welcomed participants to the inaugural Interregional Planning Council (Council) meeting and provided opening remarks. Meeting facilitator, Suzanne Schwartz, reviewed meeting logistics and led introductions.

2. Orientation to the Interregional Planning Council

Director Jackson introduced Representative Lyle Larson. Representative Larson provided a brief overview of the creation of the Council and noted that the following topics would be beneficial for the Council to consider: viability and justification of projects included in the regional water plans, ways to promote innovative water management strategies (WMS), ways to facilitate interregional coordination and promote multi-regional WMSs, and how to minimize interregional conflicts and collectively work together to improve planning at the statewide level.

Suzanne Scott (Region L) asked Representative Larson for his perspective on the compressed timeline the Council has to carry out its charge, noting that multi-regional project development may require additional time for consideration and coordination. Representative Larson referenced his April 27 letter to Council members that discusses the compressed timeframe for their work and encouraged the

Council to focus on interregional conflicts, project viability, and begin looking at longer term multi-regional projects and how drought contingency plans align with planning such water supply projects.

Temple McKinnon (TWDB) provided an orientation on legislative requirements and timelines related to the Council. Key points included the following:

- Planning rules are being revised to implement legislative changes from House Bill 807 and will include requirements related to the Council. Final planning rules are expected to be considered by the TWDB Board in June.
- House Bill 807 requires the Council to submit a report to TWDB prior to adoption of the state water plan. For this cycle, the Council report is due by October 14, 2020. In future cycles, the report will be due in advance of the initially prepared plans so that planning groups can consider any Council recommendations.
- Draft planning rules include a requirement that in future cycles planning groups will be required to put forward both a nominee and an alternate to serve on the Council. The nominee and alternate are required to be current voting members of the planning group.
- TWDB is available to support the Council. There is a Council webpage on the TWDB website.

Agenda item 3 was tabled until later in the meeting.

4. Consideration of Current Best Practices and Areas to Improve

Suzanne Schwartz invited members to share current best practices from the current or past planning cycles. The following items were shared:

- Suzanne Scott (Region L) discussed the benefits of developing guiding principles in Region L. The region added several guiding principles to its bylaws to clarify the region's approach to certain aspects of the planning process and to address issues from previous cycles. Region L referred to the guiding principles many times during the planning process.
- Carl Crull (Region N) noted the need for better public understanding of the role of the regional water planning groups (RWPG) and the division of responsibility between planning and implementation. He also noted challenges in dealing with competing interests of stakeholders.
- Melanie Barnes (Region O) shared the benefits of having subject matter expert presentations at meetings to help members better understand how different water user groups are using water and stressed the importance of members being informed. Region O has also provided more guidance to the public about when they may comment and ask questions.
- Patrick Brzozowski (Region P) shared that more time was spent this cycle on ensuring projects in the plan are feasible to finance and implement.
- Steve Walthour (Region A) noted the important role of RWPG Administrators in the planning process; including the role the Panhandle Regional Planning Commission (PRPC) plays in administering local funds for the planning process and providing high quality personnel to help with the planning process.
- Russell Schreiber (Region B) noted that with a new drought of record this cycle, Region B determined that planning for supply based on firm yield was not sufficient given the difficulty of treatment when reservoirs reach low levels. Region B worked with TWDB to get approval to use a 20 percent safe yield this cycle.
- Kevin Ward (Region C) highlighted the importance of receiving input from water providers on what they want their WMSs to be, rather than the region deciding what they should do. Kevin

also noted the importance of the flexibility in projections and hydrologic assumptions in the planning process.

- Scott Reinert (Region E) discussed how the region is being mindful of management supply ¹in the plan. Prior plans had too many projects. They are now designating fewer projects and more alternate projects, which addresses public concern but still preserves the ability to fund primary or alternate projects through SWIFT.
- Allison Strube (Region F) agreed with others on the importance of the bottom up planning approach and added that the region's consultants have coordinated with consultants from neighboring regions to ensure plans are consistent.
- Gail Peek (Region G) highlighted Region G's new member orientation and efforts to increase public participation.
- Mark Evans (Region H) agreed on the importance of the bottom up planning approach and noted the openness to discuss any issues within the Region H membership. Mark stressed the importance of having full participation of membership.
- Kelley Holcomb (Region I) noted the biggest issue for Region I is a general lack of input and concern for water supply from public due to the planning area being in a water rich part of the state. Meetings are largely unattended.
- Ray Buck (Region J) shared that strengths of Region J are transparency and consensus decision-making. Ray noted that the most contentious issue discussed this planning cycle was the designation of unique stream segments.
- David Wheelock (Region K) noted the importance of communicating water issues. He shared that the region has generally followed the status quo for the past few cycles but is trying to address issues that weren't able to be thoroughly considered in the current cycle.

Suzanne Schwartz asked members what issues they would like the Council to consider in order to accomplish its charge. Members developed and then voted by online poll on a list of ten issues. The following represents the list in priority ranking by the Council. (voting results noted as percent of total member votes). Suzanne requested that the Council members select their top four (4) priorities from the items identified by the group.

- Develop a formal process by which the IPC will deal with interregional conflicts– 10 votes
- Develop a formal and informal process to look at projects that cross regions– 10 votes
- Identify potential new multiregional projects for consideration that serve the state as a whole– 10 votes
- Formal process for regions to coordinate on projects for shared resources from other regions (Regional Liaisons)– 8 votes
- Identify any large amounts of undeveloped water supplies and unused water across the state– 7 votes
- Develop guidelines on minimum standards for a project to be included in regional water plan– 6 votes
- Ways to have the rulemaking process more responsive to changing conditions – 5 votes
- Methods to plan for the larger picture of water resource development– 4 votes
- Provide guidance to Uniform Standards Stakeholder group in regard to prioritization of projects– 3 votes
- Develop ways for metropolitan areas to work within multiple planning processes– 1 vote

¹ The amount of water over that which is required to just meet demand/need.

Discussion surrounding the identification of the polling issues included:

- Kevin Ward suggested the Council evaluate what he perceives as double standards for documentation required on large regional projects, particularly when those projects are opposed. He suggested there be consistent standards for project evaluations in rulemaking from TWDB or guidance from the Legislature. The Council should consider at what level, and who, should be looking at well recognized disputes regarding development of a state water resource: should that be at a state leadership level rather than the TWDB or the two regions? Should the state determine the best optimization of state water and the role of state in its development? Should the Council be looking at longer timelines for larger interregional projects? What is the longer-term strategy for serving the state and what is the TWDB's role and the Legislature's role?
- Jim Thompson agreed on the need to focus on interregional conflicts and how to resolve those problems (ex: historical conflict over Marvin Nichols.) There needs to be discussion regarding guidelines on how to resolve conflicts and what is the basis for resolving them. In response to identifying undeveloped water, the Council should still identify unused water across the state.
- Gail Peek stated that RWPG liaisons should be used to more deeply explore WMS that cross planning group lines before getting to a formal conflict resolution process. There need to be clear guidelines of what formally comes to the Council and what needs to be resolved informally before coming to the Council.
- Kelley Holcomb asked if the Uniform Standards Stakeholder Committee was still active and if their unresolved issues could be considered by this Council. TWDB staff indicated that the Uniform Standards Committee is active and is charged with project prioritization standards. Kelley discussed that the Uniform Standards Committee needed assistance with resolving issues they identified in their process.
- David Wheelock discussed that, where metro areas cover multiple regions, planning groups could better coordinate planning for the whole metro area rather than just the smaller cities that comprise the metro area that are located in the respective regions.
- Suzanne Scott stated that most issues in Region L have been resolved through many rulemaking adjustments over time. She agreed that regional coordination is important and that the Uniform Standards Committee raised issues that may be good to look at. But continuing to have the rulemaking process be responsive to changing conditions is working; TWDB doing a good job.
- Tomas Rodriguez stated that TWDB could review projects in IPPs and see where a conflict could be, and to help coordination between regions. He agreed that a formal process to identify interregional conflicts needs to occur
- Carl Crull suggested that liaisons between regions should be formally notified about whether a project to be in an IPP effects their planning group (beyond the current practice of emailed agendas).
- Melanie Barnes agreed that liaisons need to help other groups if there are questions about a project.
- Patrick Brzozowski was interested to know how many regions service water outside their region. Liaison coordination should be improved: technical consultants often also work with neighboring regions and are good sources to identify potential conflicts. Improving coordination shouldn't happen at end of process; it should happen up front, in the middle, and when developing final IPPs. If those proposing the project could be in same room at least 3 times per cycle it would be helpful for coordination; the exact process needs to be defined.

Mark Evans asked whether these issues would be what is presented in the Council's report. Suzanne Schwartz noted that these could be the topics the Council would focus on this cycle. Suzanne Scott suggested adding the polling item regarding multiregional projects after comparing the ideas generated with Representative Larson April 27 letter. Kelley Holcomb suggested the Council work its issues list into Rep. Larson's identified topics when generating the report for TWDB. Suzanne Scott agreed and Suzanne Schwartz said she would process issues and confirm against issues captured in Rep. Larson's letter.

Members discussed the intent of the Council's statute, including the intent of facilitating dialogue about strategies affecting multiple planning areas, and whether that meant to look at specific projects. They noted that the statute was clear about making recommendations for changes in rule or law regarding the planning process. They discussed how to facilitate dialogue on strategies and whether interregional project issues should come before the Council. They stated that, without real help, it is hard to identify strategies that haven't already been envisioned during the planning process. Members suggested that it would be helpful for the Council to have a list of projects that serve multiple regions and for the TWDB to look back at past plans for regional projects and studies from the 1950's or 60's, such as Trans-Texas and whether the planning horizon should be extended.

3. Consideration of What the Council Wants to Accomplish

The Council generated the following ideas about what it wanted to accomplish before October 2020:

- Meet the legislative requirements to have a public meeting and prepare a report.
- Identify projects that could have statewide impact.
- Identify interregional projects and consider minimum requirements for a project to be included in the regional water plans.
- Review existing interregional conflicts and the interregional conflict process, including process before conflict declared.
- Apply environmental view to larger projects; environmental aspects may be limitations to projects.
- Keep in mind that project implementation is not the role of the planning group and that stakeholder concerns of implementation can't necessarily be addressed in the planning process.
- Planning process is so prescribed that implementation issues rest with the project sponsor and not the planning process. With respect to interregional conflicts, planning is supposed to identify potential projects, not work out implementation issues.
- Funding limitations for regional planning can prevent looking at larger conceptual projects that may or may not have a sponsor.

The format of the Council's final report was briefly discussed. It was suggested that the report document a chronology of the Council's process, focus on statutory charges, key decisions, and recommendations, and highlight other issues or insights that arise. The Council discussed addressing the points in Representative Larson's letter, even if it's noting that some items may need to be addressed by the Council next cycle.

5. Consideration of How Council will Operate

Suzanne Schwartz reminded members that the Council is subject to the Texas Open Meetings Act (TOMA). Members then discussed how the Council will operate moving forward and considered the following items:

- ***Quorum- a majority of members agreed that a simple quorum will be required to conduct business.***
- ***Chair/Co-chair – a majority of members agreed not to select a chairperson and to use a facilitator at meetings.***
- ***Decision making – members voted by online poll to determine if their decision making would be based on consensus, simple majority, or super majority. Ten of the 15 voting preferred a simple majority, which was selected for decision making. Four preferred consensus, and one a super majority.***
- ***Number of meetings, and logistics – a majority of members agreed to hold several shorter, remote meetings while the Governor has waived portions of the TOMA.***
- ***Use of subcommittees – a majority of members agreed that subcommittees are not necessary at this time.***
- ***Public comment and participation – a majority of members agreed to solicit public comment both at the beginning and end of Council meetings.***

A poll will be sent out to schedule future meetings. Melanie Barnes (Region O) and David Wheelock (Region K) volunteered to help develop the next meeting agenda. Draft agendas will be sent to all members for review and comment. A plan will be developed to map out future discussion topics and identify necessary meeting materials and potential subject matter expert presentations. Potential materials needed for future meetings include information on interregional projects from current and past State Water Plans and historical TWDB studies of supply and transmission projects.

During this agenda item Kevin Ward brought up the need to discuss current Interregional Conflicts and asked for clarification on the deadline for regions to assert a potential conflict. Temple McKinnon noted the deadline had been extended to May 11.

David Wheelock suggested bringing in experts to present on regional projects at future Council meetings.

6. **Public Comment** - No public comments were offered.
7. **Adjourn** - No additional discussion. Meeting adjourned.

5/28/20 Meeting

Interregional Planning Council Meeting Minutes

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

held via Zoom Videoconference

Council decisions bolded and italicized in document

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

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

Facilitator: Suzanne Schwartz

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

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

MEETING GENERAL

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

AGENDA ITEMS

1. Public Comment – No public comments were offered.

2. Consideration of Meeting Minutes from April 29 Meeting

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

3. Consideration of Issues that Interregional Planning Council May Consider

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

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

- Dealing with Interregional Conflict
- Best Practices for Future Planning

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

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

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

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

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

4. Consideration of Action Plan for Moving Forward

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

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

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

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

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

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

5. Consideration of Report Structure

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

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

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

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

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

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

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

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

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

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

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

7. Discussion of Next Steps

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

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

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

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

6/10/20 Meeting

Interregional Planning Council Meeting Minutes

June 10, 2020, 1:00 p.m. to 3:00 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council Members present 11 of 16:

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

Facilitator: Suzanne Schwartz

Senators/Representatives/Other VIPs in Attendance: None identified.

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

MEETING GENERAL

Meeting facilitator, Suzanne Schwartz, called the meeting to order and reviewed meeting logistics, including timing of future meetings and how Council working documents are being utilized in the meetings and will guide the Council in their discussions beyond June. Temple McKinnon (TWDB) called the roll and determined that a quorum was present.

AGENDA ITEMS

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

2. **Consideration of Meeting Minutes from May 28, 2020 Meeting**

The Council considered the minutes of the May 28, 2020 meeting and reviewed clarifying edits proposed by Kelley Holcomb (Region I). Kevin Ward (Region C) made a motion to approve the minutes as presented with revision. Steve Walthour (Region A) seconded the motion. The minutes were unanimously approved. Ray Buck (Region J) abstained since he was not present at the May meeting.

3. **Presentation of Background Information on Interregional Conflict and Planning Water Resources for the State as a Whole**

Ms. Schwartz introduced the agenda item, noting the purpose of the presentation is to be able to distinguish between interregional coordination and interregional conflict and set the stage for Council discussion today and at the next meeting.

Temple McKinnon (TWDB) presented background information on interregional conflicts. Ms. McKinnon highlighted information sent to Council members that differentiates between interregional coordination and interregional conflict in the regional water planning process. Existing requirements in administrative rules regarding regional water planning group (RWPG) coordination during regional water plan development were noted. Through these coordination efforts, RWPGs are encouraged to work cooperatively to avoid potential interregional conflicts during each planning cycle.

An interregional conflict only occurs once the draft regional water plans are completed, and it is determined that either a source is overallocated or that there is the potential for adverse impacts to occur resulting from a project. Defining an interregional conflict to be present based on adverse impacts was added to planning rules following the resolution of the conflict between the 2011 Region C and D regional water plans. The process to resolve an interregional conflict requires the involved regions to coordinate and produce a solution. If resolution of the conflict does not occur by the regions' coordination, the TWDB Executive Administrator (EA) and Board will resolve the conflict.

Ms. McKinnon noted that an informational sheet on the interregional conflict process is available on the Council webpage. The document provides information on what an interregional conflict is, what coordination should be undertaken prior to identifying a conflict, how planning groups identify potential conflicts, and the process to resolve the conflict. Ms. McKinnon then provided a brief summary of past identified interregional conflicts.

The first conflict was between the 2011 Regions C and D regional water plans. The Region C water plan recommended Marvin Nichols Reservoir, and the Region D water plan stated that recommending Marvin Nichols constituted an interregional conflict. Following Board approval of the plans, a lawsuit was filed, and the District Court determined there was a conflict that TWDB needed to resolve, an opinion that was upheld by the Court of Appeals. The Board initiated a conflict resolution process, part of which involved Region C submitting quantitative impacts information on agricultural and natural resources. TWDB's interregional conflict rules were then amended following this process.

The second conflict was between the 2016 Regions C and D regional water plans. Following the new process outlined in planning rules, the TWDB EA requested that planning groups inform TWDB of any potential interregional conflicts in the draft plans. Region D submitted that the Marvin Nichols reservoir recommended in the 2016 Region C draft regional water plan posed a conflict due to potential impacts to agricultural and natural resources in Region D. The Board determined that an interregional conflict existed and that Regions C and D should engage in mediation. The conflict was resolved when a mediated agreement was reached and approved by each planning group prior to the adoption of their final regional water plans. Ms. McKinnon noted that more detailed information on each of these conflict resolution processes are available as resources on the Council's webpage.

Matt Nelson (TWDB) then provided background information on water supply and water availability as an introduction to Council discussion of planning for water resources for the state as a whole. Discussion in previous meetings centered around determining where additional water availability existed that might be available for multi-regional projects. Water availability in regional water planning refers to the total annual volume of water a water source can provide in a drought of record. For planning purposes, groundwater availability is based on the modeled available groundwater (MAG) developed in the joint groundwater planning process: the amount of water that could be pumped for use. Existing supplies is the subset of available supply that is legally and physically connected to a water provider and

subsequently their customer utilities, or water user groups, which is the focus of the state water plan. By definition, existing water supplies associated with a particular source cannot exceed the total availability for that same source. TWDB performs data checks on the regional planning data to ensure that sources are not overallocated. Mr. Nelson noted that source availability is not necessarily static. Groundwater source availability can increase with changes in the MAGs when new modelling data becomes available or with changes in the desired future conditions. Surface water availability can also increase with the development of storage from new reservoirs. New droughts of record reduce source availability.

Mr. Nelson then provided the following examples of data available in the state water plan and interactive state water plan.

- Figure 6.8 in the 2017 State Water Plan shows a bar graph of groundwater availability versus existing supplies by aquifers in 2020. Figure 6.3 in the 2017 State Water Plan provides a similar graphic for surface water sources. These figures show the amount of undeveloped water that is available by source for development of water management strategies.
- In the Interactive State Water Plan, users can sort by water source to view the water management strategies proposed for a given water source. For example, one can see which water management strategies are proposed for the Carrizo-Wilcox Aquifer in Gonzalez County. The interactive tool can also be used to geographically view which entities currently utilize a particular water source. For example, a user can see which entities are connected to the Corpus Christi-Choke Canyon Lake/Reservoir System. This is an existing tool that can illustrate where additional availability may exist when considering new projects not currently included in the state water plan.

Mr. Nelson noted that in planning there can be water that is considered existing supply for a water source but that isn't necessarily assigned to a water user group. This is referred to as management supply. Ms. McKinnon added that TWDB will be compiling additional resources on this topic and posting to the Council webpage.

Ms. Schwartz asked members if there was any additional information that would be helpful for them to consider when discussing managing water resources for the state as a whole. Hearing none, she asked members to send her any suggestions they may have.

Mr. Ward observed that many people don't understand groundwater and the differences between the MAG and what is connected as existing supply. He suggested that the MAGs used for planning purposes to determine groundwater source availability don't scratch the surface of the water that is actually available under the ground. Mr. Ward noted using the MAG has been an impedance when developing a drought plan, and suggested having supply availability more representative of all of the water in a "bucket" would be beneficial even if only for a drought plan.

Mr. Walthour noted that TWDB has developed data on the total estimated recoverable groundwater in aquifers for joint management planning that says 25-75% of water in the aquifers is recoverable. Mr. Walthour added that the problem with considering all of the water in a "bucket" is that a lot of water in the bucket is not recoverable or practically available to produce. He noted that there are additional considerations for certain aquifers with legal protections, such as the Edwards Aquifer. Mr. Nelson said TWDB will post a link to the Total Estimated Recoverable Storage (TERS) information to the Council webpage so members can read about TERS assumptions when further working through the issue of Planning Water Resources for the State as a Whole.

5. Consideration of Planning Water Resources for the State as a Whole

Agenda item 4 was tabled until later in the meeting. Ms. Schwartz introduced the topic of planning water resources for the state as a whole. She reviewed what the Council had done so far in brainstorming ideas on this topic and introduced the Draft Working Solutions Framework document. Ms. Schwartz explained that today the Council will work to develop problem and goal statements to establish what you are dealing with and what you want to achieve. The Council will then discuss the current status of the problem and consider what is hindering development for state as a whole. This work will set up a summary of criteria and solutions that can be worked on after the planned June meetings.

Ms. Schwartz presented the following draft problem statement as a starting point for discussion, which reflected proposed edits received from some Council members prior to the meeting: Planning Water Resources for Texas as a whole is hindered by the varied and unique characteristics of different regions of the state, land use patterns and trends, the costs of such planning, and the many competing needs for the water.

Melanie Barnes (Region O) noted there is a component of this that goes back to existing rules and laws that govern how water is planned for and developed, for example regulations on interbasin transfers.

Mr. Walthour suggested that interstate cooperation needed to be added, noting that Region A will likely need to get water from outside the state in the future.

Mr. Ward stated that he had a problem with striking “deeply rooted instincts to protect each region’s water resources” from an originally developed problem statement and stated that parochialism did exist. Mr. Walthour agreed, noting that protectionism occurs at the state and interstate level, not just at the regional level.

Mark Evans (Region H) had requested the language on protectionism to be struck and suggested maybe the language could be reworked.

Ms. Barnes noted that regions may have a problem sharing resources because they may need the resource in the future. Mr. Ward said the way the resource was shared can be the source of the conflict. The problem statement was revised to add the following: the protective nature of regions and states over their natural resources.

Mr. Holcomb offered the addition of ownership of water supplies and impacts of water supply development, which was added to the problem statement.

Constraints of existing laws and rules was added to the problem statement to address the points offered by Ms. Barnes earlier in the discussion. Members then reviewed the below draft problem statement, which incorporated suggested changes proposed in Council discussion. Mr. Evans suggested specifying the legal constraints were specific to regional water planning. He added that could perhaps be addressed by including a broad statement at the beginning of the Council report to identify what the Council is charged with doing, including having regional water planning trying to solve the needs of the state as a whole.

Problem Statement: ***Planning Water Resources for Texas as a whole is hindered by the varied and unique characteristics of different regions of the state, land use patterns and trends, the costs of such***

Approved 6/22/20

planning, the protective nature of regions and states over their natural resources, the ownership of water supplies and the impacts of water development, constraints of existing laws and rules, and the many competing needs for the water.

Ms. Schwartz asked if there were any concerns about the problem statement as drafted. None were noted.

The Council then began to develop a goal statement on the topic of planning water resources for the state as a whole. Ms. Schwartz presented a draft goal statement derived from previous brainstorming by the Council and edits received by Council members, including Mr. Holcomb's suggestion to include long-term sustainability. The goal statement is to say what planning water resources for the state as a whole will look like if the Council solves the problem. The following draft goal statement was a starting point for discussion: Texas' water needs will be addressed cooperatively through innovative and multi-benefit projects that serve multiple areas of the state.

Mr. Walthour noted he liked the statement as written, noting cooperation is a good goal. Mr. Holcomb questioned the use of the word "cooperatively" given legal actions that have occurred in the state, but Mr. Walthour said the language as a goal was great. Ms. Schwartz asked members if they would like to do motions on accepting the problem and goal statements. Mr. Holcomb noted his preference for working with motions.

Mr. Ward suggested revising the goal statement to: Addressing Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that serve multiple areas of the state.

Patrick Brzozowski (Region P) asked what serving multiple areas of the state really means, given that the state is so large? Mr. Ward suggested changing the language to "benefit state as a whole." Mr. Holcomb and Mr. Brzozowski agreed, saying that regional water planning was established to benefit the state as a whole rather than any specific region.

Ms. Barnes asked for clarification as to whether multi-benefit projects meant providing for water supply, flood control, water quality, etc.? Several Council members agreed that was the meaning of multi-benefit.

Mr. Brzozowski made a motion to approve the below goal statement. Mr. Walthour seconded the motion. ***Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that benefit the state as a whole.***

Mr. Buck asked if the Council be able to make changes in the future once a vote had occurred on a motion. Mr. Evans offered that these topics can be reconsidered if needed and changed with future motions. **Returning to the motion, the Council unanimously approved the goal statement.**

Returning to the problem statement on the topic, Mr. Holcomb made a motion to approve the problem statement for Planning Water Resources for the State as a Whole. Ms. Barnes seconded the motion. **The Council unanimously approved the problem statement.**

Ms. Schwartz then asked members to consider how they might evaluate any solutions they develop and what criteria could be used to score or rank their proposed solutions. Ms. Schwartz offered the following

four criteria that had been developed based on what she heard from members in previous meetings as a starting point.

Criteria for Planning Water Resources for the State as a Whole

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

Mr. Holcomb asked if they would be using one set of criteria to evaluate solutions for all topics or just for planning water resources for the state as a whole? Ms. Schwartz suggested that criteria would be developed for each topic, but asked members for their feedback on the process. Mr. Holcomb suggested that given timeline, it might be better to go with general criteria that can be used for all topics, and then future councils can build upon what this Council accomplishes.

Mr. Evans suggested the Council focus on the legislation/legislative mandate. Ms. Schwarz asked members to consider how they will compare and evaluate among what might be a large number of possible solutions to achieve the legislative charge. She offered several additional examples for consideration: ease of operation and who is available to implement the solution. Ms. Schwartz noted the purpose of the criteria is to agree upfront about what is important for solutions to be judged against. Mr. Evans suggested that it is the Council's job to evaluate the solutions regardless and the focal point should be what the Council is mandated to accomplish.

Mr. Holcomb referenced the three directives from House Bill 807 and the additional requests from Rep. Larson, stating that those don't supersede the law but are additional goals for the Council to accomplish.

Ms. Barnes reviewed the overarching goal of the House Bill 807 requirements and the proposed criteria are more to assess the feasibility of a possible timeline. Solutions should be assessed against how they match what the Council has been asked to do and then categorize solutions on how quickly those solutions can be achieved. Ms. Schwartz offered several additional examples to consider as criteria: cost effectiveness, does it meet the goal statement under planning water resources? She noted that it sounds like the Council may not be interested in developing these types of criteria at this point.

Members then discussed their charge of planning for water resources for the state as a whole. Ms. Barnes asked if the Council was supposed to develop a process of how the regional water planning process can identify water resources and water management strategies for the state as a whole rather than identifying specific water resources to share or specific water management strategies.

Mr. Holcomb offered it is the job of the Council to develop a protocol for others to then follow at a much more granular level. He stated that the Council's job is to solve the problem of having interregional conflicts. That the Council can solve that problem by doing what the Legislature has mandated – improve coordination, facilitate dialogue and share best practices. From there, the Council should develop solutions to the problem which are the four topics the Council has been working through. Developing criteria helps to see if the solutions identified actually do what they are supposed to do; and the next step is implementation.

Discussion then moved toward interregional conflicts and how RWPGs and consultants could coordinate and work through conflict and if remaining interregional conflicts are then to be brought to the Council to work out conflict.

Mr. Holcomb asked if the four discussion topics:

- planning water resources for the state as a whole,
- enhancing interregional coordination,
- dealing with interregional conflict, and
- general best practices for future planning

address the three legislative mandates given to the Council:

- improve coordination,
- facilitate dialogue, and
- share best practices.

Ms. Schwartz reminded that the initial brainstorming of issues at the Council's first meeting was guided by the legislative mandates (above) and the subsequent prioritized requests from Rep. Larson to:

- review and make recommendations regarding any identified interregional conflicts,
- review the viability and justification of projects included in the State Water Plan; make recommendations on how to encourage the inclusion of alternative, including innovative strategies such as aquifer storage and recovery and desalination; and
- provide an outline of a plan to facilitate better interregional coordination in the future.

Those identified issues were then grouped into the four topics the group has been developing problem statements for. However, the Council will want to touch base on those mandates being addressed as they work through their discussion topics. To illustrate, Ms. Schwartz showed members the list of possible solutions that had been brainstormed by Council members which were grouped under the topic of Planning Water Resources for the State as a Whole. She noted that these solutions likely address Council legislative mandates and additional prioritized requests from Rep. Larson.

Mr. Holcomb agreed but asked if the topic Planning Water Resources for the State as a Whole addresses improving coordination, facilitating dialogue and/or sharing best practices? Mr. Evans clarified that there is the language of the bill that a report be developed and in the Council's purpose there are three legislative mandates, but the topics to address per Rep. Larson's letter would fulfill the legislative mandates of the Council. Mr. Holcomb interpreted Rep. Larson's requests as needing to address each of the three legislative mandates for each of the issues prioritized by Rep. Larson.

Ms. Barnes reminded that the May issues document, which were grouped into the four discussion topics for the Council, included each of Rep. Larson's requests. Ms. Schwartz is confident the four discussion topics address the Council mandates and Rep. Larson's prioritized issues but offered to go back and highlight those issues.

David Wheelock (Region K) stated one way to proceed would be to identify the water management strategies that serve multiple planning areas and then facilitate dialogue about those strategies. Conversely, the Council could have a high-level dialogue about statewide water issues without looking at specific strategies. That is the procedural question. Ms. Schwartz asked if the members needed clarification from Rep. Larson. Additional clarification was not requested. Mr. Ward stated that Rep. Larson's letter simply clarified what he was trying to get at when he wrote the bill and his prioritized

issues aren't out of the bounds of the legislation. He stated the Council has a good start and next needs to identify the process of how to get at planning water resources for the state as a whole (who does it and how.)

Ms. Schwartz asked members if they would like to continue developing criteria on planning water resources or move on to a problem statement for enhancing interregional coordination with their remaining time. Mr. Ward suggested re-ordering the criteria to have legislation/legislative mandate as the umbrella first criteria. Members then agreed to move to agenda item 4. No action was taken by the Council on criteria on this topic.

4. Consideration of Ways to Enhance Interregional Coordination

Ms. Schwartz introduced the following draft problem statement, based upon prior Council brainstorming, on the topic: Ways to Enhance Interregional Coordination.

Problem statement – Regions may not be coordinating effectively throughout the state. Coordination requirements are not fully formalized, coordination roles of consultants and liaisons are not fully specified, and regions are not always coordinative early enough in the process.

Ms. Barnes asked how important is the problem statement? Is it just a guide for Council discussion? Ms. Schwartz clarified that the purpose of the problem statement is to articulate what the Council sees as the problem to solve.

Mr. Holcomb acknowledged that in Region I, members pride themselves on being conflict free, noting it would be nice to acknowledge that interregional conflicts are few, rare, and difficult when they occur (and thus why the Council is charged with the issue.) He stated that the regional water planning process has done a good job thus far. Ms. Barnes agreed that conflict is not a severe problem but hasn't been involved in a planning conflict so not aware what needs to be addressed beyond the process that exists. Mr. Nelson noted that there is a process for dealing with interregional conflict. Information on this process is under Resources on the Council webpage. Ms. Schwartz reminded members that there is another topic specifically for dealing with interregional conflicts; Enhancing Interregional Coordination is the topic for how to proactively work together to avoid conflict in planning for water resources.

Mr. Holcomb suggested that "Regions may not be coordinating effectively" may not be accurate since there is a low occurrence of interregional conflict, and it is important to acknowledge that is a positive in the regional water planning process. Mr. Wheelock agreed and suggested revising the problem statement. Having "throughout the state" suggests something bigger than coordinating on a regional level and is a hard concept for a regional water planning group to deal with.

The problem statement was revised to: Although there have been few interregional conflicts, regions may not be coordinating effectively in creating regional water plans that comprise the state water plan. Coordination requirements are not fully formalized, coordination roles of consultants and liaisons are not fully specified, and regions are not always coordinative early enough in the process.

Mr. Ward suggested the statement is missing enhancing interregional coordination, which is needed to head off interregional conflict; that shouldn't be missed and it the requires Council to look at the interregional conflict process itself. The current formalized process addresses conflicts at the end of plan development and there is more than one place in the planning process to address potential interregional conflicts. Mr. Ward discussed how there is a "hall pass" on conflict identification right now

because the regional plans won't be approved until later in 2020 and that the Council should review the past interregional conflicts to determine how the planning process could address potential interregional conflicts earlier than in the final stages of planning and having interregional projects vetted at the appropriate level of government.

Ms. Barnes suggested there may not be a problem with the interregional conflict resolution process, except that it may occur too late in the process (after submittal of the draft plans). She suggested the problem statement for enhancing interregional coordination is that potential interregional conflicts are not addressed early enough as plans are being developed, but only after plans are already developed and water resources have been planned. Mr. Ward noted he has been through the interregional conflict process, doesn't necessarily agree with it, and there is no law that identifies what an interregional conflict is - that is a problem.

Due to limited time remaining, Ms. Schwartz suggested the topic be reconsidered at the next meeting. Mr. Evans requested that the problem statement include that the state water plan is a compilation of the regional water plans. She will work on the problem statement and then bring a revised statement for the council to consider.

Mr. Wheelock suggested prioritizing interregional conflict more in Council discussion based on what he has heard from Rep. Larson. The Council should consider how to address territorialism to incentivize multiregional projects rather than just avoiding interregional conflict. Mr. Brzowski noted interest from the Representative to move water from areas with water to those without, no matter the distance. Mr. Holcomb noted there are many issues with that including ownership and cost and suggested having a section in the Council report to discuss issues that require legislative action.

Gail Peek (Region G) submitted the Council might want to consider how solutions are implemented expeditiously and cost-effectively.

6. Discussion of Next Steps

The Council discussed the agenda for their next meeting, which is scheduled for 1:00 p.m. on June 22, 2020. Mr. Evans requested adding consideration of election of a Chair and Vice-Chair following the first public comment agenda item. Mr. Ward asked for an item of "Other Business" to bring up discussion without action. Ms. Schwartz asked for volunteers to give input on the June 29 agenda and Mr. Holcomb suggested waiting to see if a Chair and Vice-Chair were elected and defer such advisement. It was noted that Suzanne Scott (Region L) had suggested the Council consider working in committees after their June meetings. Ms. Schwartz said she will reach out to members to touch base on the June 22, 2020 agenda and asked members to send her feedback.

7. Public Comment - No public comments were offered.

8. Adjourn – Mr. Holcomb motioned adjournment; Mr. Brzowski seconded the motion. The meeting adjourned at approximately 3:00 p.m.

6/22/20 Meeting

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 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 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.

6/29/20 Meeting

Interregional Planning Council Meeting Minutes

June 29, 2020, 1:00 p.m. to 3:00 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council Members present **12 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 - absent	G	Gail Peek	K	David Wheelock - absent	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

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

MEETING GENERAL

Chair Suzanne Scott (Region L) called the meeting to order. Temple McKinnon (TWDB) called roll and determined that a quorum was present. Ms. Scott reviewed the agenda and proposed the Council revise the order of the agenda to consider agenda item 4 before agenda item 3. No objection was noted on the proposed change.

AGENDA ITEMS

1. Public Comment – No public comments were offered.

2. Consideration of Meeting Minutes from June 22, 2020 Meeting

The Council considered the minutes of the June 22, 2020 meeting and reviewed minor edits proposed by Gail Peek (Region G) and Jim Thompson (Region D). Mr. Thompson made a motion to approve the minutes as amended. Ms. Peek seconded the motion. The minutes were unanimously approved.

4. Discussion of Next Steps

Agenda item 3 was tabled until later in the meeting. Ms. Scott reminded members that at the last meeting, it was agreed the Council would form committees for each of the following discussion topics: Enhancing Interregional Coordination, Planning Water Resources for the State as a Whole, General Best Practices for Future Planning, and Dealing with Interregional Conflict. Ms. Scott asked the Council to consider a different approach. She proposed the Council consider creating only three committees, one

for each of the Council's charges outlined in House Bill 807: Enhancing Interregional Coordination, Planning Water Resources for the State as a Whole, and General Best Practices for Future Planning. Ms. Scott recommended that the topic of dealing with interregional conflict, which Representative Larson requested the Council consider, be discussed by the Council as a whole and not by committee.

It was suggested that facilitator Suzanne Schwartz would work with Mr. Thompson and Kevin Ward (Region C) to identify issues with the interregional conflict process based on their experiences with the process. The full Council will then discuss and make recommendations on how to deal with and avoid interregional conflict. She also thought that each committee's work might identify issues that could be informative to the issue of conflict. Kelly Holcomb (Region I) agreed with Ms. Scott's proposal and noted that a lot of thought had been put into the proposed process.

Ms. Scott opened the floor for discussion of the proposal and emphasized that dealing with interregional conflict will still be considered by the Council and discussed in the Council report. Ms. Schwartz added that Mr. Ward had indicated that he was fine with the proposed process. Mr. Thompson confirmed he was also fine with the process.

Ms. Scott then presented committee assignments. Committee assignments considered member preferences and geographic distribution of regions. Slight adjustments were made to balance assignments and potential Chairs were contacted for interest in serving and have agreed.

The following committee assignments were made:

- Enhancing Interregional Coordination – Gail Peek (Region G) as Committee Chair, Jim Thompson (Region D), Scott Reinert (Region E), Ray Buck (Region J), and Patrick Brzozowski (Region P)
- Planning Water Resources for the State as a Whole – Mark Evans (Region H) as Committee Chair, Kevin Ward (Region C), David Wheelock (Region K), Carl Crull (Region N) and Melanie Barnes (Region O)
- General Best Practices for Future Planning – Steve Walthour (Region A) as Committee Chair, Russel Schreiber (Region B), Allison Strube (Region F), Kelley Holcomb (Region I), and Thomas Rodriguez (Region M)

No concerns on assignments were noted. Ms. Scott then reviewed the committee charges and a proposed meeting schedule. The document was structured around the legislative charges and with consideration of the work conducted and documented to date and the limited time that committees have to conduct their work. Committees are charged with the following:

- Understand and analyze the problem more in depth
- Provide context to the solutions provided (don't talk in generalities, use specifics regarding the problem trying to be solved)
- Use the Council's brainstorming of solutions and criteria to generate additional solutions, and develop recommendations for the Council to consider for inclusion into the final report
- Draft and implement an action plan to accomplish its work
- Draft report language following a standard format to be provided
- Coordinate with the Council Chair and Vice-Chair and assigned TWDB staff
- Consult with TWDB for information on the water planning process and the viability of recommendations – use them as a resource about proposed potential changes to the process

Approved 7/29/20

Ms. Scott requested that committee recommendations be aligned with specific charges from the legislature and additional guidance provided by Representative Larson, be specific and actionable, delineate if it is directed for consideration to a specific body including the TWDB, Legislature, Regional Water Planning Groups (RWPG), Future Interregional Planning Councils, or others, and describe the benefit resulting from the recommendation.

Ms. Scott asked for feedback on the committee charges. Mr. Evans agreed that the charges seem reasonable. Ms. Peek agreed.

Ms. Scott asked that Committee Chairs coordinate the committee process and make a schedule to get work done by September 30, 2020. The Council plans to act on a final report at the September 30, 2020 meeting in order to have a final report submitted by the October 16, 2020 deadline.

Chairs will need to work with TWDB and the Council Chair and Vice-Chair to schedule meetings and post agendas in compliance with the Texas Open Meetings Act, which requires posting of agendas eight days prior to meeting for statewide bodies. Ms. Scott asked Committee Chairs to work with the majority of committee members to schedule meetings. All committees must avoid walking quorums. Chairs are responsible for compiling concise reports of meetings, identifying any action needed by the full Council, and facilitating discussion at Council meetings.

Committee recommendations must be considered by the full Council to be included in the Council report. Committee sections of the Council report must be compiled within the defined format for the report. TWDB will provide writing and editing support.

Ms. Peek reminded members that emails are also subject to the Open Meetings Act. Mr. Schreiber asked what constitutes a quorum for the committees? Temple McKinnon (TWDB) noted that quorum for committees should be the same as for the Council, a simple majority. It was asked if committees are required to have a quorum to meet. Matt Nelson (TWDB) noted that a committee could meet without quorum but could not make any decisions. Ms. McKinnon said she would confirm this information with TWDB General Council and send out standard Open Meetings Act guidelines to Committee Chairs.

Mr. Walthour ask if the Council will take a vote on its report once compiled? Ms. Scott confirmed there will be a vote on the final report. Members then discussed dates for Council meetings. Ms. McKinnon noted that previous polling for availability was limited by facilitator availability so there may be additional dates available for committees to schedule meetings if needed. TWDB will help committees with scheduling logistics. Mr. Holcomb asked when TWDB staff will be assigned to committees. Ms. McKinnon said assignments will be made following this June 29th meeting.

Mr. Holcomb noted the purpose of today's meeting was to assign committees and then send committees off to complete their work. Committees will bring back recommendations to Council meetings. The Council will act along the way on committee recommendations before the final report is considered. Ms. Scott added that members were assigned to one committee in order to devote their full attention to a topic, but members can still provide input when recommendations are considered by the full Council. Mr. Evans asked if each committee will have a TWDB staff person assigned for support. Ms. Scott confirmed each committee will have TWDB assigned staff to help put together agendas and provide administrative support. Facilitator Suzanne Schwartz will not be facilitating committee meetings but can help support committee chairs as needed.

Mr. Walthour asked for clarification on concerns for walking quorums when none of the committees represent a quorum of the Council and committees will not be making decisions but rather making recommendations to Council. Ms. Scott noted that RWPG committees are subject to Open Meetings Act and that should apply to the Council committees. Mr. Walthour asked if there was a deadline for committees to prepare items for Council review. Ms. Scott noted meeting agendas must be posted 8 days prior to the Council meeting. However, the Council has received guidance on general agenda items to cover considering recommendations from committees. Mr. Walthour asked how many days in advance of a Council meeting should documents be made available for members to review. Mr. Evans suggested September 15, 2020 as the date committees should have a final draft available for the Council to review. Ms. Peek noted a goal to have all council documents prepared by early September. Ms. Scott added the timeline may develop as committees begin their work and determine how many recommendations are needed. Mr. Holcomb noted there is no limit on the number of recommendations, but the number of recommendations should be reasonable to allow time for discussion and inclusion in the report.

Ms. Scott summarized that Ms. McKinnon will be sending out a packet with committee charges, high level council and committee schedule, committee member contact information, TWDB support staff members, and guidance on the Open Meetings Act. She asked if there was anything else members would like to be provided. No additional items were noted.

Ms. Scott requested Ms. McKinnon add discussion items from the June 29, 2020 meeting into the Deliberations by Discussion Topic document so committees will have complete information to consider prior to the July 29, 2020 Council meeting.

3. 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

Ms. Scott introduced the agenda item and suggested the Council finalize problem and goal statements on the topic of General Best Practices for Future Planning. Ms. Schwartz introduced problems noted in brainstorming ideas from previous meetings and emails. This included:

- a. Chairs' calls are scheduled to share information but cover so much that don't have opportunity to brainstorm.
- b. Prior work sessions held by TWDB are no longer held or formally documented.

Ms. Schwartz asked if there were any other problems on this topic? Mr. Walthour noted that the simplified planning process has too many hurdles and does not offer cost savings. Region A receives funding from participating entities in addition to TWDB funds to develop the regional water plan. Simplified planning does not provide a cost savings to those entities. He proposed that reducing requirements to re-run models when there is no substantial change in data could provide cost savings. Jim Thompson added that in Region D it seems a lot of the same material is repeated in the 5-year plans. He suggested it may be beneficial to have a 5-year report and 10-year report that provide different levels of detail and analysis.

Ms. Peek shared that in Region G, members and consultants have become comfortable with each other and the planning process and have difficulty assessing their approach in a critical way. Region G is trying to balance between collective history and new ideas. Region G has been working on improving public involvement by once every cycle holding meetings in the lower, middle, and upper basins to seek input from entities across the region.

Mr. Nelson noted that Ms. Peek's point on how to improve the process is something TWDB considers often. He added that each regional water plan is required to be a standalone document. He suggested there may be best practices to consider under current rules. On the topic of how to get members reengaged in the process, he asked for ideas, such as additional training, that could help refresh people's thinking on things. He added that some parts of the planning process have to be repeated, and how you make change within certain parameters is not an easy task.

Ms. Scott asked if regions have considered using term limits as a way to improve member engagement. Mr. Thompson noted that Region D bylaws include term limits that permit members to serve two consecutive 3-year terms. An individual can serve again after rotating off the RWPG for three years. This has given more people the opportunity to participate as members of the planning group. Ms. Peek added that Region G previously had a 10-year term limit in place. Region G eliminated term limit requirements when groundwater management area representatives were added to RWPG membership with no term limits. Mr. Walthour noted that Region A has had problems filling voting member vacancies in areas of low population, which is why the region does not have term limits. Ms. Barnes added that Region O members have tried to bring in new people to fill vacancies.

Ms. Barnes noted there was increased engagement in Region O when the region got involved in looking into new water sources and how to save water. She proposed that additional funds saved from pursuit of simplified planning could be used to fund special studies. Chair Scott added this could also support research for innovative technologies. Ms. Barnes then suggested that as the planning group develops policy recommendations for Chapter 8 at the end of each cycle, often ideas are put forward that the group would like to follow up on in the next cycle. It is difficult to fit addressing these items into the start of the next planning cycle. She noted this could just be an issue for the planning group but also a possible improvement needed in the planning process. Space should be made for planning recommendations to be considered and acted upon.

Mr. Crull shared that funding amounts and requirements that funds be used to evaluate projects that address needs is a limitation on looking at the big picture of providing water in the region. Region N has had to rely on project sponsors to provide project evaluation information to include in the plan. The planning group does not have the financial ability to adequately review these projects.

Mr. Holcomb brought up the special studies that were funded in the third planning cycle and suggested it may be time to do additional studies. He added that at the end of each planning cycle a lot of effort is put into developing the scope of the next planning cycle. He asked if there would be value in the Council participating in discussions on scope and allocation of funds.

Ms. Scott suggested it could be beneficial for the Council to review all of the recommendations in Chapter 8 of regional water plans. The Council could then put forward recommendations or assist in prioritizing recommendations presented in Chapter 8. Ms. McKinnon informed the Council that TWDB is compiling Chapter 8 from the initially prepared plans to support the Council's work. This will be available next month. Mr. Nelson added that TWDB reviews Chapter 8 in each region's plan and looks for recurring themes and recommendations to forward as recommendations to the legislature in the state water plan. Ms. Scott proposed as a best practice that the Council could be a sounding board for prioritization of Chapter 8 policy recommendations.

Ms. Schwartz proposed the following draft problem statement for the Council to consider based on its discussion: Formal requirements may stymie the use of best practices, formalized sharing of information with other RWPGs gets lost because of the large amount of material peers must discuss on calls, and familiarity by consultants and long-serving RWPG members may prevent critical review of process improvements. Funding may be inadequate to devote time and effort for reviewing best practices. There is no formalized process by which to share best practices.

Mr. Evans noted that long serving RWPG members are often best suited to offer critical review and recommendations on improvements. Mr. Walthour stated that long-serving members in Region A are engaged and familiarity in subject matter is a good thing in his experience, so proposed statement not applicable in all regions. Ms. Barnes questioned if the issue is to expand the numbers of participants involved. Ms. Peek suggested a revision of what is needed is to encourage consultants and participants to critically review process improvements.

Mr. Holcomb questioned how the process does not encourage or allow participants to review the process. He noted that Region I has issues with engagement although he frequently asks for people to get engaged. Mr. Holcomb suggested that large complex processes, such as the regional water planning process, tend to have issues with engagement, and it shouldn't be put on consultants and volunteer planning group members to solve.

Ms. Peek noted that Region G has had some natural turn over in membership. She added that when the region explored using a new consultant, the consultant that had worked for the region for many years reinvented themselves and broke out of business of usual. Ms. Barnes and Mr. Holcomb suggested that shows the process is working. Ms. Peek asked more broadly how do we encourage new ideas in planning?

Ms. Scott noted that the legislative charge indicated sharing practices across regions instead of within regions and that problem statement should reflect that the Council's charge is to make sure best practices are being shared between regions. Ms. Barnes added that the problem statement should also allow for regions to be able to identify best practices as well.

The problem statement was revised to: Formal requirements may stymie the use of best practices, formalized sharing of information with other RWPGs gets lost because of the large amount of material peers must discuss on calls. Funding may be inadequate to devote time and effort for reviewing best practices. There is no formalized process by which to share best practices.

Mr. Evans suggested in regard to language on "no formalized process" that individual RWPG members may not be aware of what the chairs are doing on the regular chair's conference calls. He reminded members that the Uniform Standards Stakeholder Committee also provides a process for RWPGs to share best practices.

Ms. Scott noted that the chair's conference calls often focus on what is occurring in the planning process, not best practices. She suggested the work session on best practices that produced the best practices matrix was productive. It was productive to have a meeting outside of the usual planning process framework. Mr. Walthour asked if the matrix was available for members to review. Ms. McKinnon noted the document is posted on the Council webpage.

Approved 7/29/20

Ms. Schwartz asked if there were any additional changes to the problem statement. Ms. McKinnon asked if the last sentence addressed Ms. Scott's concerns about timing. Ms. Scott clarified that the issue is the timing of when the discussion of best practices occurs in the process.

The problem statement was revised to: ***Formal requirements may stymie the use of best practices. Formalized sharing of information between RWPGs is not facilitated timely by TWDB, including group processing of Chapter 8 recommendations. Funding may be inadequate to devote time and effort for reviewing best practices.***

Ms. Peek made a motion to adopt the problem statement. Mr. Brzozowski seconded the motion. **The Council unanimously approved the problem statement.**

Ms. Schwartz presented a draft goal statement: The regions themselves critically review processes for improvement and time and funding is allotted, and priority given, to sharing and solving problems and best practices among and between regions. There is a mechanism that best practices are shared with RWPGs.

Mr. Holcomb asked if the intent is for RWPGs to do this work on their own outside of the Council purview without the TWDB's oversight through the liaison process? Ms. Scott offered it is important to formalize the review process to occur at a time that is productive and include the appropriate persons or representatives.

Mr. Evans noted the first sentence does not clearly state for what funding is being requested. He offered the Council should be clear in what they are asking for since this will be included in the Council's report.

Mr. Thompson offered a revision for the first sentence. The goal statement was revised to: The regions review processes for improvement in sharing and solving best practices among and between regions. A formalized process occurs early in the planning process so that best practices are shared between RWPGs.

Ms. Scott and Mr. Evans agreed that the process must occur earlier in the planning process. Mr. Holcomb asked if the statement should be current or future tense. Ms. Schwartz suggested the tense could be what the group preferred.

The statement was revised for tense to: ***The regions will review processes for improvement in sharing and solving best practices among and between regions. A formalized process will occur early in the planning process so that best practices are shared between RWPGs.***

Ms. Barnes asked if the committees have the ability to revise the problem and goal statements. Ms. Scott noted the problem and goal statements are to guide committees' work. Committees may revise the statements but not change the meaning. Committee recommendations should address the approved goals. If a committee feels a goal needs to be revised, the committee may bring proposed changes back to the full Council for consideration but needs to be early in the process (e.g. July or so).

Ms. Barnes moved to adopt the goal statement. Mr. Thompson seconded the motion. **The Council unanimously approved the goal statement.**

4. Discussion of Agenda for Future Meetings

Approved 7/29/20

The next Council meeting is scheduled for 1:30 p.m. on July 29, 2020. Ms. McKinnon will send out information to help committees begin scheduling meetings.

Mr. Holcomb asked if TWDB will appoint a new Interregional Planning Council every planning cycle. He asked if this was considered an ongoing process or if there is a definite beginning and end point. Ms. McKinnon noted the current Council will dissolve upon the adoption of 2022 State Water Plan. TWDB will then request nominations from RWPGs and appoint a new Council. Mr. Holcomb asked if the Stakeholder Committee is also still active. Mr. Nelson responded that the Uniform Standards Stakeholder Committee is continuous, and its membership consists of the RWPG chairs.

Mr. Holcomb noted there is fragmentation in the many bodies in the regional water planning process and asked if there is there value in consolidating the Interregional Planning Council and Uniform Standards Stakeholder Committee processes. Ms. Scott suggested the General Best Practices for Future Planning Committee should consider consolidation of committees.

Mr. Evans asked if full Council meetings are expected to be 2 hours. Ms. Scott hoped so, but additional time may be needed to consider committee recommendations. She will work with the committee chairs to see if work can be spread evenly between meetings.

5. Public Comment – No public comments were offered.

6. Adjourn – Mr. Evans motioned adjournment. Kelley Holcomb seconded the motion. The meeting adjourned at approximately 3:00 p.m.

7/29/20 Meeting

Interregional Planning Council Meeting Minutes

July 29, 2020, 1:00 p.m. to 3:00 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council Members present **12 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
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Facilitator: Suzanne Schwartz

Senators/Representatives/Other VIPs in Attendance:

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

MEETING GENERAL

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

AGENDA ITEMS

1. Public Comment – No public comments were offered.

2. Consideration of Meeting Minutes from June 29, 2020 Meeting

The Council considered the minutes of the June 29, 2020 meeting and reviewed minor edits. Steve Walthour (Region A) made a motion to approve the minutes as amended. Gail Peek (Region G) seconded the motion. The minutes were unanimously approved.

3. Consider Committee and Workgroup Reports and Recommendations

Ms. Scott thanked the committee chairs for their leadership and members for their efforts on committee work. Ms. Scott requested Ms. McKinnon review the location of Council documents on the TWDB webpage and share general observations of committee work to identify any duplicate efforts by committees.

Temple McKinnon shared the TWDB website and provided an orientation of the Interregional Planning Council webpage and the new webpage for Council committees. The Interregional Planning Council webpage includes information on upcoming meetings, past meetings, Council working documents, and

resources. Topical information on issues that have since become committees are provided in the resource section. At the top of the Council webpage is a link to the committee site. The committee webpage includes committee meeting agendas and materials. Ms. McKinnon invited members to reach out to TWDB support staff if they have questions.

Ms. McKinnon then provided an overview of staff observations of committee work to date. A summary document of TWDB committee observations was included in the meeting materials. Staff observed some overlap in the discussion of liaisons and project development at the Enhancing Interregional Coordination Committee and Planning Water Resources Committee meetings. Ms. Scott noted the observations document includes a page with the Council's goal and problem statements.

a. Planning Water Resources for the State as a Whole Committee

Committee Chair Mark Evans (Region H) reported on the progress of the Planning Water Resources for the State as a Whole Committee. The committee has met twice and focused on broad discussion and brainstorming. The committee is scheduled to meet again on August 6, 2020, to refine observations and recommendations. Mr. Evans added that the committee doesn't have a general sense of the number of recommendations they will make. There may be items considered for recommendations that may only end up being included as observations in the final committee report. The committee doesn't have any proposed changes to the problem and goal statements drafted by the Council. Additional committee meetings are also scheduled for August 20 and August 27.

b. Ways to Enhance Interregional Coordination Committee

Committee Chair Ms. Peek provided a report on the Enhancing Interregional Coordination Committee. The committee held a meeting on July 15, 2020 and began brainstorming issues and recommendations. Committee discussion has focused on using regional and TWDB resources efficiently. The committee has also discussed ways to be cooperative and collaborative and better coordinate concerns on water management strategies, funding, and other shared interests. The committee is considering appropriate roles for coordination between stakeholders, sponsors, liaisons, and regional water planning group (RWPG) committees. Members have expressed that coordination occurs too late in the planning process. Ms. Peek provided an example of cooperation between RWPG committees, such as a scope of work committee, RWPG consultants, and liaisons to identify cooperative projects. The committee wants to find ways to utilize liaisons more effectively without overwhelming them with tasks. Ms. Peek shared that the goal is for members to know what resources are available and find ways to collaborate early in the planning process. The committee is looking at points of entry for regions to work with TWDB in the process. The next committee meeting is scheduled for August 6, and the committee should have a sense of recommendations and observations after the meeting. Ms. Peek indicated that the committee did not have any revisions to the problem and goal statements from the Council.

Ms. Scott noted that there appears to be some overlap related to project development, early coordination, and the role of liaisons. Mr. Evans submitted that liaisons were discussed by the Planning Water Resources Committee, but the committee would not be making recommendations on liaisons. Melanie Barnes (Region O) agreed with Mr. Evans adding that the committee's perspective is focused on how to implement 50 and 100 year projects. Liaisons may have a role in this process, but the committee is primarily focused on projects for the state as a whole. She offered that liaisons may be more appropriate for Enhancing Interregional Coordination Committee to address. Members agreed that the role of liaisons and opportunities for coordination would be assigned to the Enhancing Interregional Coordination Committee to consider for recommendations.

On the issue of project development, it was noted that although two committees have discussed project development, the committee work on the topic did not appear to overlap. The Enhancing Interregional Coordination Committee is reviewing the nuts and bolts of the current project development process. The Planning Water Resources for the State as a Whole Committee is looking at large multiregional projects that may not exist today and considering a process to facilitate development of these large projects. Members agreed that both committees move forward with this approach.

c. General Best Practices for Future Planning Committee

Steve Walthour (Region A) reported that the Best Practices for Future Planning Committee has held three meetings and is working on drafting recommendations. The committee is reviewing the following topics: simplified planning, membership engagement, TWDB information dissemination to membership, ex-officio member participation from other agencies, TWDB funding administrative planning costs, web-based video conferencing authorization under the Open Meetings Act, RWPGs using the guides and documents already prepared by the TWDB, and regional water planning process improvement. Mr. Walthour estimated the committee may have around eight recommendations although it could be less. He offered that the committee doesn't have any revisions to Council the problem and goal statements but recommended that as committees continue their work they continue to have the ability to propose amendments to the problem and goal statements.

The committee intends to have draft recommendations by August 6. TWDB staff will compile committee documents into a draft committee report by August 20. The committee plans to finalize its report before the end of August. The committee will be prepared to present initial succinct recommendations at the August 12 Council meeting.

d. Interregional Conflict Work Group

Ms. Schwartz provided a report on the Interregional Conflict Working Group. The work group held a teleconference on July 20. The call included Jim Thompson (Region D), Kevin Ward (Region C), Council Chair Suzanne Scott, TWDB staff Temple McKinnon and Matt Nelson, and facilitator Suzanne Schwartz. Discussion emphasized that at this point interregional conflict is not a widespread problem in planning. The work group proposed that a mechanism is needed earlier in the planning cycle to identify when a proposed strategy involves use of a water resource in another region or otherwise impacts another region, and when coordination and the opportunity for joint planning should occur early between the regions to determine if the regions are in agreement over the strategy.

If a conflict exists, or is likely to develop, concerning the proposed strategy, and it appears unlikely that the conflict would be resolved through the current planning process, an alternate process could be initiated that assures those impacted by the proposed strategy are able to work together to craft a solution. Alternative processes might include elements such as:

- Including stakeholders representing all major interests from both regions;
- Developing joint studies and fact finding that all stakeholders would trust;
- Placing all parties on an equal footing related to access to information and discussion;
- Allotting sufficient time and funding to provide for its success. The Council might consider recommendations for sources of potential funding.

It was noted that any process that is recommended should be evaluated to confirm it does not undermine what is currently a generally effective process. The work group proposed that it would be best if this topic was further considered by Enhancing Interregional Coordination Committee.

Approved August 12, 2020

Mr. Thompson agreed with Ms. Schwartz report. Ms. Scott asked Ms. Peek if the Enhancing Interregional Coordination Committee would be willing to take on this topic and consider a coordination process to identify and address potential conflicts early on. Ms. Peek agreed that the committee will review the interregional conflict coordination process. Ms. Scott added that this could be an earlier stakeholder process and require additional support and funding.

Mr. Ward added that it is important to include in the proposal that the stakeholders affected by an interregional conflict need to be brought together in a process, as described by Ms. Schwartz, and to have stakeholders buy into the process and information generated. Conflicts that have occurred each cycle should be addressed early. The process should be set into motion automatically when an existing or old conflict is known. A problem with the interregional conflict process that Regions C and D have been through is that Region D did not have ownership of the studies that Region C conducted. Mr. Ward offered himself and Jim to consult with the Enhancing Interregional Coordination Committee on his experience with the interregional conflict process.

Ms. Scott agreed that the earlier engagement on this issue can occur the better. She added that the process needs occur as water management strategy evaluations move forward. Ms. Peek added that the Council should consider the durability of any proposed approach. The process needs to be balanced and inclusive and produce results that can last more than one planning cycle and not wedded to any single position. Mr. Ward suggested this process may require additional funding to balance out needs for a project. He added that often the regional water plan goes for the least cost alternative. Larger water management strategy projects tend to have the most controversy. Mr. Ward added that if you want an entity to come up with another project it would help to provide incentives. Often alternative projects have greater risks and more unknowns. He suggested that the RWPGs may not be the best option to administer an interregional conflict process. Ms. Scott suggested that it could be an offshoot of the RWPGs and would need to tie back into the regional water plans. She added that the Enhancing Interregional Coordination Committee may need to revise their problem and goal statement to also address interregional conflict. Ms. Scott added that the report will include a separate section on interregional conflict but still be generally discussed in the Enhancing Interregional Coordination Committee's section.

Ms. Barnes observed that all committees have identified the need for a mechanism for regions to talk to each other earlier and consideration that some of the funded scope of work items may overlap between regions. Ms. Scott noted that the committee work is complementary and will not overlap. Mr. Evans noted the Planning Water Resources Committee is considering a recommendation for a specific funded task in the planning contract scope of work for consultants to perform long range, big picture planning.

Ms. Scott reminded members that the committees have the flexibility to revise the wording of their problem and goal statements. Changes to problem and goal statements should be brought to the Council in track changes so members can understand any recommended changes.

Ms. Scott proposed breaking up review of committee recommendations over the next two Council meetings if committees are ready to share initial recommendations. At the August 12 Council meeting committees will present initial succinct recommendations and outline justification and resulting benefits. This will allow an initial vetting of recommendations to see where there is consensus.

At the September 15 Council meeting all recommendations with succinct justification and benefit will be presented and reviewed. Mr. Holcomb added that the Best Practices for Future Planning Committee

should be prepared to present recommendations at the August 12 Council meeting. He asked if there was a preferred format for the recommendations. Ms. Scott requested recommendations include who it is directed to and what the benefit is.

Mr. Evans offered that his committee is planning to have several initial recommendations at the August 12 meeting. Ms. Scott offered that TWDB staff can help prepare committee documents and requested TWDB staff provide an outline for committee recommendations. Ms. McKinnon agreed that TWDB staff will prepare and send out an outline for committee recommendations.

4. Consider Council Report Development

Ms. Scott presented the draft Council report outline. Mr. Walthour shared that the Best Practices for Future Planning Committee is following the report outline to write up discussion topics. He added that his biggest concern is that TWDB staff know what the report should look like so staff can start preparing the report. Mr. Walthour then asked for clarification if the committee should develop a problem statement for each issue they are reviewing or if committee work should just utilize the adopted problem statements from the Council. Ms. Scott clarified that the adopted Council problem statements should guide committee work.

Members discussed that the committees need to complete a review of existing practices/conditions, develop recommendations, outline the benefits that could result from a recommendation, and describe who a recommendation is directed to. Mr. Walthour asked if the report should be formatted as: problem statement, goal statement, existing practices/conditions, and then recommendations. Ms. Scott offered that the outline includes discussion of existing practices/conditions before the problem and goal statements to provide readers additional background before presenting the problem statement.

Mr. Holcomb offered that review of existing practices/conditions could include a general overview. More detailed information could be provided with specific recommendations. Mr. Ward shared that recommendations can't be presented without describing what the specific issue is that needs to be resolved. He agreed with the approach that a general discussion of existing practices precede the problem and goal statement and then recommendations also include observations to some degree. Ms. Scott offered that committees have leeway to include additional context with their recommendations. Mr. Walthour agreed.

Ms. Peek noted as a housekeeping issue that the Enhancing Interregional Coordination Committee may need to revise its problem statement to address interregional conflict. The committee will bring proposed revisions back to the Council for consideration. Ms. Scott offered that Ms. Schwartz can help support the Enhancing Interregional Coordination Committee on interregional conflict.

Ms. Scott recommended that interregional conflict have a separate section in the Council's report in order to address Representative Larson's requests on the topic. Mr. Holcomb suggested there may be time at the end of the process for the Council as a whole to discuss the interregional conflict process. Ms. Scott agreed.

5. Discussion of Next Steps

Ms. Scott reviewed the Council meeting schedule and asked if any background materials or other information was needed for the committee and Council work. The Council is currently scheduled to

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meet on August 12, September 15, and September 30. The Council report is due to the TWDB on October 16, 2020.

Ms. Schwartz asked if the Council needed to schedule a placeholder meeting between the September 30 meeting and October 16 report deadline. Ms. Scott agreed this was a good idea in case additional work is needed to finalize the Council report. Ms. Scott requested that TWDB staff poll members for availability to meet between September 30 and October 5. Members agreed.

6. Discussion of Agenda for Future Meetings

The next Council meeting is scheduled for 1:30 p.m. on August 12, 2020. No additional discussion.

7. Public Comment – No public comments were offered.

8. Adjourn – Ms. Scott adjourned the meeting at approximately 2:50 p.m.

8/12/20 Meeting

Interregional Planning Council Meeting Minutes

August 12, 2020, 1:30 p.m. to 3:45 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: None noted

TWDB Board Members and Staff: Director Kathleen Jackson, Matt Nelson, Temple McKinnon, Sarah Backhouse, Ron Ellis, Elizabeth McCoy, Kevin Smith, Bryan McMath

MEETING GENERAL

Chair Suzanne Scott (Region L) called the meeting to order and reviewed the agenda. Temple McKinnon (TWDB) determined that a quorum was present. TWDB Director Kathleen Jackson 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 July 29, 2020 Meeting

The Council considered the minutes of the July 29, 2020 meeting and reviewed a proposed edit from Gail Peek (Region G). Jim Thompson (Region D) made a motion to approve the minutes as amended. Carl Crull (Region N) seconded the motion. The minutes were unanimously approved.

3. Consider Committee Reports and Recommendations

Ms. Scott introduced the agenda item. Committee reports will present initial recommendations for Council consideration and provide opportunity to answer any questions for clarification needed by Council members. The goal of the discussion was to get a sense of support for committee recommendations and provide guidance back to the committees based on Council deliberations. Ms. Scott also noted that a compiled document of the 2021 Initially Prepared Plans policy recommendations is now available on the Council's webpage.

a. Planning Water Resources for the State as a Whole Committee

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Committee Chair Mark Evans (Region H) reported that the Planning Water Resources for the State as a Whole Committee has met three times and has one recommendation to present to the Council. The committee recommends that the regional water planning process should include long range and visionary planning.

Mr. Evans observed that the current regional water planning process does not sufficiently encourage identification and inclusion of multi-regional projects. The focus on drought of record, sponsorship of projects, and project cost does not facilitate the consideration of inter-regional and statewide water planning projects.

The committee recommends that the TWDB should revise the Texas Administrative Code (TAC) Chapters 357 and 358 and include a new, specific task in the regional water planning group (RWPG) contracted scope of work to authorize:

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

Mr. Evans outlined recommendations that the Legislature should support multi-regional and statewide projects developed from long-range, visionary planning by:

- Returning to providing initial sponsorship of projects without guarantees from local sponsors;
- Providing financial incentives for local sponsorship;
- Providing additional funding for the regional water planning process to accommodate tasks associated with long range, visionary planning.
- Utilizing state agencies to develop a state level vision of planning resources for the state as a whole; and
- Establishing a process for coordination amongst state agencies related to installation of infrastructure during planning and construction of large-scale projects.

Mr. Evans then highlighted the benefit that implementing multi-regional and visionary planning beyond the region-centric, 50-year horizon, and recorded drought of record would aggregate and identify larger water needs not addressed currently by RWPGs. It is anticipated that large-scale projects would require multiple sponsors and/or state sponsorships. Such projects may be considered feasible with greater state financial incentives such as subsidies or state participation or state partnership in projects.

Mr. Evans noted that the committee has two meetings scheduled to discuss other potential recommendations and consider additional observations to include in the committee's report.

Ms. Scott observed that the recommendation highlights constraints of the current regional water planning process in only using the drought of record to meet future water needs. The current process doesn't address climate variability or future mega-droughts, and projects in the regional water plans require a sponsor to be brought forward. Requiring a sponsor for projects limits innovation in the process. Mr. Evans agreed and added that the recommendation reflects that this could work within framework of the existing regional water planning process. The committee intentionally wanted to include something that could specifically be a funded task in the regional water planning process. The

process is regional in nature, but this recommendation is for RWPGs to do visionary planning. Ms. Scott added that this recommendation also responds to direction RWPGs have received to evaluate and consider innovative water management strategies, such as aquifer storage and recovery and desalination.

Kelley Holcomb (Region I) asked if the committee discussed state participation or other funding streams. Mr. Evans referred Mr. Holcomb to the brief benefit included in the committee report and noted that multi-regional and visionary projects could be more feasible with incentives and subsidies or state participation, but also state partnership. Mr. Holcomb asked if the committee discussed the unique reservoir site process. Mr. Evans noted he did not recall if that was specifically discussed. Mr. Crull added that the committee discussed in general terms how to get large projects evaluated in advance for proper planning to occur. Kevin Ward (Region C) noted the legislature has a process for unique reservoir sites. The committee limited discussion to things that didn't have an existing process in place.

Mr. Ward provided examples of projects that have benefited from state participation. He outlined changes in the state's position of partnering on projects and posited that the state should be a partner in development of future visionary projects; not just limit its role to providing state participation funding. Meeting facilitator, Suzanne Schwartz, asked if Mr. Ward's concerns are captured in the proposed recommendations to the legislature. Mr. Ward confirmed his concerns are captured in the recommendation.

Ms. Scott reiterated that if the state was involved, a project could be developed without initially having a customer base already agreed to pay for it. The state can override costs for future demands in 50 years. Mr. Ward noted that the Sabine project (Toledo Bend Reservoir) is an example of building to optimal development not just what is currently or projected to be needed. Ultimately, interests came in and bought the capacity. He added that this has worked in the past and could possibly work again. Mr. Evans added the recommendation facilitates the state having skin in the game and a long-range planning process. Mr. Holcomb noted he supports the recommendation but added that the TWDB can't fund projects if the legislature doesn't appropriate funds for the agency to do so.

Mr. Thompson expressed concern that language in the recommendation indicates a more centralized approach to regional water planning. He cited the legislative recommendations to utilize state agencies to develop a state level vision of planning resources for the state as a whole and to establish a process for coordination amongst state agencies related to installation of infrastructure during planning and construction of large-scale projects. Mr. Thompson noted that he doesn't disagree with long-term planning but is cautious about planning for 75 years in the future. There are a lot of unknowns.

Mr. Evans indicated he understood Mr. Thompson's point about uncertainty of planning beyond 50 years. The committee will discuss his concerns about the recommendation. Mr. Evans reiterated that the recommendation is designed to work within the existing process and would be something additional for RWPGs to plan beyond the 50-year planning period if they so choose.

Ms. Scott highlighted Mr. Thompson's point on future uncertainty and added that all of the science and modelling the RWPGs have is backwards looking. Standardized models and data are needed to allow RWPGs to think about future conditions. Climate models are not consistent. It is challenging to plan for future unknowns. She added that the TWDB has done a good job providing commonality in RWPG data, specifically population and demand projections and water availability modeling; however, funding for

data that could help RWPGs look forward may be needed. Ms. Scott noted that some water availability models haven't been updated since the 1980s and need to be updated.

Ms. Scott asked members if there was consensus for the committee to move forward with the recommendation. No objections were noted. ***The Committee was authorized to proceed with work on its recommendation based upon Council deliberations.***

b. Ways to Enhance Interregional Coordination Committee

Committee Chair Gail Peek provided a report on the Enhancing Interregional Coordination Committee. The Committee met on August 6 and focused on revising the committee's problem and goal statement to include interregional conflict.

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, throughout the state. 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. Regions should consider opportunities for coordination and collaboration among Regions affected by the use of the water resource or impacted by the use of the water resource. In addition, where there are areas of interregional conflict between Regions, consideration needs to be given to the roles and responsibilities of sponsors, stakeholders, consultants and liaisons. Further it is important to consider the planning process administrative timing requirements. 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.*

Mr. Holcomb noted that the statement appears to include recommendations or suggested improvements to the process. Ms. Scott noted that the portion of text starting at "Regions should consider" and ending at "consider the planning process administrative timing requirements" appears to get into solutions for the problem. Ms. Peek agreed that the committee will rework the language and bring a revised problem statement back to the Council for consideration.

The following revised goal statement was presented: ***Regions coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, potential impacts, identification of water management strategies that impact more than one Region, and cooperate to address water supply needs of their regions and identify ways the TWDB can assist the planning groups in meeting these goals.***

The revised goal statement adds language that regions coordinate on identification of water management strategies that impact more than one region. Mr. Holcomb made a motion to approve the revised goal statement. Mr. Evans seconded the motion. No opposition was noted. ***The Council unanimously approved the revised goal statement.***

Mr. Evans asked if the committee was suggesting that a requirement is needed for RWPGs to document that there has been coordination between regions. He asked if coordination requirements are not already formalized in statute or rule, is that a requirement that RWPGs want? Ms. Scott noted that this is the problem statement that is guiding what the committee is addressing. Based on previous Council discussion, there didn't seem to be formal and consistent coordination occurring between regions. Ms. Peek agreed adding what the committee has seen is that there are institutionalized opportunities for coordination, but it is not clear if there is any coordination happening. She provided the example that an

RWPG committee, such as the Region G's Scope of Work Committee, could be a required entity by which such coordination occurs and is documented.

Melanie Barnes (Region O) reiterated that the problem statement basically states that regions aren't directed or don't consider opportunities for collaboration until later in the process, and then at that point issues may not be fully addressed. She offered that regions aren't asked to address conflict until late in the process because regions don't know there is a conflict until later in the process; and perhaps the problem statement could be rewritten to capture what isn't happening rather than what should be considered. Regions may be busy developing their plans in a bubble. Mr. Evans noted concern that when talking about recommending changes to statute and rules, recommendations should clearly articulate what is requested; providing the example of simplified planning.

Ms. Scott asked if TWDB agreed with the statement that coordination is not fully formalized. Ms. McKinnon noted that it is the committee's recommendation, but TWDB is always looking for ideas for improvement. 31 TAC Chapter 358 outlines guidance principles and speak to coordination that should occur in regional water plan development. She added that the TWDB can always help the regions improve coordination. Matt Nelson (TWDB) noted that TWDB can offer support, reminders, and suggest ways to support coordination, but balance is needed. Ms. McKinnon noted that all three committees have identified that coordination needs to be done better, and there is always room for improvement.

Ms. Scott suggested coordination needs to be done sooner and people need to understand the benefits of coordination. Mr. Nelson noted this could be done as a best practice and not necessarily a rule change.

Ms. Peek noted that regions need to be able to access information and requirements of which they are not aware and to see where coordination can fit into the process, as directed by Rep. Larson. Mr. Nelson added that perhaps regions just need to be reminded of the process. More awareness could help spur things along. Ms. McKinnon noted that after the TWDB receives the Council's report, TWDB will work with the Council on implementation.

Mr. Holcomb asked what role the consultants may have in this recommended coordination since they have the data from the planning process. Ms. Peek noted this may be something to consider in recommendations. Ms. Peek then presented an overview of the committee's three draft recommendations.

The committee's first recommendation is to see if there are processes in place that RWPGs or the Committee were not aware of and identify interregional project development issues and opportunities. The planning process does not currently have explicit requirements at specific points in the timeline for RWPGs to identify project development issues and regionalization opportunities. Ms. Peek explained that the committee recommends that the TWDB revise administrative contract and rule requirements to include those requirements as a line item in the contract scope of work.

Ms. Scott noted the committee report recommends the TWDB provide RWPGs a report of all recommended and alternative water management strategies for each region in the initially prepared plans (IPP) soon after the submittal of the IPPs. Mr. Crull suggested this is not early enough. Ms. Scott also expressed concern that this is late in the process. Mr. Holcomb noted the earliest the report could be provided is when RWPGs consider water management strategy evaluations, which is still late in the process. Ms. Peek added that the committee discussed reviewing water management strategy

information from past plans since many strategies are often carried over from plan to plan. Ms. McKinnon noted that the committee's third recommendation reflects the discussion Ms. Peek referenced.

Ms. Scott asked if this evaluation could be done when water needs are developed. Mr. Nelson reminded members that an interactive map was provided to the regions after needs were developed to help regions geographically assess where shared projects could be developed. He offered that TWDB could emphasize that tool more in the future. Ms. McKinnon added that TWDB plans to provide the interactive needs map again in the future. She clarified that regions can better coordinate earlier in the process, but water management strategy data developed in support of the regional water plans would need to be provided after the IPPs are submitted.

Patrick Brzozowski (Region P) added that most project sponsors who have a project in the regional water plan have considered the project for a long time, discussed potential impacts, and may have started coordination efforts. Mr. Brzozowski noted the problem is where consideration of projects falls in the planning process. He suggested this needs to happen as early as possible. Regions should consider moving up identification of potential feasible water management strategies, but there are limitations on needing to know projected demands and needs. He suggested a list of the projects from the previous regional water plan could be considered earlier in the process to get an understanding of the impacts outside the region. Ms. Peek added that regions could review the project list to see if there are opportunities for collaboration. This could also prevent or address interregional conflict earlier in the process.

Ms. Scott summarized that there are concerns about timing and addressing things earlier in the cycle, sponsors likely know issues with their projects and this should be discussed sooner, consultants should coordinate earlier, and TWDB could develop needs earlier and bring together adjacent regions when needs are identified.

Mr. Nelson noted that regions used to scope water management strategies before knowing what the projected needs were. He suggested there may be a need to evaluate projects in previous plans to consider options for combined projects in the next planning cycle.

Mr. Holcomb suggested that recommendations should include consultants since they work closely with the data and should be a player in making sure RWPGs are aware of potential conflicts. Consultants should inform the RWPGs when a water management strategy crosses regional boundaries. Ms. Peek is seeking information on how each RWPG approaches water management strategy evaluations (e.g. RWPG scope of work committees).

Ms. McKinnon pointed out that the recommendation that the required pre-planning meeting and meeting to review the region's potential feasible water management strategy identification process include discussion and consideration of issues and opportunities for interregional coordination. It is also recommended that the Technical Memorandum include discussion and consideration of issues and opportunities for interregional coordination. Ms. Scott agreed with the recommendations and suggested that liaisons be invited to the noted meetings to ensure coordination is happening. Mr. Nelson noted the liaisons are informed of these meetings.

Mr. Brzozowski asked how many consultants are involved in regional water planning. Ms. McKinnon estimated that there are roughly 14 consultants working with the regions. Mr. Brzozowski noted that

regions rely on consultants to coordinate with consultants of neighboring regions and suggested a requirement for a meeting of consultants of adjacent regions.

Mr. Holcomb observed that RWPGs aren't provided a table that lists water management strategies from outside their region. He added that a table with water management strategies that includes the region of origin and the region of use would be valuable. Mr. Nelson asked if the intent was for the list to be used to identify potential conflicts or for collaboration. Ms. Scott suggested it would be used to improve coordination, awareness, and identification of impacts. Ms. McKinnon offered that the TWDB could provide the information requested. The committee recommends the TWDB provide RWPGs a list of recommended water management strategies and organize the data to show if the strategy is located outside the region of recommendation.

Mr. Holcomb suggested that relying on public notices to inform regions of strategies proposed to be located in their region may not be a good process. This requires everyone to be paying attention. He suggested that providing regions a table with this information could work better. Ms. McKinnon noted that planning rules require RWPGs to provide notice of any recommended water management strategies that are located in another region to the region the strategy is located in. She added that TWDB does not monitor those notices. Mr. Nelson informed the Council that these notices are likely submitted to a region's chair and political subdivision.

Ms. Scott summarized that the committee's first recommendation aims to have the interregional project development process occur at a specific time in the planning process, include comprehensive notifications that are distributed broadly, and better identify impacts on regions.

Ms. Peek introduced the committee's second recommendation to coordinate and collaborate on interregional issues and opportunities. She noted this recommendation focuses on how RWPGs can identify opportunities to collaborate early in planning process. Some comments provided for the first recommendation may also apply to this recommendation. Ms. Scott agreed and suggested it may be appropriate for the committee to consider combining the two recommendations since they are similar. Ms. Peek added the goal of this recommendation is to invite liaisons and create a user-friendly access point for RWPG members to know what's going on. Consultants should also have a role.

Ms. Peek introduced the committee's third recommendation to develop an early mechanism to identify strategies using water resources in another region or that would impact another region. Ms. Peek explained that the committee's recommendation identifies relevant portions of statute and offers adjustments that will allow RWPGs more time to address issues that could result in potential interregional conflicts. Ms. Scott noted there may be an awareness issue. It appears the process is place, but it may not be deliberate enough.

Ms. Scott asked members if there were any additional comments on the committee's recommendations. She suggested the committee consider combining the first and second recommendation to have one focus on communication and one on timing. Ms. Peek noted the committee is scheduled to meet on August 28 and September 9 and will consider the Council's feedback.

Ms. Scott asked members if there was consensus for the committee to move forward with the recommendations. No objections were noted. ***The Committee was authorized to proceed with work on its recommendations based upon Council deliberations.***

Ms. Scott noted the committee report also indicates the committee is considering additional recommendations on the role of RWPG liaisons and alternative processes to resolve interregional conflicts outside of the regional water planning process.

c. General Best Practices for Future Planning Committee

Committee Chair Steve Walthour (Region A) reported that the General Best Practices for Future Planning Committee has met five times and has seven recommendations to present to the Council.

Mr. Walthour presented the committee's first recommendation on the simplified planning process, which included recommendations for the Legislature to amend the language in Texas Water Code (TWC) Section 16.053(i) to either: discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly, or strike simplified planning from the statute. The committee recommends that the TWDB evaluates alternatives to the current simplified planning process that address timing and data concerns.

Mr. Walthour added there may also be an opportunity to better align the groundwater management area and regional water planning processes. Mr. Nelson noted that the TWDB modified the groundwater water availability timing to better sync up with the regional water planning process. He acknowledged there is a time delay between when the desired future conditions are set and when the modelled available groundwater is produced, but the timing has been addressed as best it can.

Mr. Walthour presented the committee's second recommendation on enhancing membership engagement and general public engagement. He summarized that RWPGs are experiencing a variety of communication and engagement issues. There are RWPG members that are not participating or understanding the processes. A lot information is available, but members either aren't receiving it or paying attention. The following recommendations were reviewed:

The Legislature should:

1. Provide funding for better methods of disseminating of information for the regional water planning process.
2. Authorize the use of one-way conferencing or webinars.

The TWDB should:

1. Provide policy recommendations developed by the Interregional Planning Council to all RWPGs to inform their planning process.
2. Provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council.
3. Provide an update to the above report, at an appropriate time in the planning cycle, of the implementation status of recommendations to the RWPGs and the Council.
4. Consider engaging a media consultant to develop better methods of coordination among the RWPGs.
5. Develop standardized, easy to adopt practices and protocols that apply to all regions.

The RWPGs should:

1. Provide more focus on new member orientations.
2. Utilize educational programs and subject matter speakers in each RWPG.
3. Develop better methods to encourage public participation via surveys, targeted email blasts, and website updates for all RWPGs.

Future Interregional Planning Councils should:

1. Hold work sessions to “deep dive” into more complicated topics.
2. Require RWPG Chairs to meet on an annual basis at minimum.

Mr. Walthour explained that the proposed recommendations will enable RWPG membership and the public to be more engaged and increase their understanding of the process. He added that RWPGs could do a better job of informing members of water infrastructure projects and water conservation projects that were funded by the TWDB as a result of RWPG efforts.

Mr. Walthour presented the committee’s third recommendation on communication between TWDB, RWPGs, and Members. Mr. Walthour noted that RWPGs are often unaware of educational material, program resources, and assistance made available by the TWDB. TWDB correspondence is not always distributed to the full membership or is simply not viewed because of email overload. The following recommendations were reviewed:

The TWDB should:

1. Require RWPGs to receive orientation services provided by the TWDB at the beginning of each cycle,
2. Require RWPG Chairs and Administrative Agents to follow recommendations in the Best Management Practices Guide document, and
3. Invest in inter-agency, intra-agency, or professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members.

The RWPGs should:

1. Follow recommendations regarding communication with RWPG members as outlined in the Best Management Practices Guide.
2. RWPG members should read the Best Management Practices Guide and New Member Guide.

The committee also recommends that future Interregional Planning Councils should review existing technology and recommend appropriate changes.

Mr. Walthour proposed that implementing this recommendation will enable RWPG membership to make informed decisions by increasing members’ understanding of the process and resources available. He added that TWDB has a lot of resources available and has provided this information to the regions. It appears regions aren’t paying attention or information isn’t begin shared with general membership. He noted that until recently he wasn’t aware that a RWPG New Member Guide or Best Practices Guide was available. Mr. Walthour noted that if regions followed the best practices in these guides, many of the problems that regions face would go away. He added that TWDB staff are providing needed information, but regions aren’t paying attention. He offered that TWDB should consider if there is someone in the agency or outside the agency that can help deliver the message better and work with staff to help develop a process to improve communication. Ms. McKinnon noted that TWDB is meeting with internal Communications staff on this issue and will report back to the committee on what is possible.

Ms. Scott agreed that TWDB has a lot of information available. The issue is finding and using the information. She added that anything to enhance that process would be an improvement. Ms. Scott noted that RWPG members volunteer their time to participate in the regional water planning process

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while holding other jobs. It can be a challenge for members to provide enough attention to regional water planning and this needs to be improved. She acknowledged that she wasn't aware of the guide's Mr. Walthour had mentioned and agreed that new members should read these documents as part of an orientation to the process.

Mr. Nelson acknowledged that this is an ongoing issue. TWDB has received feedback from regions that the agency should not send things directly to RWPG members, but this approach can be reviewed again. Ms. Scott agreed that communication is a constant challenge that many entities experience.

Mr. Walthour presented the committee's fourth recommendation for the Texas Commission on Environmental Quality (TCEQ) to serve as an ex-officio member of the RWPGs. Mr. Walthour noted that 5 of the 16 RWPGs currently have a TCEQ representative serving as a non-voting member. RWPGs often have questions regarding public drinking water systems, surface water rights and availability, and permitting requirements that could best be answered or followed up on by representatives from the TCEQ. TCEQ is not required by statute to have representation on RWPGs.

The committee recommends that the Legislature should amend TWC Sec. 16.053(c) to add TCEQ as an ex-officio member of each RWPG. If TWC Sec. 16.053(c) isn't amended, the TWDB should coordinate with TCEQ and amend TAC 357.11(e) to require RWPGs add a staff member from TCEQ as a non-voting member. TWDB should also review and make a recommendation to the Legislature regarding additional non-voting members that affect statewide regional water planning stakeholders. In the event that TWC 16.053(c) or TAC 357.11(e) are not amended, RWPGs should consider adding TCEQ as an ex-officio member.

Mr. Walthour noted that implementing this recommendation would consistently provide RWPGs a subject matter expert and resource for water issues addressed by the TCEQ. This recommendation could increase coordination between the TWDB and the TCEQ on planning and regulatory requirements.

Mr. Walthour presented the committee's fifth recommendation on reimbursement of labor costs for regional water planning administrative agents. He noted that the role of the RWPG's administrative agency includes a significant amount of administrative work. Administrative agencies spend exorbitant amounts of time performing this role in which reimbursement of labor costs are prohibited by the TWDB.

The committee recommends that the Legislature should provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs so that grant resources are not taken from required planning tasks. In addition, TWDB should consider allowing for the reimbursement of labor costs for the RWPG's designated administrative agency and revise TAC Chapter 355 and regional water planning grant contract expense budget limitations to accommodate these expenses. It is also recommended that RWPGs include requests for funding in Chapter 8 recommendations of the regional water plans.

Mr. Walthour noted that implementing this recommendation would encourage political subdivisions to take on the role of the administrative agency for regional water planning. The agencies would no longer be penalized for accepting the responsibility of administering the regional water planning process.

Ms. Scott asked if TWDB agreed with this recommendation. Mr. Nelson noted that reimbursement of administrative labor costs is not currently allowed in regional water planning. TWDB has recently

allowed limited reimbursement of administrative labor costs in the regional flood planning program rules, and allowing such reimbursement is being considered for the next round of regional water planning contracts. He noted that the legislature has not allocated any additional funds to cover administrative costs. Funds for reimbursement would be taken out of the existing RWPG budget.

Mr. Thompson agreed with the recommendation. Region D is a rural area without large water agencies that can support the RWPG. The current Region D political subdivision won't be supporting the RWPG in the next planning cycle. Mr. Thompson noted there is limited interest in administering the RWPG because of the financial burden. Ms. Scott noted that Region L has RWPG members help fund administrative labor costs. Mr. Walthour added that Region A has a similar process. He suggested that savings from pursuit of simplified planning could be used to fund administrative costs. He added that without administration the process doesn't happen.

Ms. Scott observed that all of the recommendations the Council is considering are creating more investment in the planning process. She suggested that existing funds will not be sufficient to support such a complex process with increasing roles and responsibilities. As the planning process becomes more sophisticated, additional resources are needed to support it.

Mr. Walthour presented the committee's sixth recommendation on Open Meetings Act modification of video-conference restrictions. He noted that due to the pandemic the Governor has temporarily suspended some of the Open Meetings Act requirements, which has allowed RWPGs to conduct virtual meetings. During this period any person regardless of where they are in the world has been afforded the opportunity to participate in public meetings and provide public comment if they wish making the open meetings process more transparent.

The committee recommends that the Legislature should amend the Open Meetings Act to allow state and local governments to use electronic media such as video conferencing as an alternative to requiring the public and governmental officials to be physically present to make public comment or consider actions during an open meeting. In addition, the TWDB should evaluate the fiscal impacts associated with technology required for virtual meetings.

Mr. Walthour noted that implementing this recommendation would allow state and local government to use electronic media such as video conferencing as an alternative to holding in person only meetings. This would create a more efficient process by allowing greater governmental transparency during consideration of items on an agenda and provide the public an avenue for increased meeting participation.

Mr. Evans suggested the recommendation be revised to be more specific to the regional water planning process and not address broadly having allowances for state and local governments. Ms. Scott agreed.

Mr. Ward noted he was reluctant to support this recommendation. It can be difficult to conduct business in virtual meetings and be effective in all aspects. He added that he would not support virtual meetings in lieu of in person meetings. He might be able to support allowing virtual meetings for certain committee meetings or allowing in person meetings with an option to join virtually. Ms. Scott noted that Region L used to be allowed to have people call in to committee in workgroup meetings. This allowed for a lot of participation.

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Mr. Thompson noted that Region D has several members that do not have access to computers, which makes participation in virtual meetings a burden. He suggested that the public in his region gets more out of in person meetings. In person meetings allows people to have more discussions and get to know each other.

Mr. Holcomb added that it wasn't the committee's intent to have virtual meetings in lieu of in person meetings. He agreed that meeting in person has more benefits than virtual meetings. Mr. Walthour agreed with the Council's comments. The committee will take this discussion into consideration when finalizing the recommendation.

Ms. Scott summarized that the discussion noted a preference for in person meetings, some RWPG members may not have access to participate in virtual meetings, there could be hybrid virtual and in person meetings for committee and large groups. Mr. Walthour indicated the committee could work with this information.

Mr. Walthour presented the committee's seventh recommendation on improving the regional water planning process. He observed regional water planning process does not adequately allow for all RWPG members to provide substantial input on how to make the process better because it is at the end of the cycle at a time when the RWPG is working on its final report. Chairs' conference calls don't provide an opportunity to brainstorm new ideas. Additionally, over 300 RWPG members do not have direct input to improve the process. Only engaging a small subset of the RWPG leads to non-engagement by the rest of the membership.

The committee recommends that the TWDB incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. This includes reducing or eliminating non-value-added activities and engaging the RWPG membership to map out all critical steps in planning. TWDB should evaluate the RWPG voting and non-voting membership costs of time and funding. The committee also recommends that future Interregional Planning Councils should review materials and meeting notes from TWDB's lessons learned technical meetings with RWPG consultants.

Mr. Walthour noted that implementing this recommendation would improve efficiency and effectiveness by eliminating waste in the planning process as well as improve productivity of the RWPG membership.

Ms. Scott asked members if there were any concerns for supporting the committee's seven recommendations with modifications based on today's discussion. No concerns were noted. ***The Committee was authorized to proceed with work on its recommendations based upon Council deliberations.***

Ms. Scott asked if the committee had considered a recommendation for a report on Chapter 8 policy recommendations in the regional water plans and implementation status updates on Chapter 8 recommendations. It was noted that such a recommendation is considered in TWDB recommendations on enhancing membership engagement and general public engagement.

Ms. Scott asked if there was anything else for the committee to consider on best practices. No additional considerations were noted.

Approved September 15, 2020

4. Consider Council Report Development

Ms. Scott provided an update on development of the Council's report. TWDB staff are putting together background information on the creation of the Council for the report. Committee support staff will assist with putting together and formatting final recommendations to insert into the Council report. The Council report outline is being finalized and will be sent to the committees soon.

5. Discussion of Next Steps

Ms. Scott reviewed the Council meeting schedule and asked if any background materials or other information was needed for the committee and Council work. The Council is currently scheduled to meet on September 15 to review remaining committee recommendations and September 30 to finalize the Council report. A tentative Council meeting has been scheduled for October 7 in case an additional meeting is needed to finalize the Council report. All meetings will begin at 1:30 pm. The Council report is due to the TWDB on October 16, 2020.

6. Discussion of Agenda for Future Meetings

The next Council meeting is scheduled for 1:30 p.m. on September 15, 2020. No additional discussion.

7. Public Comment – No public comments were offered.

8. Adjourn – Ms. Scott adjourned the meeting at approximately 3:45 p.m.

DRAFT
Interregional Planning Council Meeting Minutes
September 30, 2020, 1:30 p.m. to 2:15 p.m.
held via Zoom Videoconference
Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council Members present 13 of 16:

A	Steve Walthour	E	Scott Reinert-absent	I	Kelley Holcomb	M	Tomas Rodriguez
B	Russell Schreiber - absent	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 - absent	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: Director Kathleen Jackson, Jennifer White, 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. Temple McKinnon (TWDB) determined that a quorum was present.

TWDB Director Jackson provided opening remarks and thanked members for their dedication and leadership. Director Jackson then presented a certificate of appreciation to Ms. Scott in recognition of her contributions to regional water planning and retirement from the San Antonio River Authority and South Central Texas Regional Water Planning Group.

AGENDA ITEMS

1. Public Comment – No public comments were offered.

2. Consideration of Meeting Minutes from September 15, 2020 Meeting

The Council considered the minutes of the September 15, 2020 meeting and reviewed a proposed edit from Gail Peek (Region G). Ms. Peek made a motion to approve the minutes as amended. Steve Walthour (Region A) seconded the motion. ***The minutes were unanimously approved.***

3. Consider Adoption of Final Report and Authorize Submittal to TWDB

Ms. Scott introduced the agenda item and asked meeting facilitator, Suzanne Schwartz, to review high level report changes since the Council's last meeting. Ms. Schwartz noted that a summary of recommendations and a summary of committee work were added to the report. Kevin Ward (Region C), Jim Thompson (Region D), and Ms. Peek revised the report section on enhancing interregional coordination to address concerns on the section's tone that were raised at the September 15, 2020, Council meeting. More precise language was added on how to responsibly develop the state's water resources and mitigate conflict. Mark Evans (Region H) also drafted language on viability and justification of projects in the State Water Plan. Ms. Schwartz noted these were the most substantial changes to the report. Minor editing revisions were also made. Ms. Scott added that portions of the report were reordered to improve readability.

Ms. Scott asked if there were any comments or concerns on the report. Ms. Peek asked if minor grammatical and formatting edits could be provided to the TWDB to incorporate. Mr. Evans asked if it would be appropriate for the approval motion to include authorization to address typographical changes to the report before finalization. Ms. Scott agreed that Mr. Evan's suggestion would be appropriate for the motion. Ms. Scott reminded members that those who approve the report will be asked to sign the report submittal. No additional discussion.

Mr. Evans made a motion to approve the final Interregional Planning Council report, authorize the chair and TWDB staff to make typographic changes as needed prior to printing, and authorize submittal of the report to the TWDB. Ms. Peek seconded the motion. Ms. Scott asked if there was any discussion on the motion. No additional discussion. Ms. Scott requested a roll call vote.

All members present voted in favor of the motion. It was noted that Russell Schreiber (Region B) and Mr. Thompson, who were not present, had indicated their support of the report. ***The Council approved their report, authorized the chair and TWDB to make typographic changes as needed prior to printing, and authorized submittal of the report to TWDB.***

Ms. Scott thanked members for their time and efforts in completing the Council's charge in a compressed timeframe. Ms. Scott also thanked TWDB staff and Ms. Schwartz for their assistance.

Ms. McKinnon noted that the report signature sheet will be sent to members via DocuSign for their signature. The Council's report will be sent to TWDB Communications staff for final editing. Ms. McKinnon asked that any additional formatting edits be submitted by the end of the day. Ms. Scott asked if Council members that are absent from the meeting should be given an opportunity to sign the report. Kelley Holcomb (Region I) agreed that absent member could sign the report unless they have a dissenting opinion. Mr. Evans agreed noting that the signature is an acknowledgement of approval of report. Ms. Scott agreed. Mr. Holcomb asked if there are any special instructions for using DocuSign. Ms. McKinnon indicated she will send instructions to members.

Ms. McKinnon informed the Council that she will present the Council's report to TWDB Board Members at a work session on October 19, 2020 at 1:00 p.m. Council members are invited to view the meeting online. Additional details will be sent out prior to the meeting.

4. Consider Process for Publication and Distribution of Final Report

Ms. Scott asked for confirmation that the Council's report will be sent to TWDB Board Members, Senator Charles Perry, Representative Lyle Larson, and regional water planning group members. Ms. McKinnon confirmed that all will be sent an electronic copy of the Council's report.

5. Discussion of Future Convenings of Council Meetings

Mr. Walthour asked if the Council intended to cancel its tentatively scheduled October 7, 2020 meeting. Ms. Scott confirmed the October 7, 2020 meeting is canceled.

Ms. Scott noted that this Council is formed until the adoption of the 2021 State Water Plan. Ms. McKinnon confirmed that adoption of the 2021 State Water Plan is anticipated to occur in summer 2021. Ms. McKinnon will communicate with Council members on the State Water Plan timeline.

Ms. Scott noted the Council may wish to reconvene before the Council's term ends. Mr. Holcomb suggested the Council may not need to meet again until Spring 2021 depending on if the Legislature considers the Council's report. Melanie Barnes (Region O) asked if the Council would be involved in or provide opinions on legislation. Mr. Holcomb suggested the Council not collectively provide an opinion on legislation. Ms. Scott noted that she would be available to provide testimony if needed during the legislative session.

Mr. Walthour made a motion for the Council to reconvene at the call of the chair or vice-chair. Ms. Barnes seconded the motion. No opposition was noted. ***The Council will next reconvene at the call of the chair or vice-chair.***

6. Public Comment – No public comments were offered.

7. Adjourn – Ms. Scott adjourned the meeting at approximately 2:15 p.m.

COMMITTEE MEETING MINUTES

Enhancing Interregional Coordination

7/15/20 Meeting

Enhancing Interregional Coordination (EIC) Committee Meeting Minutes

July 15, 2020, 10:00 a.m. held via GoToWebinar

Committee Members present (4 of 5): Gail Peek, Chair; Patrick Brzozowski; Jim Thompson; Ray Buck. Scott Reinert was absent.

Senators/Representatives/Other VIPs in Attendance: Council Chair Suzanne Scott

TWDB Board Members and Staff: Participants: Temple McKinnon, Ron Ellis. Attendees: Patrick Lopez, Bryan McMath

MEETING GENERAL: Ron Ellis (TWDB) checked roll and determined that a quorum was present.

AGENDA ITEMS

- 1. Call to Order and Welcome** – Chair Gail Peek called the meeting to order and welcomed the committee members.
- 2. Public Comment** – None.
- 3. Committee Member Feedback and Discussion of Committee Charges** – Ms. Peek gave an overview of the committee's charges and encouraged the committee members to draw on their experiences to inform the discussion. She then asked to move to a presentation of the formal TWDB interregional conflict resolution process (Agenda Item 5). Temple McKinnon displayed the TWDB overview document (Agenda Item 4h) and gave an overview of the interregional conflict process in TWDB rules.

Ms. Peek then stated that she wants to seek a way to “short circuit” the formal TWDB process, which adds complexity and time because the Executive Administrator has to return to the groups of origin for a solution, by coordinating to avoid such complexity. Suzanne Scott, Chair of the Interregional Planning Council (IPC), stated that she hoped the committee could identify best practices that could include planning groups coordinating earlier to avoid conflict. She also pointed out that interregional coordination goes beyond conflict. Ms. Scott discussed SWIFT eligibility if strategies are excluded from a plan due to unresolved conflict and whether such strategies could be included as alternative strategies in a plan until the conflict was resolved. Patrick Brzozowski added that the evaluation of water management strategies WMSs occurs late in the planning cycle (~two years in) and that there is a problem with identifying who speaks for planning regions. He stated that the TWDB has a process, but the planning groups need to identify spokesperson(s) to work together and coordination on WMS' needs to begin earlier in the process. The liaison process exists; the appropriate person needs to be selected and sponsors of the larger projects aren't necessarily RWPG members.

Jim Thompson agreed with Mr. Brzozowski's remarks and reiterated that coordination at the end of the process leaves very little time to appropriately study impacts on a region. Ms. Scott asked if the project sponsors have their own plans and know what projects they want to implement. If so, she

said, they could be presented to the planning group earlier in the process. Mr. Thompson stated that the Region D experience is over a project that isn't recommended in Region D so planning is occurring in another region and review happens at the end of the planning cycle rather than coordination during the planning cycle.

Ms. McKinnon reminded the committee of the mid-point technical memo, which is required to identify potentially feasible WMSs. The technical memo for each planning group is posted and available for other regions to examine. She suggested that the committee could consider the technical memo information as an earlier starting point. Mr. Brzozowski stated that project sponsors should know the potential points of conflict and potential impacts for their projects, and Ms. Scott suggested that planning groups be required to identify potential conflicts and impacts in the technical memos. Ms. Peek added that no one is charged with examining technical memos for potential conflicts; the information may be there earlier but action isn't taken until later in the planning process. Ms. Peek suggested the committee look at roles of planning group members and liaisons because there are several points of connection currently existing in the process.

Mr. Brzozowski made the point that all the planning group members have full time jobs outside of the planning process and that the consultants have the detailed information about the projects. He stated that he relies on the consultants to keep up with what's happening in other regions. Mr. Thompson agreed with the point regarding the time limitations on planning group liaisons during meetings to report and with respect to their volunteer nature. He stated the liaisons don't necessarily convey the information that RWPGs need; Ms. Scott agreed.

Ms. Peek stated that her goal is to identify resources available for coordination and find ways to utilize them efficiently, especially since RWPGs rely on volunteers already giving significant time. Ms. Scott agreed with the role of the consultants as being the experts and added that they would need to be required by the TWDB to identify potential conflicts among WMSs. The planning group would then be required to further explore whether a conflict actually exists. Ms. McKinnon summarized the points as adding a requirement to the planning contract scope of work to look for potential conflicts (or issues) and setting the timing of that task to coincide with the technical memo. She added that once potential conflicts are identified, TWDB could provide supporting draft data to RWPGs as needed. Mr. Brzozowski suggested that sponsor data on project impacts of concern could be provided earlier to the RWPG; Ms. Peek agreed.

Ms. Peek then noted that examining projects early in the process could also identify opportunities for water projects that go beyond a region. Ms. Scott stated that the planning groups should identify issues of concern rather than just conflicts and subsequently discuss to prove or disprove whether there is an issue. Ms. Peek then recapped by stating that TWDB will look at the planning contract scope of work to explore adding a task for analyzing WMSs that might be issues of concern. Ms. McKinnon stated that TWDB will provide the committee a planning cycle timeline and draft scope of work.

Ms. Peek noted that the committee should focus on identifying and maximizing the use of planning group resources with the goal of being more efficient. Ms. Scott stated that examining WMSs could also be an opportunity to think inter-regionally and identify multi-benefit projects. Ray Buck interjected that in Region J they have not experienced much conflict but are looking outside the region to upsize projects. Ms. Peek agreed that it's important to look for opportunities of geographic proximity to benefit smaller communities to help them access funds and other resources. Ms. Scott

stated water suppliers can be hesitant to share information of proprietary negotiations but sharing information and coordinating can also create opportunities to develop additional customers. Mr. Brzozowski returned to prior recommended additional planning task of identifying potential issues and suggested the coordination analysis should also identify opportunities of cooperative water development to serve multiple groups. He said this may be a consultant action or a TWDB action or both. Ms. Peek agreed and said there could be opportunity on source development and also on distribution.

Ms. Peek then asked Ms. McKinnon to move to the slide for agenda item 7, the IPC's Problem Statement and Goal Statement for the EIC Committee. Ms. Peek read the Goal Statement and noted that is what they've been covering in this discussion. She then asked to return to Agenda Item 6 and other agenda items as noted below.

4. **TWDB Reference Materials** – Provided on the agenda for the committee members to reference. Not specifically covered in the meeting.
5. **Overview of Formal Interregional Conflict Process by TWDB** – Presented at beginning of Agenda Item 3 at Chair Peek's request. See above.
6. **Discussion and Action as Appropriate - Committee Action Plan** – Ms. Peek noted that the committee's goal is to come up with an action plan and recommendations to accomplish the IPC Goal Statement for the EIC Committee.
7. **Discussion and Action as Appropriate - Ways to Enhance Interregional Coordination** – Agenda Item 7 was covered concurrently with Agenda Item 3. See above.
8. **Consideration and Action as Appropriate – Committee Recommendations to the Interregional Planning Council Regarding Ways to Enhance Interregional Coordination** – Ms. Peek directed the committee toward the guidelines for committee recommendations. She emphasized that the recommendations must be specific and actionable, which she said is hard to do.

Ms. Scott asked about what might happen with issues or opportunities identified if a new process is required by the planning scope of work. She asked if TWDB would bring regions together through a Chairs' Meeting or create some process to elevate the issues beyond the liaisons or planning groups. Ms. McKinnon responded that TWDB could convene a Work Session with our Board at the tech memo milestone. She also stated that the Chairs could discuss how smaller groups might convene to resolve specific issues. Ron Ellis said that other vehicles such as the Interregional Planning Council itself and quarterly Chairs' Conference Calls could be available for preliminary discussion of identified issues and opportunities by the Chairs. Ms. Peek commented that she'd like to see more sharing by regions during the conference calls. She stated that it could help Chairs practice sharing information with each other. Mr. Brzozowski added that during the existing meetings, there is little time for focused conversation between regions where issues may exist. He said that there may need to be meetings of smaller groups of regions.

Ms. McKinnon made the point that the TWDB has tried to keep the Chairs' conference calls limited to an administrative information-sharing function for the Chairs, and then we distribute meeting notes to the consultants and political subdivisions. She also stated that once a cycle, near the

beginning, we hold a technical meeting for the consultants to help us identify ways to improve our technical guidance. She stated, however, that if the committee sees ways to improve those meetings to serve you better, we'd appreciate hearing those specifics. It would be worthwhile for the committee to think about how to improve the vehicles TWDB has for information sharing.

Ms. Peek said her goal for the meeting was to try to ensure the committee members have a baseline, to know what resources exist. The committee also needs to ensure they are using time and energy well. Ms. Scott said it's important to look for incentives. She asked if there are any extra points in prioritization for projects that create interregional opportunities. Ms. McKinnon responded that there are points for regionalization and the number of entities served in the lending side of the process. Ms. Scott asked if more incentive could be added to the planning group prioritization side. Ms. McKinnon said that TWDB can bring information on scoring and how all of the facets feed in, but she reminded that the uniform standards committee would have to change the scoring formula for the planning groups. Mr. Brzozowski stated that project sponsors must be involved in such regionalization decisions.

Mr. Brzozowski asked about capturing draft recommendations discussed. Ms. Peek stated collective notes would be reviewed with the minutes and draft recommendations would be discussed at subsequent committee meetings.

9. Discuss Next Steps: Methods to Move Forward Including Scheduling of Meetings, Background Materials for Meetings, or Discussion Steps that Can be Accomplished Before Future Meetings –

Ms. Peek noted that the next meeting is scheduled for July 22, at 10:00 am. She asked the committee members to consider whether there are any background materials, in addition to the minutes from this meeting, that they need for next meeting.

Ms. Scott noted that there is a flow chart of the planning process, and that it may be helpful to visually show where it would be beneficial to put coordination requirements in the process. Ms. Peek agreed and said she'd take a look at the flow chart and recommend timing; Mr. Ellis will assist in providing materials. Ms. McKinnon stated that it would be helpful to hear recommendations regarding how TWDB staff can help planning groups consume the information we produce.

10. Discussion of Agenda for Future Meetings – Ms. Peek stated that the agenda would be pretty standard for future meetings, but that she's open to recommendations. Mr. Ellis noted that the agenda for the next meeting is already posted due to Open Meetings Act requirements.

11. Report and Possible Action on Report from Chair – Ms. Peek stated that she will have a report at the next meeting.

12. Public Comment – None.

13. Adjourned – Mr. Brzozowski motioned adjournment; Mr. Thompson seconded. Adjourned at 11:24 a.m.

8/06/20 Meeting

Enhancing Interregional Coordination (EIC) Committee Meeting Minutes

August 6, 2020, 10:00 a.m. held via GoToWebinar

Committee Members present (3 of 5): Gail Peek, Chair; Jim Thompson; Ray Buck. Scott Reinert and Patrick Brzozowski were absent.

Senators/Representatives/Other VIPs in Attendance: N/A

TWDB Board Members and Staff: Participants: Temple McKinnon, Ron Ellis, and Suzanne Schwartz.

MEETING GENERAL: Ron Ellis (TWDB) checked roll and determined that a quorum was present.

AGENDA ITEMS

- 1. Call to Order and Welcome** – Chair Gail Peek called the meeting to order and welcomed the committee members.
- 2. Public Comment** – None.
- 3. Consider Minutes for July 15, 2020 Meeting** – Ms. Peek noted that she had requested a clarifying change to the original draft minutes, which was reflected in the draft in the meeting materials. ***Jim Thompson made a motion to approve the minutes as amended, and Ray Buck seconded. The motion was approved.***
- 4. Committee Member feedback and discussion of Committee Charges** – Ms. Peek noted that the committee's charges had been expanded at the July 29th council meeting to include interregional conflict. She introduced changes to the committee problem statement and goal statement for the committee to discuss. Ray Buck asked about the pros and cons of the EIC Committee taking on the additional charge. Ms. Peek related that the pro is that EIC is looking at nuts and bolts of a related issue, while other committees are looking with a broader perspective which made it fit logically with EIC. She stated that in considering Chairman Larson's letter, the charge of dealing with interregional conflict fit with the EIC Committee in a logical way. The con is more work for the EIC Committee. Jim Thompson asked where the new language had come from and Ms. Peek indicated that she had drafted it for committee consideration. Mr. Thompson asked about the meaning of the reference to the timing requirements of TWDB. Ms. Peek indicated that the intent is to recognize that planning follows a schedule. Temple McKinnon proposed revising the language to reference the planning process administrative timing requirements to clarify that it's referring to statutory and rule constraints that must be met. The committee members agreed.

Mr. Thompson then suggested changing the draft Goal Statement language to refer to WMS that impact more than one region, instead of WMS that are in more than one region. The committee members agreed, and Ms. McKinnon made the change.

Mr. Thompson made a motion to adopt the revised Problem Statement and Goal Statement. Mr. Buck seconded, and the motion passed.

5. **Discussion and Action, as appropriate – Committee Action Plan** – Ms. Peek discussed the action plan as a roadmap to follow when developing observations and recommendations. She recognized that the BMP Committee has developed an action plan and recommended that the EIC follow its model. Ms. McKinnon displayed the action plan template, and Mr. Buck commented that it is an excellent model. Ms. Peek recognized that they have buy-in on the action plan, then she noted that they should play it by ear concerning member roles and assigning tasks since the committee is so small. The committee members agreed.

6. **Discussion and Action, as appropriate - Enhancing Interregional Coordination; Enhancing TWDB Coordination** – Ms. Peek asked Ms. McKinnon to display the draft sixth planning cycle timeline document. Ms. McKinnon oriented the committee to the document and emphasized that it's very draft and intended to help them see where coordination could potentially begin. Ms. Peek emphasized that the committee should consider coordination and collaboration and identify how planning groups can collaborate earlier rather than later. She also acknowledged that each planning group has a different way to identify WMSs and they need to find a way to get that done and shared earlier. She noted that the planning groups need to coordinate and collaborate as early as possible to avoid interregional conflict, for which TWDB already has a resolution process, which was covered in the first committee meeting. Ms. McKinnon noted that the collaboration and coordination bar in the timeline should extend to the beginning of the planning cycle.

Ms. McKinnon displayed the draft estimated sixth cycle scope of work and showed the draft task language under Task 4B that would require coordination before the mid-point of the planning cycle. Mr. Buck asked how it relates to the timeline discussed previously. Ms. McKinnon indicated that it would occur before the technical memorandum during the period indicated by the yellow bar labeled coordination on regional projects on the timeline. Ms. Peek asked that the draft language be reversed to put opportunities before conflicts, and the committee members worked out new language. The committee members agreed the new language was OK.

Suzanne Schwartz asked if the Interregional Conflict Workgroup members thought that assessing strategy opportunities and issues to discuss in the technical memorandum would be early enough. Ms. McKinnon displayed the planning cycle timeline and indicated that the technical memorandum is due 2.5 years into the planning cycle and the IPPs are due about a year later. Mr. Thompson raised a concern regarding the five-year cycle of planning, specifically that the final decisions on WMSs are not made until late in the cycle, which is not conducive to identifying and solving conflicts. He emphasized that the timing will always be the issue because so many planning tasks have to be completed early in the process, so issues will come late in the process. Ms. McKinnon acknowledged that the timing is tricky but asked if an issue has already been identified during one planning cycle, could the resolution process begin immediately at the beginning of the following cycle. Mr. Thompson responded yes, that if a WMS is likely to be recommended, then discussion could begin early, if the parties were willing or required to do so.

Ms. McKinnon asked if a process like coordination discussions initiated by TWDB with Regions C and D during the 5th cycle of planning would be effective, if earlier. Mr. Thompson said if stakeholders could get together earlier, the problem may not get resolved, but each side would know where the other stands. He also offered the example of the facilitated phone all of this Council's Interregional Conflict Workgroup (Jim Thompson and Kevin Ward) as a model of what could be done early in the planning cycle. Ms. McKinnon then asked how a process could be genericized to fit issues not yet

identified. She then asked if RWPGs should identify issues for the next cycle – WMS that need to be collaborated on. Mr. Buck asked how they would work on opportunities in such a process. Ms. McKinnon suggested that an opportunities and issue list be established at the end of each planning cycle to be addressed as a workplan for the RWPGs during the beginning of the following cycle. She indicated that she would draft that for the next meeting, and Ms. Peek and Mr. Buck agreed.

Ms. McKinnon asked if there is any other information TWDB could bring to the process that would help identify opportunities and issues early. Mr. Buck indicated that the RWPG consultants would need more money to do anything. Ms. Peek asked if there is a way to list each RWPGs WMSs from the IPP. Ms. McKinnon responded that TWDB can combine existing reports to provide that data to the RWPGs. Mr. Thompson reiterated that the earlier in the process they can get the information, the better. Ms. McKinnon indicated that TWDB could have data ready so RWPGs could use it in the first year of the planning cycle and that TWDB will also consider what other tools we can use to support a new collaboration scope of work item. Ms. Schwartz asked if there are opportunities to build in places where RWPGs automatically engage in conversations. Ms. McKinnon indicated that each RWPG is required to hold a pre-planning public meeting and discussion of identifying opportunities and issues at that meeting could be required by the scope of work.

Ms. Peek pointed out that the discussion is relevant to the third bullet and last bullet in Chairman Larson's letter. Mr. Thompson indicated that Chairman Larson also identified interregional conflict as one of his priorities in the letter.

Ms. McKinnon indicated that she would revise the planning cycle timeline document and the draft scope of work document to reflect the discussion.

- 7. Consideration and Action, as appropriate – Committee recommendations to the Interregional Planning Council regarding Enhancing Interregional Coordination** – Ms. Peek initiated discussion on recommendations by noting that the committee has a great deal of work to do in a short time. She observed that they may produce observations and/or recommendations, potentially more observations than recommendations. She emphasized that the committee should be mindful of Chairman Larson's letter. The letter was provided in the meeting materials and also posted on the Council's web page.

Ms. McKinnon reminded the committee that the committee recommendation document needs to be submitted by 8/10 for the full meeting of the Council on 8/12. She told the committee that she will update the problem statement and goal statement and asked if the committee wanted anything else from the meeting captured in recommendations. Ms. Peek asked her to capture coordination opportunities and activities that might impact other RWPGs. Ms. McKinnon indicated that TWDB staff will draft recommendations and recommendations under review and make sure they align with Rep. Larson's letter and provide them to the committee for review. Ms. Peek asked the committee members to continue to think about future issues for the committee to consider.

- 8. Discuss future steps – (a) methods to move forward including scheduling of Committee meetings, (b) background materials needed for future meetings, (c) coordination with or discussion and steps that can be accomplished before future meetings** – Ms. Peek noted that the Council will meet next on August 12. She indicated that she wants the committee to meet two more times to develop recommendations. Ms. McKinnon noted that the following IPC meeting is September 15 and that

Chair Scott had requested committee recommendations by then. Ms. Peek asked Ms. McKinnon to poll the members for availability for two meetings in two-hour blocks in morning and afternoon. Ms. Peek asked the committee members to let us know if they wish to see any materials for future meetings. She noted that the committee needs to know who in each planning group works on WMSs. Ms. McKinnon indicated that TWDB staff will generate a list of the committee structure and functions within each planning group.

9. Discussion of agenda for future meetings –Ms. Peek indicated that the agenda for the next two meetings will focus on observations and recommendations.

10. Report and Possible Action on Report from Chair – Ms. Peek reiterated to the committee that they need to think about how recommendations will be consistent with Chairman Larson’s letter. She thanked the committee members for their effort and input. She also stated a concern that the committee needs to stay focused on deliverables and doables and to focus concepts like “opportunities” to be more concrete in their recommendations to the council.

11. Public Comment – None.

12. Adjourned – Mr. Thompson motioned adjournment; Mr. Buck seconded. Adjourned at 11:20 a.m.

8/28/20 Meeting

Enhancing Interregional Coordination (EIC) Committee Meeting Minutes

August 28, 2020, 10:00 a.m. held via GoToWebinar

Committee Members present (3 of 5): Gail Peek, Chair; Jim Thompson; Patrick Brzozowski. Scott Reinert and Ray Buck were absent.

Senators/Representatives/Other VIPs in Attendance: N/A

TWDB Board Members and Staff: Participants: Matt Nelson, Ron Ellis, and Suzanne Schwartz.

MEETING GENERAL: Ron Ellis (TWDB) checked roll and determined that a quorum was present.

AGENDA ITEMS

- 1. Call to Order and Welcome** – Chair Gail Peek called the meeting to order and welcomed the committee members.
- 2. Public Comment** – None.
- 3. Consider Minutes for August 6, 2020 Meeting** – There were no comments on the draft minutes. *Jim Thompson made a motion to approve the minutes as amended, and Patrick Brzozowski seconded. The motion was approved.*
- 4. Committee recommendations and observations for the Interregional Planning Council regarding Enhancing Interregional Coordination** – Suzanne Schwartz began the discussion by pointing the committee members to the revised problem statement. She reminded them that the Interregional Planning Council (IPC) had noted that the problem statement presented solutions and not just problems. She noted that the revised text in the document was an attempt to correct that. Patrick Brzozowski commented that the second sentence, beginning with “coordinating” seemed to contain two distinct thoughts. The members agreed to split it into two sentences by adding a period after the word “rule”. The committee members didn’t have any further changes and agreed that it was ready to forward to the IPC.

Ron Ellis explained that the document format was changed to the council report format. He gave a high-level overview of the new document format and each of the draft recommendations. Suzanne Schwartz then walked the committee members through each draft recommendation for comments. She told them that TWDB staff would capture their comments and send out an updated draft for them to review and edit.

Gail Peek asked if the first recommendation begins the coordination process early enough. Mr. Brzozowski responded yes and suggested that the concept of a WMS “using” water in another region needed to be better defined. The members discussed the question and agreed that “use” should be changed to “develop or use” in two locations in the recommendation. Ms. Schwartz suggested that TWDB staff would identify additional places in the document where this change should be made.

Jim Thompson asked what is the “strategy information” referred to in Sections 4.1(a)(2). Ron Ellis explained that the strategy information would be list of strategies in a report compiled by TWDB that could include those strategies reported as opportunities or issues by all regions or additional information from the planning database. Mr. Thompson then asked if stakeholders would be involved in the pre-planning meeting referred to in 4.1(a)(3). Ron Ellis responded that the pre-planning meeting is a public meeting that requires significant public notice, so anyone could participate and give input. He added that the pre-planning meeting would be an initial consideration of strategies, and if there is an issue identified, it could necessitate a separate stakeholder process. Suzanne Schwartz then walked the committee through the rest of the recommendation and there were no additional comments from the committee members.

Suzanne Schwartz moved on to the second recommendation, and Mr. Thompson asked whether the definition of stakeholder would include impacted parties. Matt Nelson responded that it would include anyone the committee wants it to be, but it would include the public. Gail Peek added that it could be anyone in the public who has an interest in the project, and we want them to know as early as possible whether for or against it. Mr. Thompson then asked what committees were referred to in Section 4.2(a)(1). Ron Ellis replied they are standing RWPG committees and that some have several and others just an Executive Committee. He added that a list of current RWPG is in the meeting materials. Matt Nelson edited the recommendation to specify “RWPG” committees. Suzanne Schwartz then walked the committee through the rest of the recommendation and regarding Section 4.2(b), Patrick Brzozowski asked if we envisioned this recommendation costing money. Matt Nelson responded that TWDB is trying to be cognizant of the fact that the number of tasks for planning groups has increased somewhat but funding has not. Gail Peek added that planning contracts have been getting more expensive.

Suzanne Schwartz then moved the committee on to the third recommendation in Section 4.3. Mr. Brzozowski asked about the meaning of “project opportunities” in the first sentence. After committee discussion, Matt Nelson edited the language by changing it to refer to strategies instead of projects and adding a comma after strategies.

The committee then discussed whether to recommend funding from the legislature. The committee discussed whether a funding request should be for TWDB or RWPGs. Ultimately, the committee decided to include a general recommendation for the legislature to fund additional costs.

Under Section 4.3, which is the recommendation to the RWPGs, Patrick Brzozowski asked to add that RWPGs should also engage the appropriate parties for collaboration. The committee members agreed, and Matt Nelson edited the recommendation.

Ms. Schwartz then asked if the committee wished to discuss any additional recommendations. She noted that they had previously discussed the role of RWPG liaisons and had been charged by the IPC with the interregional conflict task. Ms. Schwartz first asked if the committee felt they had adequately addressed the role of liaisons. Gail Peek noted that she was hesitant to recommend what should be done by liaisons without knowing better what is done. Jim Thompson added that he too is skeptical about requiring tasks for liaisons, since they are time consuming positions and already difficult positions to fill. Patrick Brzozowski agreed and added that he hates to add an additional burden on the planning region. He acknowledged the importance of communication but added that they can rely on the planning consultants communicate with neighboring groups. Matt Nelson asked if maybe there is a way that TWDB could help the liaisons as a group. Mr. Brzozowski

suggested that TWDB could support a meeting among liaisons where they could talk. He also commented that he had heard that TWDB's chair's conference calls consisted mostly of information communicated from TWDB and not much interaction among chairs. He went on to comment that once TWDB has produced a list of WMSs for coordination, maybe it could be discussed by the chairs on a future call, focusing on cross-region WMSs. Ms. Peek noted that the liaisons should serve as a pipeline for information to flow between regions to maximize opportunities for information exchange. Suzanne Schwartz summarized the discussion and asked if the committee wished to capture any of the discussed ideas as recommendations, and they declined to do so. Mr. Brzozowski commented that once planning groups get the information on WMSs from TWDB, they will have the information to initiate coordination with a neighboring region if necessary.

Ms. Schwartz then asked if they wished to add recommendations for interregional conflict. She reminded them that the interregional conflict workgroup had identified recommendations in two areas. The first being identifying issues earlier, which the committee's existing recommendations address. She also noted that the workgroup observed that there have been very few conflicts that reached the level of needing resolution, and that the workgroup made some recommendations about an enhanced stakeholder process to handle those that do. She noted that the recommendation involved shared trusted experts and would require some funding.

Ms. Schwartz asked the committee if they wished to develop recommendations for situations where there might be a more entrenched interregional conflict. Jim Thompson replied that one of the major problems is that they get started too late and that he believes that has been addressed as well as possible. He added that including stakeholders early in coordination helps too, and that was also recommended by the workgroup. He expressed his belief that although all of the workgroup points were not dealt with in the committee's recommendations, some of the major points were.

Patrick Brzozowski commented that some of the points made by the workgroup are best management practices, or ways that the regions would work together. He added that if a project creates a conflict, then the sponsor has the responsibility to get the information necessary to make a decision and satisfy the reasons they want to do it. He then added that he doesn't know that it's something that needs funding from TWDB. Ms. Peek responded that she agrees with their comments. She also added that they are trying to find the soft area between coordination and the TWDB formal process, but when there is conflict and before positions are entrenched, the most the committee should say is that parties who perceive a conflict should sit down and talk. She added that it's as if they should find a mediator or some neutral party to help review before going to TWDB, but that they don't have enough information to come to a conclusion and what they've recommended may be the best they can do now. She concluded by suggesting they should see how their recommendations work out and let the matter be considered by future committees.

Mr. Brzozowski asked the committee to look back at recommendation 4.1.3, which requires strategies that impact another region to be documented. He suggested that documentation could include identification of additional information that's needed to satisfy a conflict and move it forward. Suzanne Schwartz asked Mr. Brzozowski if he wanted to add some language to 4.1.3 to capture that idea, and he said he did not. He clarified that he believes it could be addressed under 4.1.3 and that the region identifying the conflicting strategy could identify needed information and those parties could go out and get the additional information. Ms. Schwartz noted that she was not hearing a desire to add additional recommendations regarding interregional conflict and asked if anyone wanted to consider any other topics for recommendations.

Jim Thompson replied that he would like to discuss the text in Section D of the draft report. He noted that it contained some information that he believes is inaccurate and some information that he disagrees with. He cited the example of Section D.2.e, which states historically the only resolution is that the conflicted regions agree to disagree. He made the point that in one planning cycle, the regions came to an agreement, which allowed them to move forward. He also cited D.2.b and D.2.d as language that he disagrees with. He expressed concern that these would be considered statements of the Board's position. Matt Nelson asked if he should flag the language for the entire IPC to approve. Mr. Thompson agreed to that path forward. Ms. Peek noted that in this draft it seems unclear where the committee role ends and the IPC and TWDB roles begin. She added that the language looks like it's the charge of the committee, but it's to be reviewed by the IPC, specifically all of Section D.

Suzanne Schwartz asked if the committee had any other topics to include as recommendations to move forward to the IPC. The committee members said they did not. Ms. Schwartz then proposed that TWDB staff would revise and send out to committee members to make any comments or edits, and then it would be compiled to submit to the IPC.

5. **Discussion of agenda for future meetings, including background materials needed for the meetings and steps to be accomplished before the meetings** –Gail Peek noted that the committee has addressed the questions before them and that a meeting on September 9 would serve to address anything left outstanding. Jim Thompson and Patrick Brzozowski indicated that they did not see a need to meet but were willing to do so. Ms. Peek said she'd reach out to the other committee members to ask if they wish to meet. Ron Ellis reminded the committee that notice for a September 9 meeting would have to be posted by September 1. He also noted that meeting on a later date may conflict with the IPC's requested committee report due date of September 7. Ms. Peek said she'd let TWDB staff know if the committee would forego a meeting on September 9.

Regarding materials the committee may need, Ms. Peek asked for TWDB staff to provide the updated draft report document and the TWDB "one-pager" on the interregional conflict process.

6. **Report and Possible Action on Report from Chair** – No report.
7. **Public Comment** – None.
8. **Adjourned** –Ms. Peek adjourned the meeting at 11:41 a.m.

Planning Water Resources for the State as a Whole

7/15/20 Meeting

Planning Water Resources for the State as a Whole Committee Meeting Minutes

July 15, 2020, 1:30 p.m. to 3:30 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Number of Planning Water Resources Committee Members present 5 of 5:

H	Mark Evans	C	Kevin Ward	K	David Wheelock
N	Carl Crull	O	Melanie Barnes		

Senators/Representatives/Other VIPs in Attendance: Heather Harward

TWDB Board Members and Staff: Temple McKinnon, Bryan McMath, Patrick Lopez

MEETING GENERAL

Chair Mark Evans (Region H) introduced all committee members and acknowledged Suzanne Scott (Region L), Interregional Planning Council (IPC) Chair. All committee members were present and Mr. Evans determined that a quorum was present and called the meeting to order. Mr. Evans asked Ms. Scott if she would like to speak to the committee. Ms. Scott thanked all committee members for their willingness to serve and stated that formation of subcommittees would be most productive to address the IPC's charges. Mr. Evans asked if any members had comments. Carl Crull (Region N) stated that he is not sure the regional aspects of water needs is a solution to water needs for the State as a whole. Mr. Evans asked that Mr. Crull wait to provide comments discussion portion of meeting.

AGENDA ITEMS

1. Public Comment

No public comments were offered.

2. Review and Discussion of Resources

Mr. Kevin Smith, TWDB point of contact, reviewed list of resources on the TWDB IPC website, related to Planning Water Resources for the State as a Whole. These resources were requested by IPC members during previous IPC meetings.

3. Consideration of an Action Plan

Mr. Evans presented the draft action plan, explaining that the action plan represents high level actions and IPC deadlines. Mr. Evans stated that drafting of the committee's report to the IPC will be done by TWDB staff, based on discussions from committee meetings. It is the Chair's intent that all committee work will be done in meetings, there will not be subcommittees working between meetings, other than

by members forming their thought processes they will bring to meetings. Ms. Melanie Barnes (Region O) asked if members had access to the draft action plan. Mr. Smith stated that the action plan would be developed real-time during the meeting and final version of action plan forwarded to committee members. Mr. Evans detailed the structure of the committee report to the IPC and proposed the following action plan deadlines:

- Complete initial draft of committee report section, August 20th
- Review and edit draft committee report section, August 27th
- Submittal committee report to IPC, September 4th
- Present committee report to IPC, September 15th

4. Discussion of Planning Water Resources for the State as a Whole

Mr. Smith reviewed the committee Problem Statement, Goal Statement and Committee Charges. Mr. Evans then opened discussion on agenda item.

Mr. Crull commented that first paragraph of Problem Statement. Regions with water needs may not have the supplies in their region. Coordination with other regions to meet water needs is problematic. Suggested modifying regional aspect of Problem Statement to emphasize State need as a whole. Mentioned previous planned project to bring water from the Sabine river to west Texas. Numerous reservoir projects from previous water plans which did not consider environmental impacts. These were scrapped when environmental flows considered.

Mr. Evans commented that you find planned strategies have been previously studied. Ground up process gets sponsors involved to build projects.

Mr. Kevin Ward (Region C) noted that planning used to be done by the State with last water plans done by the State was a consensus plan in 1996 or 1997. Mr. Ward indicated that the list of projects serving multiple regions is telling; that there are 34 projects, line items 6 through 29 are all Region C projects. If planning for State as a whole, why aren't other regions doing the same as Region C?

Mr. Ward stated that there is no real effort between regions to share water. Mr. Ward indicated that Senate Bill 1 required looking at interconnections during drought, so all regions have done this. Mr. Ward commented that the regional water planning process doesn't do water planning for the State as a whole, and suggested the bottom up process has run its course and there is a need to utilize agencies for a state level clear vision across state. Mr. Ward stated the water plan has significant money to do its work. Mr. Ward mentioned a recent megadrought study, and that we have groundwater since surface water may dry up.

Mr. Ward suggested that a seawater pipeline throughout the state seawater would be the solution to megadrought and that such a project would need to be sanctioned by the IPC or it would not be considered by the legislature. Mr. Ward commented the need for big ideas and that regions cannot individually do this; if the State asked then regions could.

Mr. Nelson clarified that there are quite a few existing water supplies that flows between regions and interaction with existing supplies. TWDB can provide this information.

Mr. Crull indicated that the Corpus Christi area does not just rely on the Nueces River basin, but has diversified also to the Lavaca River and Colorado River basins, and now seawater desalination and noted that East Texas supplies are more drought tolerant. In response to Mr. Ward's idea of building a seawater pipeline for the state, Mr. Crull indicated that it would be best to treat seawater prior to distribution.

Mr. Evans explained to the committee that his plan was to have two-hour meetings, with a five-minute break after an hour.

Ms. Scott indicated that the Interregional Coordination committee raised the same issue of where in the planning process to move up concept of shared water resources. Ms. Scott reminded the committee that they were charged by Chairman Larson to also look at innovative and multi benefit projects, such as ASR and captured floodwater. Ms. Scott mentioned 'One Water' concept - changing regulation for use of greywater, stormwater, and rainwater harvesting – and raised the question of how regional water planning should look at innovation in the future.

Mr. Evans pointed out the distinction regarding how to consider what is allowable under existing law vs what would require statutory change. Mr. Nelson pointed out that changes in statute might also require changes to resources to agencies.

Mr. Ward mentioned interregional coordination in a context of upstream/downstream locations of wastewater treatment discharges and that in the Dallas-Fort Worth area most of discharge to the Trinity River is used by City of Houston. He indicated that looking holistically at how to better discharge return flows into different tributaries that could benefit other regions and that this would require regulatory change.

Mr. Evans indicated that there currently are \$8 billion worth of projects to use Trinity River water to Luce Bayou and Lake Houston, with the examples of the northeast Houston treatment plant expansion project and water authorities in Harris and north Fort Bend Counties.

Mr. Ward indicated that there is push to consider water supplies in other regions, and suggested the committee look at a process that state committees could use to develop state's water resources and that such an approach could come up with different answers.

Mr. Crull indicated that Corpus Christi area has historically looked at surface water supplies and that that 40 percent of water supply in Region N goes to industry. He indicated that because the region needs a drought proof supply it is looking at seawater desalination and that the effort is supported by fees paid by industries.

Ms. Barnes indicated that a balancing of upstream reuse and downstream seawater desalination should occur at regional level.

Mr. Crull pointed out the environmental flows and bays and estuaries requirements issues and that how people along the coast are vocal on this issue.

Mr. Evans pointed out the agriculture and natural resources language in the Goal Statement.

Ms. Barnes indicated that in her region, a recent ruling allows a 1:1 reuse.

Mr. David Wheelock (Region K) mentioned the Trans-Texas Water Program that went away and became Senate Bill 1 and expressed interest in obtaining information on existing interregional water transfers. Mr. Wheelock commented that House Bill 807 discussed regional coordination, but that the committee discussion has grown to statewide issues. Mr. Wheelock asked the question “what do we consider multi-regional; is it two regions or more than two regions?” Mr. Wheelock brought up the issue of Interbasin Transfer (IBT) rules with TCEQ, and commented that they are a major consideration. Mr. Wheelock suggested need to discuss changes to IBT rules. Mr. Wheelock indicated that there would be more interregional project in Central Texas but for IBT rules, and that this is probably true around the state.

Mr. Evans pointed out that the committee doesn’t have to necessarily make recommendations on all discussed issued, but can state observations in the committee report, then IPC can decide what to recommend.

Mr. Nelson asked the committee what they believe is preventing larger multi-regional project in the regional plans?

Mr. Evans commented that when speaking with representatives from other states, they say that water planning in Texas is the model.

Mr. Nelson indicated that resources (time and financial) limits are likely one issue and asked the committee what changes could be made to achieve better coordination?

Mr. Evans responded that the committee charges allowed for committee to develop additional solutions as needed.

Mr. Ward indicated that if there’s not a task and required chapter in the plan [to address interregional coordination] then you won’t get it. Mr. Ward asked to confirm if House Bill 807 addressed multi-regional planning areas? Ms. Scott clarified that the bill also discusses coordination among regional water planning groups and planning for the State as a whole.

Mr. Ward suggested that during the regional water planning group chairs conference call, could have discussion of multi-regional projects and reiterated that this is not a required task for consultants or chapter in regional water plans. Mr. Ward indicated that if regional water planning budgets were reduced, and the TWDB increased, the process would change.

Mr. Crull suggested increasing the responsibility of planning group liaisons, giving them responsibility for discussing interregional projects.

Mr. Wheelock commented that the current regional water planning process does consider needs for the State.

Ms. Barnes indicated that a missing piece is a group that brainstorms ideas which can then be considered by the regions.

Mr. Nelson clarified that regional water planning groups do state planning, but asked what within current framework is not working? Mr. Ward responded that “we’re not there yet” and that regions currently have enough water, but that in the future regions will have to get water from other regions

since basis of water plan is to get the cheapest water first versus what is best for the State. Mr. Ward indicated that the planning process needs to look beyond 50 years, even 250 years.

Ms. Scott commented that what drives regions is making customer costs and contracts work; can't increase rate, must be affordable, customers must be happy. She indicated that the state has never sponsored a project that has that risk involved. Ms. Scott stated that there may be a multi-region project that addresses region's needs, but economically would not work for a sponsor's customers. Asked if the State could sponsor a project; local regions could buy into a State project?

Mr. Nelson asked what could be done in the current framework to address this and mentioned state participation in projects. Ms. Barnes replied there is no place currently in the regional planning process [to consider multi-region projects] and doesn't think planning groups are encouraged by TWDB or the legislature. Mr. Evans indicated that limitations may be included in committee report.

Mr. Wheelock suggested that the scopes of work for regional water planning include a requirement that all strategies be evaluated for whether they could be a multi-regional project and offered the example of Region K joining a seawater desalination project with neighboring region.

Mr. Ward suggested finding regions to pair in multi-regional projects, and indicated that it is common in Region C for major water providers to do this. Mr. Ward stated there currently isn't mechanism for interregional "focus groups" to get together and look at projects.

Ms. Barnes asked if there were specific documents for members to read, Mr. Evans responded that there is an upcoming agenda item addressing future reference materials and Mr. Nelson indicated that there are relevant documents on the IPC webpage.

5. Discussion of Next Steps

Mr. Crull stated looking at Trans-Texas Water Program Reports and previous state water plans would be beneficial.

Mr. Ward suggested comparing lists of all IBTs, before Senate Bill 1 and before Senate Bill 3. Mr. Nelson indicated that TWDB does not keep this information and that TCEQ has this information; TWDB has map of existing transfer of water between basins and will provide.

Mr. Ward indicated that if we looked beyond 50 year planning, it could produce a planning script for whole state.

Mr. Wheelock asked in 2021 regional water plans what projects would need IBT that doesn't currently have one?

Mr. Evans proposed the following committee schedule, based on member input:

- July 28th at 1:30 pm
- August 6th at 10:00 am
- August 20th at 1:30 pm
- August 27th at 1:30 pm

6. Discussion of Agenda for Future Meetings

Mr. Evans discussed agenda for future meetings.

7. Public Comment

No public comments were offered.

8. Adjourn

Mr. Evans asked for motion to adjourn. Mr. Crull motioned, Mr. Ward seconded motion. The meeting adjourned at approximately 3:22 pm.

7/28/20 Meeting

Planning Water Resources for the State as a Whole Committee Meeting Minutes

July 28, 2020, 1:30 p.m. to 3:30 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Number of Planning Water Resources Committee Members present 5 of 5:

H	Mark Evans	C	Kevin Ward	K	David Wheelock
N	Carl Crull	O	Melanie Barnes		

Senators/Representatives/Other VIPs in Attendance: Deb Mamula, Heather Harward

TWDB Board Members and Staff: Matt Nelson, Kevin Smith, Temple McKinnon, Claire Boyer

MEETING GENERAL

Chair Mark Evans (Region H) called the meeting to order and determined that a quorum was present and called the meeting to order.

AGENDA ITEMS

1. Public Comment

No public comments were offered.

2. Approval of the Minutes of the July 15, 2020 Meeting

There were no revisions suggested by the committee members. Mr. Evans asked for motion to approve minutes. Mr. Carl Crull (Region N) motioned to approve, Mr. Kevin Ward (Region C) seconded. ***Minutes of the July 15, 2020 meeting were approved unanimously by the committee.***

3. Review of Problem Statement and Goal Statement

Mr. Evans presented Problem Statement and Goal Statement.

4. Discussion of Planning Water Resources for the State as a Whole

Mr. Matt Nelson discussed the current role of the State in supply planning and implementation of the State Water Plan (SWP). He explained that the legislature appropriates funds for development of the SWP including state agency staff to support SWP development, and summarized financing programs (State Revolving Fund, SWIFT) that fund SWP projects. He described the state and board participation programs whereby the state may take an ownership interest of up to 80% of the capacity of large

regional projects in growing areas and described other indirect agency activities such as groundwater modeling and regional MAGs that support water planning.

Mr. Evans moved the discussion to what are the specific hindrances that prevent regions from adequately and cooperatively developing innovative and multi-benefit (multi-region) projects for the state as a whole.

Mr. Ward asked if the committee report to the Interregional Planning Council would include existing background information and suggested the report should so legislature is aware of all programs and funding. Mr. Kevin Smith stated that under the current IPC report outline, there is a section for summary of existing practices and conditions including relevant background. Mr. Nelson indicated that another background item might be that the state has included in the state water plans projects recommended by the planning groups and the state has not modified or added to those projects.

Mr. Nelson indicated that the lack of a specific scope task or chapter in regional water plans to look at multi-regional projects is one example of what has been heard that might represent an obstacle. Mr. Evans stated that the IPC will want a good idea where the committee report is headed by the August 12th meeting, since timeline to complete the committee report has been compressed.

Mr. Nelson introduced the topic of obstacles to consideration of multi-regional projects that are associated with regional water planning process. Mr. Ward responded that reluctance to bring water inland that returns to coast for reuse doesn't occur and that the process is driven by least cost alternative and not planning from the state perspective, that is the issue. Mr. Ward suggested a regional water planning task to consider projects if cost was not a factor and there were different incentives. Currently project cost and sole ownership of projects is overemphasized.

Mr. Crull stated that regional water plan projects must have sponsor and be responsible to customers, so don't consider projects with other regions. Mr. Evans pointed out that sometimes there can be a lack of public support for these types of projects. Ms. Melanie Barnes (Region O) suggested there needs to be more education on regional coordination issues.

Mr. Ward stated an issue is the current use of drought of record as standard for regional planning and stated if, instead, a megadrought was instead used, would have to look at other supplies more like desalination and create larger projects instead of individual smaller ones. Mr. Ward stated example USACOE reservoir permitting requirement to justify a narrow need that doesn't look at longer timeframes and optimal projects sizes for ultimate buildout and worse droughts or involve state incentives.

Mr. Evans asked if there should be a regional water planning task to address long range, visionary planning to look at larger solutions than currently in the plans. Mr. Ward responded yes. Mr. Evans asked if this should be a recommendation from the committee. Mr. Crull and Ms. Barnes both affirmed.

Mr. Crull stated that planning cannot just look 20 to 50 years out. He stated that since 40% of water need is from industry, it is difficult for the City of Corpus Christi to anticipate need since industries can create need at any time versus steady population growth; Region N has cushion in RWP to address this.

Ms. Barnes stated need to consider which regions are downstream of other states, need to consider interstate issues at the state level.

Mr. Nelson pointed out that the current regional water planning process allows for planning beyond drought of record. Mr. Ward confirmed and indicated that that existing planning now doesn't extend to the degree that we are talking about for larger regional projects and more supplies. He also stated that he wouldn't want to rely on getting water back from industries. Mr. Crull agreed and stated this is why industries in Region N want seawater desalination, industries generally can't reduce use in drought and if industry shutdown may not return. Mr. Crull stated there was discussion of a regional project with San Antonio paying for seawater then tapping into Choke Canyon reservoir, but not feasible since would need new surface water treatment plant at the lake.

Mr. Evans introduced the topic of obstacles associated with existing laws and rules. Mr. Ward stated interbasin transfer (IBT) rules was an obstacle. Mr. Nelson presented the potential 2017 SWP interbasin transfer map and map table that had already been shared with members. Mr. Nelson stated that can provide interregional water shifts at a later date. Mr. Nelson stated that approximately 20 percent of strategy water supplies involve moving water between planning regions. Mr. David Wheelock (Region K) asked if volumes in table has been added up. Mr. Nelson replied that it is significant to see amount of water and total is not trivial by any means. Mr. Crull asked if volumes are in ac/ft/yr, GBRA project value appears to be low. Mr. Nelson clarified volumes may reflect those assigned to water user groups and not the full potential volume.

Mr. Wheelock inquired what is the relationship between IBTs and interregional transfers; could refine table so shows greater amount of planned water. Mr. Nelson explained that map represents number of times someone would need to get a new IBT permit at TCEQ. He stated that TWDB can provide interregional transfer volumes later on when we have staff time. Mr. Wheelock inquired about list of existing IBTs. Mr. Nelson replied that TCEQ would have this information. Mr. Wheelock stated he has seen map in 2002 State Water Plan.

Mr. Wheelock stated his agreement for need for visionary planning of larger regional projects. He stated individual regions creates a state water plan, but its not the same as planning for state as a whole; an updated IBT map would show that there needs to be something bigger and bolder. Mr. Crull responded that may be project from 2017 IBT map no longer pursued; for example the GBRA lower basin off-channel reservoir project was removed from 2021 Region N IPP. Mr. Evans suggested this may be a recommendation to make to future IPCs. Mr. Wheelock stated he is aware of a project not on the map (Williamson County).

Mr. Ward mentioned land condemnation being difficult for large scale projects. There is no joint planning between transportation and water agencies. Mr. Crull responded that TxDOT right-of-way is an issue since you may have to move water line if road is expanded.

Ms. Barnes asked if groundwater was tracked when as part of IBTs? Mr. Nelson replied that TWDB has dataset for groundwater information and that groundwater transfers don't necessarily involve river basins.

Ms. Barnes stated that the City of Lubbock puts groundwater into surface water supply and is permitted to use all of its groundwater (no environmental flow requirements) and that what it puts into the stream it may take out. Mr. Wheelock stated the City should have full use of groundwater in this case due to developed water concept principal. He stated that stormwater as well would be available for full use with no legal obstacles.

Mr. Ward addressed obstacles associated with ownership of water supplies. Mr. Ward stated that reservoir owners with storage are not inclined to let groundwater be put into their reservoir storage. Mr. Ward stated that TCEQ discourages groundwater supply stored in surface water. Mr. Crull replied that groundwater transmitted straight to a water treatment plan rather than impoundment avoids evaporative loss.

Mr. Crull stated that ASR projects have issues regarding water supply ownership. Ms. Barnes asked who besides the City of El Paso is doing ASR. Mr. Ward responded that the City of San Antonio uses ASR. Mr. Crull replied the City of Corpus Christi is considering ASR. Mr. Nelson commented that recent legislation lowering restrictions on ASR project injection water quality. Mr. Crull noted right-of-capture issues with regard to access to/protect of the injected water bubble. Mr. Ward stated that if no groundwater conservation district, could be restricted on what can be pumped out of ASR.

Mr. Ward indicated that some of these types of issues/projects being discussed might be good issues to just indicate observations about these issues.

Mr. Ward introduced the topic of obstacles associated with many competing needs for water. Mr. Ward stated that environmental laws are an obstacle; when these laws were created, environmental abuse was more significant than is currently and that there needs to be better granularity. Mr. Ward suggested that for impacts to threatened/endangered species, increasing funding for impact studies.

Mr. Crull stated in Region N freshwater inflow requirements exist for fishing and shrimping industry; Choke Canyon reservoir has permitted requirements for environmental flows. Mr. Crull questioned how to balance quantity of environmental flows and suggested that environmental flow must be in proper location for species habitat, not just flow volume. Mr. Ward commented that WAM run used for regional water planning assumes no return flow and suggested that these discharges and other flows be integrated into the planning process.¹ Ms. Barnes asked if there is enough information and science to quantify competing needs. Mr. Crull stated the science may not ever have enough data and a cutoff should occur at some point. Mr. Ward stated that there is a difference between water resource planning and water supply planning. Mr. Ward stated that because of environmental flow requirements, the Trinity River has greater flow than it would naturally.

Mr. Evans introduced the topic of obstacles associated with sponsorship of potential projects. Mr. Crull commented that the obstacle to sponsorship is finding an entity that can afford project; generally these will have to be large water providers. Mr. Evans commented that large providers also have the water rights. Mr. Ward stated that if a large provider did an interregional project, there is no incentive for the sponsor to provide connections to other smaller entities along the way. Mr. Ward stated that there previously existed a funding program for the state to provide these connections, and suggested that for large projects there be a requirement to evaluate state water need. Mr. Ward stated that state participation is only used by sponsors to gain future water reserves for only themselves while deferring costs; state participation is not used to include smaller entities into large projects. Mr. Ward gave the example of Toledo Bend reservoir as a state participation project with future water reserves. Mr. Ward stated that instead of the state sponsoring and holding water supplies, smaller entities are now pay-as-

¹ Agency note: The current regional water planning requirements allow for consideration of return flows in the planning process and these are included in numerous regions.

you-go since entities do not risk future water reserves and asked where is the state's role since the state is no longer a sponsor. Mr. Crull agreed that to invest in a supply for someone who may or may not take the water in the future is a hard sell and that, instead, the lowest cost to current customers is priority for water providers. He provided an example of the City of Corpus Christi not being able to buy unused water rights from another water provider because it would have raised customer rates. Mr. Ward replied that unused water rights can be cancelled.

Ms. Barnes asked how flood control projects related to water supply. Mr. Ward responded that water supply would be considered in new regional flood planning program. He indicated that it is land-intensive to store off-channel and that flooding in cities goes downstream, but not in middle basin areas. Mr. Ward suggested that for the Trinity river flood water could be stored in an off-channel reservoir and pumped back into the ground, but the state would need to assist due to high cost.

Mr. Evans introduced the topic of the types of innovative projects that are hindered, and why. Mr. Ward and Mr. Crull indicated that high cost and public perception/acceptance of reuse water are hinderances to innovative projects. Mr. Ward also commented that more can go wrong with sophisticated projects.

The committee discussed how to coordinate comments from members for the draft committee report within Open Meeting Act requirements.

Mr. Crull commented that related to competing needs, the regional water planning groups have different urban and rural needs. Mr. Evans responded that any region with a major city will have this issue. Mr. Crull responded that the RWPG prioritizes urban need. Mr. Ward suggested that major water providers meet to discuss planning and find possible cooperative efforts. Mr. Ward discussed the concept of state "water grid" with shared costs and shared resources for the state.

5. Discussion of Agenda for Future Meetings

Mr. Smith reviewed the committee report outline as shown in IPC report outline. Mr. Evans clarified that agenda for next 8/6 meeting includes action item for approving draft committee report.

6. Public Comment

No public comments were offered.

7. Announcements

Mr. Evans discussed dates for future committee and IPC meetings.

8. Adjourn

Mr. Evans asked for motion to adjourn. Mr. Crull motioned, Mr. Wheelock seconded motion. The meeting adjourned at approximately 3:28 pm.

8/6/20 Meeting

Planning Water Resources for the State as a Whole Committee Meeting Minutes

August 6, 2020, 10:00 a.m. to 12:00 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Number of Planning Water Resources Committee Members present 5 of 5:

H	Mark Evans	C	Kevin Ward	K	David Wheelock
N	Carl Crull	O	Melanie Barnes		

Senators/Representatives/Other VIPs in Attendance: Heather Harward

TWDB Board Members and Staff: Sarah Backhouse, Kevin Smith, Claire Boyer, Lann Bookout

AGENDA ITEMS

1. Call to Order and Welcome

Chair Mark Evans (Region H) called the meeting to order and determined that a quorum was present and called the meeting to order.

2. Public Comment

No public comments were offered.

3. Approval of the Minutes of the July 28, 2020 Meeting

There was a comment to revise attendance list for TWDB staff. Mr. Evans asked for motion to approve minutes. Mr. David Wheelock (Region K) motioned to approve, Ms. Melaine Barnes (Region O) seconded. ***Minutes of the July 28, 2020 meeting were approved unanimously by the committee.***

4. Review of Problem Statement and Goal Statement

Mr. Evans presented Problem Statement and Goal Statement.

5. Discussion of Planning Water Resources for the State as a Whole

Mr. Kevin Smith presented the recommendations in the Planning Water Resources committee report to the Interregional Planning Council (IPC) to be presented at the August 12,2020 IPC meeting. Recommendations in report were as follows: 1) Long range and visionary planning and 2) Planning from state perspective.

The committee stated that Recommendation 1,b., i. (Legislative recommendations) should be specific that the legislature provide funding to implement recommendations. Mr. David Wheelock (Region K) stated that the order of the TWDB recommendation and Legislative recommendation should be switched. Mr. Carl Crull (Region N) stated funding is limited and currently Region N only has funds to address areas of supply shortage. Mr. Crull stated that they rely on project sponsors to justify and provide information for the plan. Mr. Evans agreed that new tasks must be funded.

Mr. Wheelock stated that planning beyond 50-year horizon and planning for droughts worse than the drought of record (DOR) is significant. He pointed out that low growth regions have suggested doing simplified planning and questioned how these recommendations would effect these regions. Mr. Wheelock suggested revising the TWDB recommendation so that the proposed new planning tasks were “authorized” rather than “required”. removing language “consider” when addressing legislature.

Ms. Sarah Backhouse asked the committee if current 50-year planning horizon would remain with long range and visionary planning. Mr. Mark Evans (Region H) replied 50-year planning horizon should stay and suggested that revisions to the planning horizon could be addressed by future IPCs. Ms. Melaine Barnes (Region O) stated state level involvement would help some of the RWPGs. She stated that 50-year planning horizon limits imaginative thinking for state as a whole. Mr. Crull stated that 50-year planning horizon should remain but the regional water plans would include an additional chapter to consider beyond 50-year planning horizon to consider statewide and multi-regional projects. Mr. Evans agreed. Mr. Kevin Ward (Region C) asked if the issue isn’t 50-year planning but long-term megadroughts.

Mr. Evans asked if projects are to be considered without regard to the lowest cost;, should the state be the project sponsor. Mr. Ward responded that Toledo Bend reservoir is still owned by the state and that funding is not the issue and provided an example of TWDB funding billions of dollars to projects. Mr. Ward added that Lake Conroe was also funded and owned by the state, later bought back by a local entity.

Mr. Ward agreed that the order of the Legislative and TWDB recommendations should be switched. Ms. Barnes stated legislature recommendations should be first since the state would need to allow this visionary planning to occur.

The title of Recommendation 1 was agreed by the committee to be revised to include “regional water planning process.” Mr. Evans stated important that recommendations are tied to the regional water planning process since that is currently in use. Ms. Barnes stated that recommended tasks should occur at beginning of the process. The committee discussed the language in the Brief Observation for Recommendation 1 and revised the observation to include obstacle of project sponsorship and state that obstacles do not facilitate the consideration of inter-regional and statewide water planning projects. Committee agreed to switch order of Legislative and TWDB recommendations.

The committee discussed Recommendation 1 language to the TWDB. Mr. Wheelock questioned if the 50-year planning horizon was broadened, is it implicit that the TWDB would develop guidelines. Ms. Backhouse stated that guidelines are revised with rule changes, doesn’t think needs stating in recommendation. The recommendation language was revised to clarify potential water needs as potential water shortages and clarify that feasible projects should be evaluated without limitations to sponsorship or costs.

Recommendation 1 to the legislature was revised to capture that the state returning to initial sponsorship of projects without guarantees from local sponsors.

Recommendation 1 to RWPGs received one minor grammatical revision.

Recommendation related to RWPG liaison was removed since recommendation was assigned to the Interregional Coordination Committee.

Recommendation to future Interregional Planning Council's was added to consider whether the IPC is the appropriate mechanism for planning for water resources for the state.

The committee discussed Recommendation 2 and agreed to remove Recommendation 2 and move some of the proposed items to Recommendation 1. The legislative recommendations related to state agencies under Recommendation 2 were moved to Recommendation 1. The RWPG recommendation regarding Chairs conference calls under Recommendation 2 was moved to the TWBB recommendation under Recommendation 1. Remaining Recommendation 2 was removed. The Brief Benefits from Recommendation 1 and 2 were combined.

6. Discussion of August 6, 2020 Interim Report

Kevin Smith noted that the committee initially planned to review the draft Council report at this meeting and discussed the schedule for report development. The committee section of the draft IPC report will now be reviewed at the August 20 meeting.

7. Discussion of Agenda for Future Meetings

Mr. Evans discussed plan to approve committee report to IPC at August 20th meeting.

8. Public Comment

No public comments were offered.

9. Announcements

Mr. Evans discussed dates for future committee and IPC meetings.

10. Adjourn

Mr. Evans asked for motion to adjourn. Mr. Crull motioned, Ms. Barnes seconded motion. The meeting adjourned at approximately 12:07 pm.

8/20/20 Meeting

Planning Water Resources for the State as a Whole Committee Meeting Minutes

August 20, 2020, 1:30 p.m. to 3:30 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Number of Planning Water Resources Committee Members present 5 of 5:

H	Mark Evans	C	Kevin Ward	K	David Wheelock
N	Carl Crull	O	Melanie Barnes		

Senators/Representatives/Other VIPs in Attendance: Heather Harward, Katherine Thigpen

TWDB Board Members and Staff: Temple McKinnon, Matt Nelson, Kevin Smith, Brian McMath

AGENDA ITEMS

1. Call to Order and Welcome

Chair Mark Evans (Region H) opened the meeting and determined that a quorum was present and called the meeting to order.

2. Public Comment

No public comments were offered.

3. Approval of the Minutes of the August 6, 2020 Meeting

There were no comments. Mr. Kevin Ward (Region C) motioned to approve, Mr. David Wheelock (Region K) seconded. ***Minutes of the August 6, 2020 meeting were approved unanimously by the committee.***

4. Review of Problem Statement and Goal Statement

Mr. Evans presented Problem Statement and Goal Statement.

5. Discussion of Planning Water Resources for the State as a Whole

Mr. Kevin Smith discussed the recommendations in the Planning Water Resources committee report to the Interregional Planning Council (IPC) presented by Mr. Evans at the August 12, 2020 IPC meeting, noting that Mr. Jim Thompson (Region D) voiced concern with recommendation to legislature to utilize state agencies to develop a state level vision of planning resources for the state as a whole.

Ms. Melaine Barnes (Region O) stated that her understanding of the recommendation is to use state agencies when regional water planning brought projects forward, then state agencies would take action.

Mr. Carl Crull (Region N) stated that for large-scale and multi-regional projects a group should take a lead role, state agencies could be used to put individual entities into such group. Mr. Evans asked if this recommendation (state level vision) be moved to future IPCs. Mr. Kevin Ward (Region C) stated his understanding that state agencies could be used to get information on large-scale project so regions could develop such projects and that state agencies provide expertise for such projects. Ms. Barnes asked if the RWPGs or IPC needed permission from the legislature to ask agencies for information; she agreed with moving recommendation to Future IPC section. Mr. Ward suggested including "expertise" to recommendation. Mr. Wheelock suggested revising "develop" with "assist." Mr. Evans questioned if "state" should be removed from "state agencies." Mr. Ward commented that federal agencies are not helpful. Ms. Barnes stated that "state agencies" should remain. Committee agreed to move recommendation to future IPC section.

Mr. Evans questioned if legislative recommendation regarding a process amongst state agencies should be removed. Mr. Ward provided an example of TPWD providing comments at the end of a project which is almost complete. Mr. Ward stated that there is a difference between involvement early versus when project alternatives are already developed. Mr. Matt Nelson reminded that there is a requirement in regional water planning process for non-voting members of regional water planning group from some agencies. Mr. Crull replied that these representatives may say one thing, but agencies may say another thing. Ms. Barnes stated that large-scale and multi-regional project need state involvement and coordination. Mr. Ward stated that non-voting member agency representatives to give input at planning meetings. Ms. Barnes replied that it depends on individual representatives and if they are asked to be involved. Committee decided to leave recommendation but revised to include "at the state-level."

Ms. Barnes questioned if committee recommendations were too succinct. Mr. Evans asked if the committee was addressing everything they wanted. Mr. Ward replied that if there were several recommendations, would have to revise a lot. Mr. Crull replied that more length would lose the message.

Mr. Evans asked if the committee was okay with RWPG recommendations; the committee confirmed they were. Mr. Wheelock questioned whether to include the TWDB or state agencies to Future IPC recommendation concerning whether the IPC or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole. Mr. Evans replied that he thinks TWDB is implied in recommendation. Mr. Wheelock asked if IPC recommendations would create more centralized planning. Ms. Barnes replied that planning outside of RWPG is beneficial since RWPG have regional interests and bias. Mr. Evans confirmed if committee was okay with IPC recommendations; committee confirmed yes.

Mr. Smith introduced the Review of Existing Practices and Conditions (with committee observations) section of the IPC report. Mr. Wheelock stated for Existing Regional Water Planning section to remove "adequately" to "was not designed." Ms. Barnes replied that intent is not to redesign the existing regional water planning process. Mr. Ward stated planning process should include needs of others and joint planning, not just looking at local supply/needs with same typical sources. Ms. Barnes stated to include "Interregional Planning Council" to paragraph one introduction.

Mr. Wheelock stated Existing Multi-regional Water Project and Supplies section should include City of Lubbock, Williamson County, and Luce Bayou multi-regional projects. He stated that section should reference number of interbasin transfers. Mr. Ward clarified that 30%, not the majority, of treated effluent to the Trinity River from the Dallas-Fort Worth area is used by the City of Houston.

Mr. Crull stated Previous State Water Planning section should be revised to include “desalinated” seawater.

Mr. Wheelock stated Long-term and Visionary Planning section should be revised from “not feasible” to “difficult and sometimes not feasible.” Mr. Evans stated “large-scale” should be removed. Ms. Barnes stated revision should include “statewide” and “are not a focus.” Mr. Ward stated that large-scale projects are last resort. Recommendation was revised to “are not a focus.” Mr. Evans asked if reference to Region N desalination project should stay. Mr. Ward stated drought proof water supply (desalination) should remain and add reference to megadrought study. Mr. Ward stated that last sentence revised to include “interregional coordination of partnerships” and strike “for industry” and replace with “for the region when it has the potential to involve multiple regions.”

Mr. Evans stated Project Sponsorship section should replace “themselves” with “project sponsors.” Mr. Evans questioned the statement that state participation is not used for multi-regional projects. Mr. Nelson responded that SWIFT program has been used for such projects. Committee discussed the issue of sponsorship for large-scale projects since any sponsor has to consider impact to customer rates. Committee decided to remove reference to “not used for multi-regional projects” and Toledo Bend reservoir, added “SWIFT board participation financing programs.”

Mr. Wheelock stated Existing Laws and Rules section should replace interbasin transfer “rule” with “law” and remove statement from observation that TCEQ rules discourage groundwater supplies stored in surface water supplies. Mr. Ward stated “justified” needs should be replaced with “identified water supply” needs.

Mr. Evans stated Innovated Projects section should replace “such” with “including.”

Mr. Evans stated that Methods to Improve Regional Coordination section has been tasked to another subcommittee. Mr. Ward stated that reference to using state committees to develop state water resources should be removed and clarified this was more in the context of regional conflict, which IPC and RWP process may not be able to resolve. Ms. Barnes stated an observation that planning groups talk earlier in the regional planning process be included. Ms. Temple McKinnon clarified that the Enhancing Interregional Coordination committee is looking at this.

Mr. Smith stated that he was not sure procedurally if the IPC would have comments before the next IPC meeting on 9/15 that would require revisions the to committee’s section of the IPC report.

The committee returned to discussion of Existing Multi-regional Water Project and Supplies section Mr. Smith clarified that this section intended to make the observation that the committee acknowledged existing multi-regional projects and reference materials developed during committee meetings. Mr. Ward asked if the IPC report would include illustrations or reference materials. Mr. Nelson replied that the report could include reference documents if the committee requested. Mr. Wheelock stated that there are many existing interbasin transfers and multi-regional projects. Mr. Ward replied that observation should state that while previously these occurred, there are less of these strategies currently. Ms. Barnes stated committee has addressed multi-regional project but asked if interregional basin transfers have been addressed. Mr. Wheelock questioned if multi-region and interbasin transfers were synonymous? Mr. Ward stated that not all multi-regional project are interbasin transfers. Mr. Wheelock stated to include appendix of interbasin transfers, with caveat they are not necessarily multi-regional. Mr. Nelson replied they are not the same but had overlap. Mr. Wheelock stated that most

projects are single purpose projects for one entity and asked if they involve interbasin transfers and multiple regions, with the project truly is multi-regional. Mr. Evans asked if second sentence related to number of recommended multi-regional water management strategies should be removed. Mr. Ward replied that it is important to note lack of multi-regional projects and IBTs in state water plan. The committee agreed to replace the last four sentences with “The committee noted that historically there was less concentration of multi-regional projects in a single area.” Mr. Wheelock asked if multi-regional projects by definition can be associated with one region (Region C). Language was revised to “involve the Region C planning area.”

6. Discussion and Action, as appropriate – Approval of committee report to Interregional Planning Council

Mr. Evans asked if motion to approve committee section of IPC report for submittal to IPC with authorization for committee staff and chair to make non-substantive changes. Mr. Crull motioned, Mr. Ward seconded. ***Committee approved motion unanimously.***

7. Discussion of Agenda for Future Meetings

Mr. Evans asked committee if need to keep scheduled August 27th meeting? Committee responded it is the chair’s decision. Mr. Evans proposed that he will look at changes to committee section to IPC report and decide if meeting is warranted.

8. Public Comment

Ms. Heather Harward commended the IPC, committees and TWDB for work involved. She stated that IBTs used to be charted pre SB1 versus post SB1 and suggested presenting this information with interregional projects. Ms. Harward asked how would the legislature respond to the observation that the regional water planning process is working, but not designed for visionary and interregional projects.

9. Announcements

Mr. Evans expressed his appreciation for all committee members and staff.

10. Adjourn

Mr. Evans asked for motion to adjourn. Mr. Crull motioned, Ms. Barnes seconded motion. The meeting adjourned at approximately 3:49 pm.

Best Practices for the Future of Planning

7/15/20 Meeting

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

July 15, 2020, 1:30 p.m. to 3:30 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 5 of 5: Steve Walthour (Region A), Russell Schreiber (Region B), Allison Strube (Region F), Kelley Holcomb (Region I), and Tomas Rodriguez (Region M)

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, Claire Boyer

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order and reviewed the agenda. Sarah Backhouse (TWDB) determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Review and Discussion of General Best Practice Resource Documents available on the Council Webpage

Mr. Walthour reviewed the list of General Best Practice Resources documents available on the Council's webpage. He asked if there was any discussion or clarification needed on any of the documents. Hearing none, Mr. Walthour noted that the resource documents will be considered in more detail over the next several meetings as the committee continues its work.

4. Discussion and Action, as appropriate – Consideration of an Action Plan for Committee Work

Mr. Walthour noted that a general schedule for committees has been sent out. The committee will need to select meeting dates and make work assignments to complete its charge. Mr. Walthour added that members need to be aware of and avoid walking quorums. He recommended that members prepare information individually and then submit any materials to be discussed and shared during meetings to TWDB staff to include in meeting presentations. Materials should be submitted to TWDB staff by noon the day before the committee meets.

Mr. Walthour asked if the committee had any ideas on how to move forward with the committee action plan and if there was any additional discussion on the action plan and member roles. Kelley Holcomb (Region I) asked that the committee consider what dates it plans to meet in order to get things on the calendar. Mr. Walthour confirmed that the committee will discuss setting a schedule later in the meeting and added that he is aiming for the committee to hold several meetings that are a few hours long.

5. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour reviewed the Council problem and goal statements on the topic of general best practices for future planning.

Problem statement: Formal requirements may stymie the use of best practices. Formalized sharing of information between regional water planning groups (RWPG) is not always facilitated timely in the planning cycle by TWDB, including group processing of Chapter 8 recommendations. Funding may be inadequate to devote time and effort to reviewing best practices.

Goal statement: The regions will review processes for improvement in sharing and solving best practices among and between regions. A formalized process will occur early in the planning process so that best practices are shared between regional water planning groups.

Mr. Walthour noted that the problem and goal statements may be changed but are what the committee will work with moving forward. He asked if members had reviewed Chapter 8 recommendations and suggested Chapter 8 recommendations be reviewed prior to the next meeting.

The committee reviewed several brainstorming items discussed at the June 29, 2020 Council meeting including: Chairs' calls are scheduled to share information but cover so much that don't have opportunity to brainstorm and prior work sessions held by TWDB are no longer held or formally documented.

Mr. Walthour noted several issues with the simplified planning process. He explained that simplified planning was originally created for regions, like Region A, where population and demand projections don't change substantially every five years. He suggested that simplified planning requirements are not effective and recommended that the simplified planning process be revised or removed. Mr. Holcomb added that simplified planning sounded good, but he didn't see an application for it since supply and demand have to be very simple to pursue the simplified planning option.

Russell Schreiber (Region B) added that Region B considered simplified planning this cycle but chose not to pursue it. Ms. Backhouse (TWDB) confirmed that no regions pursued simplified planning this cycle. Mr. Walthour noted that Region A wanted to do simplified planning but decided not to after reading through all of the simplified planning requirements. Mr. Schreiber suggested that if regions aren't using simplified planning maybe it should be removed. Mr. Walthour proposed adding review of the simplified planning process as an issue for the committee to consider. Allison Strube (Region F) and Mr. Holcomb agreed. Ms. Strube ask how long the simplified planning option has been available. Ms. Backhouse noted that this is the first cycle that simplified planning through Senate Bill 1511 has been an option. Another simplified planning process was available prior to the current process. Ms. Strube added that Region F discussed simplified planning this cycle and reviewed the requirements, but the region did not pursue simplified planning. Mr. Walthour will review this topic more prior to the next meeting.

Mr. Walthour noted that at the June 29 meeting the Council discussed several issues with engagement. Mr. Walthour asked committee members to share their experiences with RWPG engagement. Mr. Holcomb shared that Region I has difficulties with RWPG member and public engagement. He often finds himself talking about things for the administrative record more so than engaging in discussions. Ms. Strube shared that Region F rarely has public comments offered at meetings. There are times that members engage in discussion of items, but primarily the consultants do most of the talking in the RWPG meetings.

Mr. Schreiber concurred that Region B has had a similar experience with engagement. He added that RWPG members have a variety of occupations. Some members are farmers or retired irrigation district

managers that do not deal with the planning process on a day to day basis. It can be difficult to get members engaged in the whole concept of the regional water planning process. RWPG members may not understand the technical details of how the plan is developed. Mr. Schreiber added that he was not aware until recently that the TWDB has a guide for new members on the TWDB website. Ms. Strube noted she was not aware of the new member guide. Mr. Schreiber added that having members better informed and educated on the whole process is needed. Mr. Walthour noted difficulties he has had onboarding new members and educating them on the regional water planning process. He suggested all members could benefit from a training or orientation on the process at the beginning of each planning cycle. Mr. Walthour asked if engagement was a topic the committee should add to their list to review. Mr. Holcomb agreed it should be reviewed, but added he is not sure the problem is solvable. Region I has tried many things to get RWPG members and the public engaged. When things are going well, it can be difficult to get people engaged. Mr. Walthour asked for a volunteer for writing a few bullet points on the topic of engagement for the next meeting. Mr. Holcomb volunteered to take on this topic.

Mr. Schreiber suggested that part of the problem may be a lack of understanding of what consultants are presenting. Members who don't deal with water supply every day may not be familiar with planning terminology and the specifics of the planning process, yet they are being asked for their input on water supply.

Ms. Strube agreed. She added that what is applicable to private industry, such as oil and gas, is not necessarily applicable to municipal systems since they operate very differently. Representatives have different expertise, and it can create challenges when working with a diverse group. What is applicable to water planning in one industry may not work for another.

Mr. Schreiber suggested requiring members to review the RWPG New Member Overview guide similar to Texas Open Meetings Act training requirements. Mr. Walthour suggested having an orientation on planning rules and guidelines with reminders on available TWDB resources at the start of each planning cycle.

Mr. Walthour asked if member's RWPGs use committees. Region F does not use committees. Region B uses committees on occasion when a topic comes up that requires it. Region I has standing committees for finance, bylaws, and technical work. Any item on the agenda for full RWPG meetings first is reviewed by the appropriate committee. Committees often meet immediately prior to full RWPG meetings but are not well attended. Mr. Walthour noted that local representatives regularly attend Region A meetings since they are located in Amarillo. Mr. Holcomb was assigned to review engagement before the next committee meeting.

At the June 29 Council meeting, Melanie Barnes (Region O) proposed that funds saved from simplified planning could be used to fund special studies. Mr. Walthour asked if there were any funds available for special studies. Ms. Backhouse clarified that there was not funding allocated for special studies this cycle. In the future, it isn't guaranteed that TWDB will be given additional funding from the legislature to fund special studies. Funds may need to be reallocated from other tasks to special studies. Mr. Holcomb noted support for funding special studies. He added that the special studies funded in the third round of planning created a lot of interest and engaged members. Mr. Walthour asked if the committee wanted put continuation of special studies on a list for further consideration. Mr. Holcomb noted that it would be a good topic to discuss.

Approved 7/21/20

Tomas Rodriguez (Region M) agreed it could be good to discuss for future planning cycles. He also offered that Region M has good participation at its meetings and has annual training for members.

Mr. Walthour asked if anyone wanted to look into special studies before the next meeting. Mr. Schreiber noted that he wasn't sure if Region B had conducted special studies in the past. He suggested that before funding special studies TWDB should increase funding for general plan development. He added that every region is different, and the committee should keep that in mind and offer best practice recommendations that apply to everyone. Mr. Rodriguez asked for clarification on what is meant when referring to special studies. Mr. Walthour reminded members that the discussion started with a proposal from Ms. Barnes on using funds saved from simplified planning to fund special studies. Mr. Walthour proposed putting this topic on the back burner. The committee will revisit the issue if there is time. Members agreed.

At the June 29 Council meeting, Suzanne Scott (Region L) suggested that as a best practice that the Council could be a sounding board for prioritization of Chapter 8 policy recommendations. Mr. Holcomb noted that policy recommendations are a good thing, but recommendations need to be vetted to ensure what is proposed will achieve the goal. He added that this is a worthy component of the Council process. He hoped that the Council could lay the framework for those that come after to solve the problem and noted that Chapter 8 also contains legislative recommendations and it would be good to discuss the Council's role. Mr. Walthour suggested the committee discuss Chapter 8 policy recommendations and requested members review the Chapter 8 policy recommendations for their region before the next meeting. Mr. Holcomb asked for clarification if they should be reviewing the 2017 State Water Plan policy recommendations, the regional water plan recommendations, or the Initially Prepared Plan (IPP) recommendations.

Ms. Backhouse noted that Chapter 2 of the 2017 State Water Plan includes policy recommendations that were carried forward from the 2016 regional water plans regarding unique stream segments and unique reservoir sites. The state water plan also included a policy recommendation on the desired future condition adoption schedule. Ms. Backhouse suggested the 2016 regional water plans or 2021 IPPs may have more detail on RWPG recommendations. She added that TWDB staff are currently compiling Chapter 8 recommendations from the 2021 IPPs and are trying to pull that together by the end of July. The compiled recommendations will be provided to the Council for consideration.

Mr. Walthour noted some concerns about waiting to until the end of July to start reviewing Chapter 8. Members will begin reviewing Chapter 8 recommendations for their regions before the next meeting. Mr. Schreiber noted that it would be beneficial to review the compiled Chapter 8 recommendations when it is available. Mr. Rodriguez asked what they are specifically looking for when reviewing Chapter 8. Mr. Walthour noted you may find problems or solutions in Chapter 8.

Mr. Walthour asked if the Council being a sounding board for Chapter 8 policy recommendations should be a recommendation of the committee. Mr. Schreiber suggested the RWPGs are already doing this. Mr. Holcomb offered an idea that the Council should have a document that ties together all of the other regional water plan Chapter 8 recommendations. The committee will review this topic again at the next meeting after reviewing Chapter 8 recommendations.

At the June 29 meeting, the Council discussed how to encourage new ideas in planning. Mr. Walthour asked if this falls under engagement. Members agreed.

At the June 29 meeting, Ms. Scott suggested the work session on best practices that produced the best practices matrix was productive. Chair's conference calls focus on the planning process and not best practices. Mr. Holcomb agreed with that statement. Mr. Walthour suggested a best practice that before or during the planning process a work session on best practices be held. Mr. Holcomb supported the idea in concept. Mr. Walthour asked if there was a formalized process to address best practice in the planning process. Ms. Backhouse noted that the TWDB has held a few work sessions with RWPG chairs. One work session in 2016 focused on RWPG operations and another work session in 2017 focused on how to implement legislation. There isn't currently a structure or schedule for having regular work sessions. Ms. Backhouse offered that meeting earlier in the cycle to discuss best practices may be beneficial since the planning schedule is lighter and items can be added to guidance or requirements if needed. TWDB conducts a survey at the end of the cycle asking for RWPG member feedback on the planning process and TWDB support. At the end of the fourth cycle, TWDB implemented several enhancements based on survey feedback. This included a new educational website and materials.

Mr. Walthour asked if there would be value in a RWPG level workshop for members to discuss best practices to improve the planning process. Mr. Holcomb noted that it sounds like a good idea but may create more bureaucracy. Mr. Schreiber agreed and added that RWPG members are taxed enough, and this could create an additional burden on members, who may not know enough about the process to offer ideas for improvement. He added that planning groups often rely on consultants to see what is most efficient.

Mr. Walthour proposed a survey on what could be done better and asking for respondents to identify the successes of this planning cycle. This could help identify things that really worked well. Mr. Holcomb agreed and added one thing that could be improved is how to get information out to RWPG members and the public. He suggested there has to be better ways to get information out. RWPGs could look into email blasts, survey monkey, or other tools. Mr. Schreiber agreed. Mr. Holcomb added if RWPGs are asked to improve engagement this will require more funds for administration. Mr. Holcomb and Mr. Walthour outlined how entities in Region I and Region A cover administrative costs.

Mr. Walthour asked if holding virtual meetings could be a way to improve engagement. Ms. Strube did not believe this would improve engagement in Region F. It works for logistics, but it may lose some engagement from people who don't like the virtual format. Mr. Holcomb noted he saw both sides. He offered an idea that RWPG meetings be broadcast video and audio to reach a broader audience that may not show up to in person RWPG meetings. Ms. Backhouse reminded the committee that under the current Open Meetings Act teleconference and video conference is not allowable for RWPGs. Mr. Holcomb suggested this could be a recommendation the Council makes to the legislature to revise the Open Meetings Act.

Mr. Walthour reviewed the topics discussed thus far: engagement, simplified planning process, money for special studies, and framework for Chapter 8 policy recommendations.

Mr. Schreiber suggested the committee review and discuss the Best Management Practices Guide for Political Subdivisions on the TWDB website and see if there is anything else to add. Mr. Walthour recommended members read the document before the next meeting. He added that there is a lot of information readily available to RWPGs if you know about it. Maybe a best practice recommendation could be the Best Management Practices Guide for Political Subdivisions and RWPG New Member Overview be included in an orientation packet and provided to new members.

Mr. Walthour noted that often the nature of government is to write more legislation or rules whenever a problem arises. He added that his district is going through a process called lean, developed by Toyota, which involves reviewing the current state of a process, mapping the process out, and developing a wish list on how you wish it would work. More often than not what is found after going through the lean process is that rules don't need to be changed, but rather how things are done need to be changed. Mr. Walthour recommended as a best practice that the TWDB could adopt some sort of lean program to review the current state of regional water planning. He asked if the TWDB already does this. Ms. Backhouse explained that the TWDB makes process improvements as it can based on RWPG feedback and available resources. Mr. Walthour will put together some additional information on this for the next meeting.

Ms. Backhouse provided additional information for the committee's consideration. When TWDB sends out new educational materials, it is sent out to all of the RWPG political subdivisions, chairs, and consultants. In the past there has been feedback that RWPG members are more likely to read emails or materials sent from local sponsors. The thought is that political subdivisions would then forward information from TWDB out to RWPG members. Additionally, at the beginning of the planning cycle, TWDB offers an optional Regional Water Planning 101 presentation, however not all RWPGs want this presentation. It was suggested that recorded webinars may be a better option for these trainings so members can view the presentations at their convenience.

Mr. Walthour suggested this information falls under engagement and added that it appears that TWDB is creating a lot of material that isn't getting out to membership. Mr. Schreiber agreed. Mr. Rodriguez noted that Region M has a process for sending information from TWDB out to RWPG members. Mr. Walthour requested Mr. Rodriguez prepare a write up of the Region M best practices on dissemination of information to RWPG membership to review at the next meeting.

Mr. Schreiber proposed the committee potential review any TCEQ regulations that affect or impact the regional water planning process. One example is the 0.6 gallons per minute per connection requirement of the Drinking Water rules, which dictates some demands put into the regional water plan for wholesale water providers (WWP). Sometimes a WWP has a contractual amount with a customer, but the customer doesn't really use the 0.6 gallons per minute per connection. He added that this may not fall under the best practices committee. Mr. Rodriguez added that TCEQ regulations have to be met in planning. Mr. Schreiber suggested this could be a general recommendation for the legislature or TCEQ to review their current rules and any effects on regional water planning. Mr. Holcomb noted this came up in the third planning cycle. It is his understanding that the 0.6 gallons per minute per connection is not supposed to be a factor in planning. Mr. Schreiber agreed to write something up about this issue before the next meeting. Mr. Holcomb asked Ms. Backhouse if she could ask TWDB staff the raw water supply rule in Chapter 290 of the Administrative Code. Ms. Backhouse confirmed staff will look into this.

6. Consideration and Action, as appropriate – Committee recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Mr. Walthour reviewed charges for committee recommendations. Recommendations should be aligned with specific charges from the legislature and guidance from Chairman Larson, be specific and actionable, delineate which entity the recommendation is directed to (TWDB, legislature, RWPGs), and describe the resulting benefit. There was no additional discussion on recommendations.

7. Discussion of Next Steps

Approved 7/21/20

The committee discussed a schedule for future committee meeting dates. The following dates and times were tentatively reserved for committee meetings:

- Tuesday, July 21, 1:30-3:30pm
- Tuesday, July 28, 1:30-3:30pm
- Thursday, August 6, 1:30-3:30pm
- Thursday, August 20, 1:30-3:30pm
- Thursday, August 27, 1:30-3:30pm
- Thursday, September 10, 1:30-3:30pm
- Thursday, September 17, 1:30-3:30pm

The committee discussed background materials for members to review before the next meeting. Members will review the Best Management Practices Guide for Political Subdivisions, RWPG New Member Orientation Guide, and Chapter 8 policy recommendations. Members should provide any materials to be presented at the next meeting to TWDB staff by noon on June 20.

8. Discussion of Agenda for Future Meetings

The next committee meeting is scheduled for 1:30 p.m. on July 21, 2020. The agenda for the meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps. The agenda has already been posted on the TWDB website and with the Secretary of State and will be sent out to members following the meeting.

9. Public Comment – No public comments were offered.

10. Adjourn – Mr. Walthour adjourned the meeting at approximately 3:20 p.m.

7/21/20 Meeting

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

July 21, 2020, 1:30 p.m. to 3:00 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 4 of 5: Steve Walthour (Region A), Allison Strube (Region F), Kelley Holcomb (Region I), and Tomas Rodriguez (Region M). Russell Schreiber (Region B) was absent.

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, Temple McKinnon, Matt Nelson, and Reem Zoun.

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order. Sarah Backhouse (TWDB) determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Consider Minutes from the July 15, 2020 Committee Meeting

The committee considered the minutes of the July 15, 2020 meeting. Tomas Rodriguez (Region M) made a motion to approve the minutes. Allison Strube (Region F) seconded the motion. The minutes were unanimously approved.

4. Discussion and Action, as appropriate – Action Plan for Committee Work and Status of Assignments

Mr. Walthour introduced the draft committee action plan and reviewed actions and assignments identified to date. Actions to be completed include: research on simplified planning by Mr. Walthour, research on membership engagement by Kelley Holcomb (Region I), review of Chapter 8 recommendations by the full Committee, provide steps for information dissemination to membership by Mr. Rodriguez, research on Texas Commission on Environmental Quality (TCEQ) drinking water rules in relation to planning by Russell Schreiber (Region B), and several items on report development by the Committee.

Mr. Walthour proposed that the committee use this meeting to provide updates on the status of assignments and discuss resources needed to complete their tasks. The committee set July 28, 2020, as the deadline to complete research into assigned topics.

5. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour provided an update on his research into simplified planning. Mr. Walthour developed the following draft problem statement on the issue of simplified planning: The simplified planning process is not functional under Texas Water Code (TWC) Section 16.053. Regional water planning groups (RWPG) only receive official census data every ten years, and in some regions of Texas review of the census data, as well as updated groundwater and surface water availability information from the previous planning

cycle, shows that there are no significant changes to population, water availability, water supplies, or water demands in the regional water planning area. Requiring RWPGs to at a minimum update groundwater and surface water availabilities that have not significantly changed is a waste of volunteer RWPG members' time.

Mr. Walthour proposed that RWPG members' time and state financial resources could be redirected to solving other water planning issues through special studies or focused professional services in communication of the regional plans to the public. Mr. Walthour suggested this issue may require legislative action and outlined multiple potential solutions that could improve the simplified planning process, including:

- Amend language in TWC Section 16.053(i) to discontinue requirements to update groundwater and surface water availability values in the regional water plan if availability numbers have not changed significantly;
- Allow RWPGs to petition the TWDB for simplified planning, where the TWDB can determine if simplified planning would be most effective;
- Consider requiring development of regional water plans every 10 years instead of every five years. Although, this may not work for all regions; or,
- Strike simplified planning from the statute if it does not provide value.

Mr. Walthour requested that his write up on simplified planning issues be distributed to members prior to the next meeting.

Mr. Holcomb briefly presented challenges and potential solutions identified on the topic of RWPG member engagement. Mr. Walthour suggested the committee review Mr. Holcomb's write up on engagement and discuss the topic further at the next meeting.

The committee then discussed Chapter 8 policy recommendations. Mr. Walthour submitted a summary of Chapter 8 policy recommendations related to best practices from the 2016 Region A Regional Water Plan. Ms. Strube noted that the Region F Regional Water Plan recommends a 10 year planning cycle as well as recommendations on groundwater, weather modification, and coordination with TCEQ on water availability modeling. Mr. Holcomb shared that the Region I Regional Water Plan includes project specific recommendations. He offered to prepare a condensed list of Region I best practice recommendations prior to the next meeting.

Mr. Walthour asked all members to prepare a similar summary of best practice recommendations included in the regional water plans for their regions. This may help identify additional issues for the committee to address. Mr. Rodriguez added that the Region M Regional Water Plan contains ten pages of recommendations. The main recommendations focus on issues related to annual discharge from Mexico and plugging abandoned oil and gas wells. Mr. Rodriguez noted it may be difficult, but he will try to summarize recommendations prior to the next meeting.

Mr. Rodriguez presented Region M's communication process with RWPG members. He explained that Region M established water users fees to fund the administrative costs for the RWPG. One month before a scheduled meeting, LRGVDC staff, the Region M chair and vice-chair, RWPG consultant, and TWDB staff have a call to discuss the agenda for the meeting. LRGVDC staff then publish the agenda and host the RWPG meeting. Meetings are held in Weslaco, Texas, which is approximately 165 miles from Laredo and 295 miles from Eagle Pass.

Regarding TWDB communications, when the Region M chair receives information from TWDB, Bureau of Reclamation, TCEQ, or other state agencies, the chair forwards the information to the LRGVDC administrator who then forwards the information to Region M members. Region M also holds orientation for new members once a year. Annual orientations are broken into two sessions and benefit both new and old RWPG members. Mr. Rodriguez added these processes have worked well for Region M.

Mr. Holcomb noted Region I has similar issues with RWPG travel and access. This seems to be a common issue across the state. Travel for RWPG activities is time consuming since regions cover large geographic areas. He added that this can influence RWPG engagement. Mr. Holcomb asked how this can be addressed to improve or enhance RWPG member and general public engagement. Ms. Strube offered that people are becoming more accustomed to virtual meetings. Virtual RWPG meetings could help address issues with travel and improve engagement in the future although there may be some resistance to this idea from existing members.

Mr. Walthour observed that it has been interesting to hear from RWPG chairs on the Council that there are multiple RWPGs that are unaware of available TWDB information. He added that TWDB is trying their best to get information out to planning groups, but it appears that a lot of information that is sent out to RWPG chairs and political subdivisions may not be disseminated out to the RWPG members. Mr. Walthour offered a recommendation that TWDB should invest in professional media consultants to assist TWDB staff in developing the suite of digital platforms that can effectively deliver better messages to more RWPG members and the public.

Mr. Holcomb agreed with the recommendation and added that TWDB generates a lot of data, and it's can be a lot of information to consume. It is easy for this information to get lost in daily flood of emails and communication. He added that more communication is not necessarily better or effective and hiring someone to provide expertise on communication would be helpful. Ms. Strube also agreed and added that people may be inclined to watch a 3-4 minute video over reading a ten page document. Utilizing different platforms and ways to present the information in trainings or new member orientations could improve engagement. Mr. Rodriguez agreed that presenting messages in 3-5 minutes helps keep viewers' attention. He added that there may be limits to how some information from TWDB can be summarized.

Mr. Walthour explained that the TWDB needs professional support to improve how they disseminate information. Mr. Holcomb added that for the last 18 months Region I has focused on trying new ways to present information. The region has made a point to provide information to members earlier to review. This extra effort has not had a noticeable impact on engagement. Region I continues to have limited engagement and discussion from members at meetings. Mr. Holcomb is not sure how to get past this issue. Mr. Walthour noted that what has really struck him is that RWPG chairs on the Council aren't aware of the resources that are available. Part of the issue seems to be that people aren't paying attention to the information that is being sent out. He added that this is something that can be worked on.

Mr. Walthour asked if there was an update on Mr. Schreiber's review of TCEQ requirements. Mr. Schreiber was unable to attend the meeting but had provided an update on his work to TWDB to share with the committee. Ms. Backhouse noted that Mr. Schreiber researched the planning rules related to wholesale contracts. He found that wholesale demands in regional planning are based on contractual amounts. He suggested that there may be an issue with how TCEQ interprets the drinking water rules.

The Region B consultants do not believe the TCEQ understands why or how the minimal flow rate in the drinking water rules affects the planning process. He suggested this issue does not need to be addressed in the committee report because the rule may be appropriate, but the application of the rule may need to be reconsidered by the TCEQ. Ms. Backhouse added that the RWPG contract guidance includes a statement that says retail distribution connection pressurization and the distribution system daily peaking capacity regulatory rules are not applicable to the regional water supply planning process since retail system level capacity is not a condition relevant to annual supply at the water user group level. If there are consultants that have concerns with this, TWDB can follow up with them.

Mr. Rodriguez added that TCEQ has strict rules that must be met. Mr. Holcomb described his experience working with TCEQ, TWDB, and the Army Corp of Engineers on permitting for Lake Columbia. He noted that at the time agency representatives were adamant that the 0.6 gallons per minute raw water rule was a peak demand factor and not a planning or federal permitting issue. He has not seen any interested in connecting the dots between agencies and processes. Mr. Walthour suggested this topic falls into the category of misunderstanding how different agencies and groups apply to the regional water planning cycle. Maybe this is something that could be addressed in a frequently asked questions document. Mr. Rodriguez agreed with Mr. Holcomb and added that the Best Management Practices Guide for RWPG Political Subdivisions is a good resource for the topics the committee is discussing.

Mr. Walthour proposed adding improving the regional water planning process to the committee's list of topics to review. He noted brainstorming for process improvements has primarily been done by TWDB staff and the 16 RWPG chairs. He suggested that this does not adequately allow development of a value-type stream that would make the process more efficient. He added that there are over 300 RWPG members that are only engaged when they are provided documents to review or attend meetings. Mr. Walthour suggested TWDB leadership should incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. The core principle is to reduce and eliminate non-value added activities and waste by engaging the RWPG membership. The value of such a program would potentially lower costs and improve productivity of the RWPG membership. Mr. Walthour added that Chairs' conference calls don't provide adequate opportunity to share best practices, and there is no formal process to document best practices. Regional water planning is a bottom up process, but it takes leadership to implement program changes if changes are needed. Mr. Walthour asked if this could be added to the committee's list. Mr. Holcomb agreed that this is key and asked that Mr. Walthour's notes on the topic be shared. Members agreed the topic be added to the committee's list.

6. Consideration and Action, as appropriate – Committee reports and recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Mr. Walthour reviewed the outline for Interregional Planning Council report to the TWDB. He asked members to keep the outline in mind when preparing information for the next meeting. The committee's section of the report will cover the following: review of existing practices and conditions, problem statement, goal statement, and recommendations, including to whom recommendations are directed.

Ms. Backhouse noted that committees have been asked to consider how TWDB support staff can help with report development. Mr. Walthour proposed the committee will prepare documents for the TWDB staff to compile into the committee's report. Mr. Holcomb added that TWDB and Council chair Suzanne Scott are reviewing the process for compiling committee reports into a cohesive document for the Council's report. Mr. Holcomb suggested that assigning one principal writer from each committee would

be a good process. Ms. Strube added that TWDB support to compile the committee report would be helpful.

Mr. Holcomb noted that TWDB is going to tie the Council report together into one voice after the September 30 Council meeting. Temple McKinnon (TWDB) confirmed that TWDB will review the Council report and provide final uniformity and polishing. Ms. McKinnon asked the committee to provide guidance to TWDB support staff on expectations for document production. Mr. Walthour recommended the committee follow the outline when preparing the documents that will then be compiled into the committee report. He requested that TWDB staff compile committee documents into an acceptable format for the committee report. No objections were noted to this approach.

Mr. Rodriguez recommended that the committee review the Best Management Practices Guide for RWPG Political Subdivisions when making recommendations to see if the recommendation is already covered in the document. Mr. Rodriguez noted that he doesn't have many objections to the current regional water planning process.

Mr. Walthour reminded the committee of the Deliberations by Discussion Topics document that provides a list of best practices discussed by the Council. Mr. Walthour recommended the committee review the list and see how the committee's recommendations may address these issues.

7. Discussion of Next Steps

The next committee meeting is scheduled for 1:30 p.m. on July 28, 2020. Mr. Walthour asked members to submit any materials they prepare for the meeting to TWDB staff to disseminate. Mr. Walthour noted he will review the Best Management Practices Guide for RWPG Political Subdivisions and be prepared for discussion of the document at next meeting.

Ms. Backhouse noted that TWDB is compiling 2021 Initially Prepared Plan Chapter 8 policy recommendations and asked if the committee would like to be provided what is currently prepared for the regions committee members are representing. Ms. Strube confirmed this would be helpful. Mr. Rodriguez asked for confirmation that members should review the most recent recommendations for their regions. Mr. Walthour confirmed that members should review recommendations from the 2021 Initially Prepared Plans. Mr. Walthour asked if a member could work directly with TWDB staff? Ms. McKinnon confirm this was allowable as long as there is no collaboration between members outside of meetings.

8. Discussion of Agenda for Future Meetings

The agenda for July 28, 2020 meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps.

9. Public Comment – No public comments were offered.

10. Adjourn – Mr. Walthour adjourned the meeting at approximately 2:50 p.m.

7/28/20 Meeting

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

July 28, 2020, 1:30 p.m. to 3:00 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 5 of 5: Steve Walthour (Region A), Russell Schreiber (Region B), Allison Strube (Region F), Kelley Holcomb (Region I), and Tomas Rodriguez (Region M).

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, and Bryan McMath.

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order. Sarah Backhouse (TWDB) called roll and determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Consider Minutes from the July 21, 2020 Committee Meeting

The committee considered the minutes of the July 21, 2020 meeting. The minutes were unanimously approved.

5. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour proposed moving consideration of agenda item 4 later in the meeting. Members agreed. Mr. Walthour presented a draft write up on the topic of simplified planning. Mr. Walthour asked Kelley Holcomb (Region I) if the format of the draft write up was an acceptable way for the committee to layout issues and recommendations. Mr. Holcomb agreed with the proposed format.

Mr. Walthour reviewed simplified planning problems, goals, and recommendations. He noted that from a groundwater management area perspective there are often things that don't change much from year to year. He proposed that every fifth year of the regional water planning process funds be spent on special studies. Mr. Holcomb observed that changing the planning period to every 10 years could create issues with engagement in the planning process for regions that have less activity. He added that in the five-year cycle there seems to be two periods. In the first three years things are in auto pilot mode, and the last few years are busy with data review and completion of the regional water plans. Mr. Holcomb wondered if the proposed changes to the planning cycle might exacerbate this process. Mr. Walthour noted that recommendations to change the 5-year planning cycle to a 10-year cycle was included in several of the 2021 Initially Prepared Plans (IPP).

Mr. Walthour offered that recommendations on simplified planning would likely require legislative action, for example striking the language on simplified planning, or allowing the TWDB to make the decision on whether RWPGs can implement simplified planning.

Approved 8/6/20

Mr. Walthour reviewed a problem and goal statement on the topic of communication with RWPGs and members and presented the following recommendation addressed to the TWDB. Mr. Walthour noted he read through the Best Practices Guide and agreed with Mr. Rodriguez that a lot of problems would go away if everyone read and followed the document. Mr. Walthour noted that the TWDB is providing a lot of material that is not seen by RWPGs. The TWDB should invest in professional assistance to utilize electronic media platforms.

Tomas Rodriguez (Region M) noted that TWDB staff does a good job of getting information out to the RWPGs. He offered a correction to a statement from the previous meeting, Region M hosts member orientation training once per planning cycle not annually. Mr. Rodriguez added that TWDB should keep offering orientation training. For Region M, TWDB staff has done a good job providing information, and the region's administrator has done a good job passing information on to RWPG members.

Russell Schreiber (Region B) agreed with Mr. Rodriguez. Mr. Schreiber added that he didn't receive any orientation or training when he joined the Region B RWPG 12 years ago. He added that if he had known the Best Management Practices Guide and New Member Guide were available, he would have included this information in packets for new members and linked to these documents on the RWPG website. He offered that making these documents more available to people make it more likely for them to review and understand the process. Mr. Holcomb added that you can't make individuals read the information or participate. People seem to be afraid to ask questions. He proposed a recommendation that TWDB develop an educational protocol for all RWPGs to go through in the first years of the planning cycle. Mr. Schreiber agreed with the recommendation. Mr. Walthour noted that TWDB staff don't need to work harder. Information is available it is just not being received and absorbed by the RWPGs.

On the topic of improving the regional water planning process, Mr. Walthour noted that something is needed to get all RWPG members more engaged. He added that there are parts of the regional water planning process that could be streamlined.

Mr. Walthour then proposed that it could be beneficial for RWPGs to have the ability to hold remote or virtual meetings. This could allow more members of the public to participate and provide comment via electronic media. He recommends adding this as an item for the committee to review.

Allison Strube (Region F) agreed that member engagement is an issue and added that getting feedback from all members not just RWPG chairs would be beneficial. Mr. Holcomb added that improving the regional water planning process has been a struggle since the third planning cycle. He suggested the regional water planning process has become very prescribed and added that the topic of how to bring in new ideas is a fundamental problem that needs to be solved.

Mr. Walthour proposed that engagement is the number one problem in planning. Mr. Schreiber agreed. Mr. Walthour added that the RWPG consultants who make presentations and members who understand the topic being discussed, not the whole RWPG, are the ones who are most engaged.

Mr. Schreiber noted that Region B has public comment opportunities at every meeting but receives no public comments. When the IPP is provided to the public for comment, the public is generally unaware of the IPP unless it includes a controversial project, for example Lake Ringgold in Region B. It seems the public doesn't know about the regional water planning process unless it is in their backyard, and then the public becomes engaged. He added that he is not sure how to solve this problem. People expect

water planners and providers to develop a plan to meet their needs. The public doesn't view planning as their problem.

Mr. Schreiber agreed with Mr. Holcomb that he doesn't know how to get the RWPGs and public more involved in the process. Mr. Holcomb added that the special studies funded in previous cycles brought in new ideas and people. There was increased interest and discussion around the studies. He added that in Region I special studies increased attendance and participation.

Mr. Schreiber proposed that adding an economic development representative to the regional water planning process may increase engagement. Mr. Walthour added that RWPGs need to be as transparent as possible and suggested that regional water planning is about local economies and the future. Mr. Schreiber suggested sending RWPG meeting invitations to economic development representatives could be beneficial. Mr. Walthour noted that Region A has a problem filling membership positions and there may be persons not even aware of the planning process that would be perfect for the position.

Mr. Walthour introduced the topic of engagement. He proposed having the option for video conference RWPG meetings could improve engagement. He also noted that several IPP Chapter 8 recommendations requested TCEQ participation at RWPG meetings to streamline the process. Mr. Holcomb reviewed his write up on engagement. The document summarizes the committee's discussion on the topic. Mr. Holcomb added that he liked the idea of increasing economic development involvement. This could help RWPGs think outside the box.

The committee then reviewed 2021 IPP Chapter 8 recommendations on best practices for Regions A, B, F, I, and M. The following recommendations were discussed:

- TCEQ should be made an ex-officio member of the RWPGs. This could also help address recommendations that TWDB and TCEQ coordination on water availability modelling for planning. It was noted that it could be beneficial for other agencies, such as the Railroad Commission, to be made ex-officio members of certain regions.
- Continued funding by the State of the regional water planning process on a five-year cycle
- Flexibility in determining water plan consistency
- Standardized process for regional water plan development. Mr. Holcomb suggested that if the state is going to spend millions of dollars on regional water planning, the process should be done in a way that where possible planning data could be rolled up into the state and federal water permitting process.

Mr. Rodriguez noted that Region M has included several Chapter 8 recommendations for how the state can assist the region, including a request for more involvement from the International Boundary Water Commission to protect water rights in the region. He noted that the regional water plans can help municipalities develop their own water plans. Mr. Walthour noted that Region M recommendations requested TCEQ should work with Region M. Mr. Rodriguez discussed problems Region M has with the conversion of water rights. He noted that Region M has a TCEQ member that attends RWPG meetings.

Mr. Walthour asked members to prepare summaries of any policy recommendations they would like to discuss at the next meeting. Mr. Walthour will prepare information on adding TCEQ as an ex-officio member. Mr. Schreiber added that a common Chapter 8 recommendation was a request for additional funding to reimburse RWPG administrators. Some planning groups struggle to find administrative agencies because the work is unfunded. Mr. Holcomb agreed that administrative funding is an issue in

Region I as well. Mr. Schreiber will prepare a write up on this topic for the next meeting. Mr. Walthour suggested that local funds collected for administration could be better spent on special studies.

On the topic of the Best Management Practices Guide for Political Subdivisions, Mr. Walthour agreed with Mr. Rodriguez that if people read the document, it would solve many problems. Mr. Walthour offered to prepare a best practice recommendation for RWPGs on use of the Best Management Practices Guide and New Member Guide.

Mr. Walthour introduced the topic of TCEQ distribution system requirements in relation to planning. Mr. Schreiber proposed removing the topic from the committee's list. Members briefly discussed the topic and agreed.

On the topic of Region M best practices on communication, Mr. Walthour noted the Region M procedure looks like it came out of the Best Management Practices Guide. Mr. Rodriguez agreed that Region M has followed the Best Management Practices Guide process, and it has worked well. Region M has obtained funds from water rights holders in the region to pay for administrative staff to disseminate information to RWPG members.

Mr. Walthour asked members if he could prepare a recommendation on use of video conferencing to improve transparency and engagement. Members agreed.

6. Consideration and Action, as appropriate – Committee reports and recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Mr. Walthour will provide a report on behalf of the committee to the full Council at July 29, 2020 Council meeting. Members discussed the committee report. The committee report will provide a general update of the committee's work, including discussion topics and potential recommendations developed to date and a timeline for development of the committee's report. Mr. Walthour posed a question on whether the committee's problem and goal statement needs updating and will task the Council if the committee is on track. The committee then considered agenda item 4.

4. Discussion and Action, as appropriate – Action Plan for Committee Work and Status of Assignments

Mr. Walthour reviewed the committee action plan and member assignments. He requested members prepare write ups of assigned topics following the Council report format. At next meeting the committee will discuss recommendations and provide TWDB supporting documents for staff to prepare a draft committee report.

Mr. Holcomb asked if recommendations for TCEQ as an ex officio member should also potentially include recommendations for other agency representatives. Sarah Backhouse (TWDB) noted that planning groups have the ability to add voting and non-voting members that are not currently outlined in statute as long as minimum requirements are met. She offered to provide the committee information on how many RWPGs have TCEQ as a non-voting member. Ms. Backhouse added that if the Council recommends TCEQ be added as a standard non-voting member for all RWPGs this could potentially be done as an agency rule changes in coordination with TCEQ. It is also in statute which voting and non-voting members all RWPGs are required to have represented.

Mr. Holcomb agreed that knowing which regions have TCEQ and other agencies as non-voting members would be helpful. He noted that some legislative and agency coordination would be required on this

issue. This could be a recommendation directed to the legislature. Mr. Walthour asked if there is anything that prohibits RWPGs from having a Railroad Commission representative attend meetings and provide information. Ms. Backhouse clarified that she is not aware of anything that prohibits this. It was noted that if agency participation is outlined in rule or statute, agency representatives are more likely to consistently attend meetings. The committee agreed to discuss this topic further.

The committee discussed the timeline for developing its report. Members will have write ups on assigned topics prepared for discussion at the August 6 meeting. TWDB support staff will then prepare a draft committee report for committee review at the August 20 meeting. The committee will finalize its report at the meeting on September 10 and then submit the report to the Council. Ms. Strube agreed to the schedule and offered to work with TWDB as needed on report preparation.

Mr. Walthour noted that the August 20 committee meeting may be a long meeting. Members asked for clarification on the format for their write ups. Mr. Walthour clarified that write ups should follow the Council report format and include a narrative, not just bullet points. Ms. Backhouse agreed to send out the committee problem and goal statements for members to reference when preparing their write ups.

7. Discussion of Next Steps

The next committee meeting is scheduled for 1:30 p.m. on August 6, 2020. Mr. Walthour asked members to be prepared to wordsmith draft recommendations. Members were requested to provide their assignment documents to TWDB early so members will have time to review the documents prior to the meeting. Ms. Backhouse asked member to reach out to TWDB if they need any background materials.

Mr. Rodriguez asked for confirmation on his assignments. Mr. Walthour requested that Mr. Rodriguez prepare a recommendation on use of the Best Management Practices Guide and New RWPG Member Guide. It was confirmed that GoToWebinar information will be sent out prior to the next meeting.

8. Discussion of Agenda for Future Meetings

The agenda for August 6, 2020 meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps.

9. Public Comment – No public comments were offered.

10. Adjourn – Mr. Walthour adjourned the meeting at approximately 3:15 p.m.

8/06/20 Meeting

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

August 6, 2020, 1:30 p.m. to 3:00 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 4 of 5: Steve Walthour (Region A), Russell Schreiber (Region B), Kelley Holcomb (Region I), and Tomas Rodriguez (Region M). Allison Strube (Region F) was absent.

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, and Bryan McMath.

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order and determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Consider Minutes from the July 28, 2020 Committee Meeting

The committee considered the minutes of the July 28, 2020 meeting. Russell Schreiber (Region B) made a motion to approve the minutes. Kelley Holcomb (Region I) seconded the motion. The minutes were unanimously approved.

5. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour proposed moving consideration of agenda item 4 later in the meeting. Members agreed. Members reviewed the draft committee report for August 12 Interregional Planning Council meeting. The draft report summarizes committee recommendations on several topics related to best practices.

Members reviewed Recommendation 1 on the simplified planning process, which included recommendations for the Legislature to amend the language in Texas Water Code (TWC) Section 16.053(i) to either:

1. Discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly,
2. Allow regional water planning groups (RWPG) to petition the TWDB to implement simplified planning and authorize the TWDB to determine if simplified planning would be most effective,
3. Require development of the state water plan every 10 years instead of every five years, with sponsorship of special studies between planning cycles, or
4. Strike simplified planning from the statute.

Mr. Holcomb asked if the third recommendation is related to simplified planning or changing the state water plan to a 10-year process. Mr. Walthour indicated the recommendation was for simplified

planning. Mr. Holcomb suggested that recommendations 2 and 3 could possibly be combined. Mr. Schreiber agreed and asked for confirmation that simplified planning is optional for RWPGs. Mr. Walthour confirmed that the simplified planning is optional. He added that the problem with the simplified planning process is that the process still requires RWPGs to gather and analyze most of the data required for a full plan. Mr. Schreiber noted that if the intent of the recommendations is to make simplified planning a more usable option for the RWPGs, the recommendations should include the option for RWPGs to still choose to pursue simplified planning. Mr. Walthour indicated he was open to combining recommendations 2 and 3.

Tomas Rodriguez (Region M) added that he supports a 5-year planning cycle. Mr. Schreiber asked if recommendations 3 and 4 would address the problems noted with the simplified planning process and make the process more useful. Mr. Holcomb noted that the original intent of the simplified planning process was different than the outcome. The goal was to reduce the work effort, but the process remains complex and robust. Mr. Holcomb suggested that he did not know if the current simplified planning process could be reduced further and acknowledged that this is a big knowledge gap for the committee. He added that it is possible if the simplified planning process was reduced further it could potentially create gaps in the State Water Plan data, which could be a problem.

Mr. Walthour reviewed that the first recommendation asks the legislature to modify the statute to discontinue the requirement to update groundwater and surface water availability numbers if they have not significantly changed. He added that if RWPGs have to collect and review this data in simplified planning, then the process is not simplified. Mr. Holcomb and Mr. Schreiber agreed.

Mr. Holcomb noted that none of the regions have chosen to pursue simplified planning. Mr. Schreiber asked if the requirements to update availabilities are the only reasons regions are not pursuing simplified planning. It was noted that these additional requirements are why Regions A and B have not pursued simplified planning. Regions I and M only briefly considered simplified planning. Mr. Schreiber suggested bringing only recommendations 1 and 4 forward to the Council. Members agreed, and simplified planning recommendations 2 and 3 were removed.

The committee considered additional recommendations for TWDB, RWPGs, and future Interregional Planning Councils. Mr. Holcomb suggested adding a recommendation for TWDB to evaluate alternatives to the current simplified planning process to see if there is a better way to conduct simplified planning than what currently exists. Members agreed, and the recommendation for TWDB was added. No recommendations were made for RWPGs or future Interregional Planning Councils on simplified planning.

The committee discussed Recommendation 2: Enhancing membership engagement and general public engagement. The following recommendations were reviewed:

The Legislature should:

1. Provide funding for better methods of disseminating of information for the regional water planning process.
2. Authorize the use of one-way conferencing or webinars.

The TWDB should:

1. Provide policy recommendations developed by the Interregional Planning Council to all RWPGs to inform their planning process.

2. Provide a distilled policy recommendations report from all adopted regional water plans, sorted by topic, to the RWPGs and the Council.
3. Provide an update to the above report, at an appropriate time in the planning cycle, of the implementation status of recommendations to the RWPGs and the Council.
4. Consider engaging a media consultant to develop better methods of coordination among the RWPGs.
5. Develop standardized, easy to adopt practices and protocols that apply to all regions.

The RWPGs should:

1. Provide more focus on new member orientations.
2. Utilize educational programs and subject matter speakers in each RWPG.
3. Develop better methods to encourage public participation:
 - Surveys
 - Targeted emails blasts
 - Website updates for all RWPGs

Future Interregional Planning Councils should:

1. Hold work sessions to “deep dive” into more complicated topics.
2. Require RWPG Chairs to meet on an annual basis at minimum.

Mr. Holcomb shared that, as he understands it, RWPGs have the potential of using one-way webinars to disseminate information, but legislative action is needed to make this clear. Mr. Walthour agreed and suggested the second legislative recommendation should remain.

Mr. Walthour asked if the TWDB recommendation to engage a media consultant should be removed since it is considered under recommendations on communication. Mr. Holcomb agreed this could be removed if it is included elsewhere. Members agreed. The fourth TWDB recommendation to engage a media consultant to develop better methods of coordination among the RWPGs was removed.

Mr. Holcomb noted that the first three recommendations for TWDB came from a discussion with Council Chair Suzanne Scott. There currently isn't a report on recommendations from the regional water plans, and there is no documentation of the implementation status of these recommendations. The proposed TWDB recommendations would provide a mechanism for TWDB to report back to the RWPGs on progress that has been made. Members agreed with the recommendation.

Members agreed with proposed RWPG recommendations on engagement as presented. Mr. Holcomb noted that the recommendation for future Interregional Planning Councils to hold work session to “deep dive” into more complicated topics formed from his experience with the first meeting of the RWPG chairs to develop the uniform standards used for project prioritization. The work session brought people together and was a valuable experience. Mr. Holcomb proposed that this should be done more often in order to deal with tougher issues that will only get more complicated with time. Mr. Rodriguez agreed.

Mr. Walthour asked what kind of surveys the RWPGs should conduct under the third RWPG recommendation. Mr. Holcomb proposed a poll of RWPG members at the end of the planning cycle to see what is working and what could be done differently to improve engagement. Sarah Backhouse (TWDB) asked if the intent of the recommendation for RWPG Chair meetings was for an in person meeting. Mr. Holcomb confirmed that was his intent, but he did not want to specify that in the recommendation.

Members reviewed Recommendation 3: Communication between TWDB, RWPG, and Members. This included the following recommendations:

The TWDB should:

1. Require RWPGs to receive orientation services provided by the TWDB at the beginning of each cycle,
2. Require RWPG Chairs and Administrative Agents to follow recommendations in the Best Management Practices Guide document, and
3. Invest in professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members.

The RWPGs should:

1. Follow recommendations regarding communication with RWPG members as outlined in the Best Management Practices Guide.
2. RWPG members should read the Best Management Practices Guide and New Member Guide.

Mr. Walthour proposed the third recommendation to TWDB be revised to: invest in inter-agency, intra-agency, or professional media consultants to assist TWDB in effectively delivering digital messages to RWPG members. He suggested that TWDB may internally have professionals to assist in messaging to RWPG members. Members agreed with the proposed change.

The committee considered recommendations for future Interregional Planning Councils. Mr. Walthour recommended future Councils revisit this issue every cycle. Mr. Holcomb proposed future Councils review existing technology and recommend appropriate changes. Members agreed.

The committee reviewed Recommendation 4: Texas Commission on Environmental Quality (TCEQ) as an Ex-Officio Member. This included recommendations that: The Legislature should amend TWC Sec. 16.053(c) to add TCEQ as an ex-officio member of each RWPG. The TWDB should, in coordination with TCEQ, amend Texas Administrative Code (TAC) 357.11(e) to require RWPGs to add a staff member from TCEQ as a non-voting member. RWPGs should consider adding TCEQ as an ex-officio member if changes to the TWC or TAC are not implemented.

Mr. Rodriguez noted that Region M has a TCEQ representative that serves as a non-voting member. Mr. Walthour added that TCEQ has a representative serve as a non-voting member on 5 out of 16 regions (Regions B, E, L, M, and O). Mr. Holcomb noted this recommendation would make TCEQ participation permanent and consistent across all regions. Mr. Walthour asked the committee if they should add a recommendation for TWDB to review and make a recommendation to the Legislature regarding additional non-voting members that affect statewide regional water planning stakeholders. Members agreed.

Mr. Rodriguez asked if the Texas State Soil and Water Conservation Board (TSSWCB) was a required RWPG member. Mr. Walthour confirmed the TSSWCB is required by statute to serve as a non-voting RWPG member.

Members revised the RWPG recommendation to: In the event that TWC 16.053(c) or TAC 357.11(e) are not amended, RWPGs should consider adding TCEQ as an ex-officio member. No recommendations were made to future Interregional Planning Councils on this topic.

Members reviewed Recommendation 5: Reimbursement of Labor costs for Regional Water Planning Administrative Agents. This included the following recommendations: The Legislature should provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs so that grant resources are not taken from required planning tasks. The TWDB should consider allowing for the reimbursement of labor costs for the RWPG's designated administrative agency. The TWDB should revise TAC Chapter 355 and regional water planning grant contract expense budget limitations to accommodate these expenses.

Ms. Backhouse (TWDB) outlined proposed revisions to Mr. Schreiber's write up on the topic and provided additional context on RWPG funding and reimbursement. A legislative recommendation to provide additional funding to cover administrative labor costs was added. TWDB is considering a rule revision next cycle to allow reimbursement of administrative labor costs, but reimbursement will be made out of existing funds unless additional funds are appropriated by the legislature. Mr. Schreiber offered that RWPGs could use voting member travel expense funds to cover administrative labor costs. Ms. Backhouse clarified that expense budgets are determined by the RWPG political subdivisions and is not something TWDB weighs in on.

Mr. Holcomb asked if RWPG member travel expenses are reimbursed out of local funds. Ms. Backhouse clarified that RWPGs can allocate TWDB funds to reimburse voting member travel to RWPG meetings if a member cannot be reimbursed by another entity, such as an employer. Ms. Backhouse added that the key to this recommendation is a request that administrative labor costs become an eligible expense for reimbursement. Mr. Holcomb noted that this is a complicated topic and asked members if they should include a recommendation for TWDB to further evaluate this topic. Ms. Backhouse noted that TWDB is looking into allowing reimbursement of administrative labor costs. The new regional flood planning program allows for reimbursement of limited administrative labor costs. It was noted that TWDB has received feedback that some RWPGs spend \$70,000 a year out of pocket to cover administrative labor costs. This is a large amount of money to shift from other RWPG tasks out of existing funding. It may be appropriate to consider a recommendation that the legislature provide additional funding for RWPG administrative costs.

Ms. Backhouse noted that making administrative costs eligible for reimbursement would require a TWDB rule change since it is currently prohibited in Chapter 355 Regional Planning Grant rules. TWDB would also need to revise limitations in regional water planning expense budgets. Mr. Holcomb recommended breaking the TWDB recommendations into two separate recommendations. Members agreed. Mr. Schreiber asked if the committee should consider recommending a cap for administrative expenses or if that language should be removed for the recommendation. Members agreed to remove the language for establishing a cap for administrative expenses. This would allow TWDB flexibility to evaluate and determine what costs should be eligible for reimbursement.

Mr. Schreiber noted that many RWPGs included this recommendation in Chapter 8 of the regional water plans. He proposed adding a recommendation for RWPGs to include requests for funding in Chapter 8 policy recommendations. Members agreed.

Members discussed recommendations for future Interregional Planning Councils. A recommendation for future Councils to revisit a potential cap to labor reimbursement was considered, but members decided to make no recommendations for future Interregional Planning Councils at this time.

The committee reviewed Recommendation 6: Open Meetings Act Modification of Video-Conference Restrictions. This included a recommendation that the Legislature amend the Open Meetings Act to allow state and local governments to use electronic media such as video conferencing as an alternative to requiring the public and governmental officials to be physically present to make public comment or consider actions during an open meeting.

Mr. Walthour noted this would require legislative action. Mr. Holcomb suggested that if the legislature amends the Open Meetings Act to make these allowances, the TWDB should fund the technology to allow RWPGs to use video conferencing. Mr. Walthour offered that maybe the TWDB should investigate the cost to implement these changes. Mr. Holcomb agreed, noting that this will have a fiscal impact. A recommendation was added for TWDB to evaluate the fiscal impacts associated with technology used for virtual meetings.

Members reviewed Recommendation 7: Improving the Regional Water Planning Process. This included a recommendation that the TWDB incorporate a set of management practices to improve efficiency and effectiveness by eliminating waste in the regional water planning process. This includes reducing or eliminating non value-added activities and engaging the RWPG membership to map out all critical steps in planning.

Mr. Walthour noted that this topic goes back to TWDB reviewing its processes and evaluating the regional water planning program. Mr. Holcomb asked if this was related to the protocols for developing the plan or how RWPGs meet. Mr. Walthour noted it covers all of the above. He added that a lot of money is spent on regional water planning, which is important, and yet members are not engaged. Mr. Walthour recommended that every once in a while, it is beneficial for an agency to step back and review its processes to see if there is a more efficient way to do business. Mr. Holcomb agreed and suggested the committee request TWDB evaluate the cost of administering the regional water planning process, specifically looking at the fiscal impacts not included in the planning grants, such as travel time and labor hours of RWPG members. A recommendation was added for TWDB to evaluate the RWPG voting and non-voting membership costs of time and funding.

Mr. Schreiber noted he is ok with the recommendation and added that it is an important number to understand. He added that the regional water planning process was a top down process. Now that the process is bottom up, he suggested it is more realistic that it requires members to commit time and funds to participate. He added that this should be considered holistically for the regional water planning process. Mr. Holcomb suggested it would be good to know the miles and labor hours dedicated to regional water planning.

Mr. Walthour noted that in his experience when the state government has to make cuts it relies on local government to pick up the costs. When the legislature looks at fiscal impact, costs to local governments and entities are often not considered or calculated. Mr. Rodriguez noted he was not against the recommendation but not in favor of asking for reimbursement these items. He suggested that locals should pay a share of the regional plans. Mr. Holcomb added it is hard to plan for what you don't know and suggested that even an approximate estimate of the costs would be valuable information. Mr. Schreiber asked if the recommendation should be directed to the RWPG since TWDB would likely have to ask the RWPGs for information. Mr. Holcomb suggested the recommendation was best suited for TWDB to prepare a standardized cost estimate. Members agreed.

Mr. Holcomb asked if TWDB ever meets to discuss best practices with RWPG consultants. Ms. Backhouse noted that at the end of the last planning cycle, TWDB held a technical meeting with all RWPG consultants and used feedback from the consultants to update and improve regional water planning guidance documents. TWDB plans to do this again at the end of the current cycle. Technical documents and guidance is also provided to consultants for feedback prior to being finalized.

Mr. Holcomb asked if the Interregional Planning Council also needs to be involved and suggested output from this work effort should be made available to future Councils. Mr. Schreiber agreed that making this information available to future Councils would be beneficial. A recommendation was added for future Interregional Planning Councils to review materials and meeting notes from TWDB's lessons learned technical meetings with RWPG consultants. Mr. Rodriguez asked if this information was provided to the regions previously. Ms. Backhouse noted she will confirm what information was provided to the RWPGs and follow up with the committee. Mr. Holcomb noted that the Interregional Planning Council brings a new level of coordination that didn't exist before and having this information in front of the Council is a new opportunity. No recommendations were made to the legislature or RWPGs on this topic.

No additional recommendations are under consideration by the committee.

6. Consideration and Action, as appropriate – Committee reports and recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Mr. Walthour will provide a report on behalf of the committee to the full Council at August 12, 2020 Council meeting. Members discussed the committee report. Mr. Walthour will briefly review observations and then present the committee's seven recommendations in his report to the Council.

7. Discussion of Next Steps

The next committee meeting is scheduled for 1:30 p.m. on August 20, 2020. At the August 20 meeting, the committee plans to review any amendments to recommendations received at the August 12 Council meeting. The committee will also review the existing practice write-ups for the committee report. Mr. Holcomb suggested members review the seven recommendation topics for current practices.

Ms. Backhouse (TWDB) noted TWDB staff will compile the committee's write ups into a report format and fact check information. Mr. Holcomb will prepare a write up on existing practices on engagement. Mr. Schreiber will prepare a write up on existing practices for reimbursement of RWPG administrative costs. Mr. Walthour asked members to provide write ups to TWDB as soon as possible after the August 12 Council meeting so staff can compile the information into a draft report.

Mr. Rodriguez informed the committee he will not be able to attend the August 20 meeting.

8. Discussion of Agenda for Future Meetings

The agenda for August 20, 2020 meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps. Mr. Walthour thanked members for their patience and participation in the committee meetings.

The committee then considered agenda item 4.

4. Discussion and Action, as appropriate – Action Plan for Committee Work and Status of Assignments

No discussion under this agenda item.

Approved 8/20/20

9. **Public Comment** – No public comments were offered.
10. **Adjourn** – Mr. Walthour adjourned the meeting at approximately 3:20 p.m.

8/20/20 Meeting

General Best Practices for Future Planning Committee of the Interregional Planning Council Meeting Minutes

August 20, 2020, 1:30 p.m. to 2:15 p.m.

held via GoToWebinar Videoconference

Committee decisions bolded and italicized in document

Participation: Committee Members present 4 of 5: Steve Walthour (Region A), Russell Schreiber (Region B), Allison Strube (Region F), and Kelley Holcomb (Region I). Tomas Rodriguez (Region M) was absent.

Senators/Representatives/Other VIPs in Attendance: None

Texas Water Development Board (TWDB) Board Members and Staff: Sarah Backhouse, Elizabeth McCoy, and Claire Boyer.

AGENDA ITEMS

1. Call to Order and Welcome

Committee Chair Steve Walthour (Region A) called the meeting to order and determined that a quorum was present.

2. Public Comment – No public comments were offered.

3. Consider Minutes from the August 6, 2020 Committee Meeting

The committee considered the minutes of the August 6, 2020 meeting. Russell Schreiber (Region B) made a motion to approve the minutes. Allison Strube (Region F) seconded the motion. The minutes were unanimously approved.

4. Discussion and Action, as appropriate – General Best Practices for Future Planning

Mr. Walthour briefly reviewed the seven general best practice topics the committee selected for recommendations. Topics included: simplified planning, regional water planning group (RWPG) membership engagement, communication between TWDB, RWPGs, and members, TCEQ as an ex-officio member, reimbursement of labor costs for RWPG administrative agents, Open Meeting Act modification for video-conferencing, and improving the regional water planning process.

5. Consideration and Action, as appropriate – Committee reports and recommendations to the Interregional Planning Council regarding General Best Practices for Future Planning

Members considered the committee's draft section of the Interregional Planning Council report and reviewed feedback from the Council on the committee's recommendations. Sarah Backhouse (TWDB) outlined that the committee's draft section of the Council report includes feedback from committee members in comments and track changes.

Members reviewed the report section on existing practices. Ms. Backhouse asked Mr. Walthour if the language under improving the regional water planning process existing practices that referenced obtaining feedback from RWPG members at end of planning cycle was referring to the TWDB stakeholder survey. Mr. Walthour noted this language was referring to something else, but a survey of RWPG members could potentially be used. Ms. Backhouse mentioned that an RWPG stakeholder survey

was conducted at the end of the 4th planning cycle. Mr. Walthour suggested language be added to recommend TWDB continue to perform regular RWPG stakeholder surveys. Members agreed with the proposed addition.

The committee then reviewed the recommendations section of the report. Ms. Backhouse outlined that recommendations are organized by topics and each section includes an introduction paragraph that outlines the benefits of the recommendation. Specific recommendations are then organized by whom the recommendation is directed to: TWDB, Legislature, RWPGs, or Future Interregional Planning Councils. Ms. Backhouse noted all committees will use this format.

Mr. Walthour presented a new recommendation for RWPGs on the topic of enhancing engagement. Mr. Walthour proposed that RWPGs should provide feedback to members regarding water infrastructure projects and water conservation projects that were funded by the TWDB as a result of the planning process. Mr. Walthour noted that engagement is a problem and suggested that providing this feedback to members may help improve engagement.

Kelley Holcomb (Region I) noted that if this information can easily be provided it could be beneficial information to provide RWPGs. Mr. Holcomb asked if it would be possible to tie a list of TWDB funded projects back to the regional project prioritization lists. Ms. Backhouse noted that TWDB could provide RWPGs information on which projects in the regional water plans have received TWDB funding. Mr. Holcomb suggested that when projects are presented to the TWDB Board for funding, presentations could note which regional water plan includes the project.

Ms. Backhouse added that TWDB staff currently present information on projects that receive funding from the State Water Implementation Fund for Texas (SWIFT) at RWPG meetings. Staff do not currently provide information on projects funded through other TWDB financial assistance programs, but this information could be provided. Mr. Walthour proposed this recommendation should be directed to the TWDB not RWPGs. Members agreed. The recommendation was moved and revised to state: provide feedback to RWPGs regarding water infrastructure projects and water conservation projects that were funded by the TWDB as a result of the planning group's efforts.

The committee reviewed recommendations on communication between TWDB, RWPGs, and Members. Members considered information provided via email by Ms. Backhouse on internal options for improving TWDB communication with RWPGs that can be accomplished with existing resources. This included ideas for improvement on email communication practices, increasing communications with RWPGs, social media, and educational content.

Mr. Walthour noted funding could be an issue for implementing improvements. Ms. Backhouse confirmed that the proposed recommendations could likely be done internally. Mr. Walthour proposed the third recommendation to TWDB in Section 4.3 be expanded to note improvements to email communication practices, opportunities to increase communications with RWPGs, use of social media, and other methods of providing educational materials to RWPGs and their members. Members agreed with the proposed addition.

No revisions were made to recommendations on TCEQ as ex-officio member or reimbursement of labor costs for regional water planning administrative agents.

Mr. Walthour proposed revisions to the language in the legislative recommendation on modification of the Texas Open Meetings Act video-conferencing restrictions. The recommendation was revised to allow virtual attendance of a RWPG member that cannot physically attend a meeting because of health related or other issues approved by the Legislature. Ms. Strube indicated the revision addressed her concerns on allowances for RWPG members and travel distances. Members agreed with the revision.

No revisions were made to recommendations on improving the regional water planning process.

Ms. Strube made a motion to approve the committee's report section and final recommendations as amended. Mr. Schreiber seconded the motion. ***The committee unanimously approved the committee's report and recommendations as amended.***

Mr. Holcomb asked Ms. Backhouse about the member information included in Appendix A of the report. Ms. Backhouse confirmed this information was compiled from Interregional Planning Council member nomination materials. Members can submit revisions to Appendix A to TWDB staff.

6. Discussion of Next Steps

The next committee meeting was scheduled for 1:30 p.m. on August 27, 2020. Mr. Walthour asked members to consider canceling the August 27 and September 10 meeting dates. Members agreed to cancel the proposed meetings. The next committee meeting is tentative scheduled for 1:30 p.m. on September 17, 2020, for the committee to consider any feedback from the Council on the committee's final recommendations and report.

Mr. Kelley asked for confirmation that the document the committee just approved includes the final recommendations that are to be submitted to the Council for consideration. Mr. Walthour confirm the motion for approval indicated approval was for the committee's final recommendations.

7. Discussion and Action, as appropriate – Action Plan for Committee Work and Status of Assignments

The committee considered work to be completed prior to the next meeting. Ms. Backhouse confirmed that TWDB staff will incorporate the committee's revisions into the final committee report. Mr. Walthour asked Ms. Backhouse to send the final document to the full committee for final review. If additional changes are needed after the final review, a meeting will be scheduled for the committee to address proposed revisions.

8. Discussion of Agenda for Future Meetings

The agenda for the September 17, 2020 meeting will include consider approval of minutes, status of assignments, consider committee reports and recommendations, and discuss next steps.

9. Public Comment – No public comments were offered.

10. Adjourn – Mr. Walthour adjourned the meeting at approximately 2:15 p.m.

Appendix C

Interregional Conflict Facilitator's Report and Supporting Materials

DRAFT

Interregional Conflict Working Group of the Interregional Planning Council Facilitator's Report

The Council tasked Kevin Ward (Region C) and Jim Thompson (Region D) with discussing issues related to interregional conflict and with bringing issues back to the Council for further discussion. Mr. Thompson and Mr. Ward held a teleconference on July 20, in which Council Chair Suzanne Scott, TWDB staff Temple McKinnon and Matt Nelson, and facilitator Suzanne Schwartz participated. The following represents their input to the Council, with the thought that these recommendations might be considered first by the Enhancing Interregional Coordination Committee.

While the planning process has not experienced widespread problems related to interregional conflicts, extenuating situations have occurred -- and may continue to occur -- in which conflicts over shared resources or impacts that occur in the region of origin warrant consideration of an earlier and possibly more enhanced process.

- A mechanism is needed earlier in the planning cycle to identify when a proposed strategy involves use of a water resource in another region or otherwise impacts another region, and when coordination and the opportunity for joint planning should occur early between the regions to determine if the regions are in agreement over the strategy.

If a conflict exists, or is likely to develop, concerning the proposed strategy, and it appears unlikely that the conflict would be resolved through the current planning process, an alternate process could be initiated that assures those impacted by the proposed strategy are able to work together to craft a solution. Alternative processes might include elements such as:

- Including stakeholders representing all major interests from both regions;
- Developing joint studies and fact finding that all stakeholders would trust;
- Placing all parties on an equal footing related to access to information and discussion;
- Allotting sufficient time and funding to provide for its success. The Council might consider recommendations for sources of potential funding.

Any process that is recommended should be evaluated to confirm it does not undermine what is currently a generally effective 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.

Appendix D

Committee Charges and Example Committee Report Template

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.

Best Practices Committee Report to the Interregional Planning Council – August 12, 2020

1. Proposed Changes to Committee Problem and Goal Statement: (Include Tracked-Changes to the Council’s previously adopted Problem and Goal Statement OR indicate no change needed at this time.)

2. Draft Recommendation Summaries:

Recommendation 1: Simplified Planning

a. **Brief Observation:** The simplified planning process under Texas Water Code (TWC) Section 16.053 is not functional. Requiring RWPGs to update groundwater and surface water availability values that have not significantly changed is a waste of volunteer regional water planning members’ time.

b. **Succinct Recommendations:**

i. The Legislature should amend the language in TWC Section 16.053(i) to either:

1. Discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly,
2. Allow RWPGs to petition the TWDB to implement simplified planning and authorize the TWDB to determine if simplified planning would be most effective,
3. Require development of the state water plan every 10 years instead of every five years, with sponsorship of special studies between planning cycles, or
4. Strike simplified planning from the statute.

ii. The TWDB should:

iii. The RWPGs should:

iv. Future Interregional Planning Councils should:

c. **Brief Benefit:** Implementing this recommendation would allow full updates of the state water pan following updated census data, better align the regional water plans with the groundwater management area process, and potentially redirect State resources to solving water planning issues through funding special studies.

Recommendation 2:.....

3. Draft Recommendations Under Further Consideration (yet to be fully developed):

1. Issue 1
2. Issue 2

Appendix E

TCEQ-Identified Interregional Basin
Transfers and Responses to TWDB's 2020
RFI for Multi-Regional Projects

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
3782	Canadian River Municipal Water Authority	Canadian	Lake Meredith	Red, Brazos, Colorado	151,200	1956	No	No
3985	City of Lubbock	Canadian	Lake Meredith	Brazos	22,910	1983	No	No
4301	Greater Texoma Utility Authority	Red	Lake Texoma	Trinity, Sabine	25,000	1957	Yes	Yes
				Trinity	56,500	2009	Yes	Yes ²
				Trinity	1,515	2011	Yes	No ²
4881	City of Gainesville	Red	Fish Creek	Trinity	4,500	1962	No ³	No
					3,240	2006	Yes	No (E) ²
4898	Red River Authority of Texas	Red	Lake Texoma	Trinity	2,000	1974	No	No
4899	Red River Authority of Texas	Red	Lake Texoma	Trinity	250	1967	No	No
4940	City of Paris	Red	Pat Mayse Lake	Sulphur	21,115	1964	Yes	No (E)
4943	City of Paris	Red	Lake Crook	Sulphur	12,000	1922	No	No
4961	City of Texarkana	Red	Bringle Lake	Sulphur	2,220	1928	No	No
5003	North Texas Municipal Water District	Red	Lake Texoma	Sabine, Trinity	84,000	1985	No	No
					113,000	2006	Yes	No ²
5144	City of Wichita Falls	Red	Lake Kickapoo	Brazos	1,120	1984	No	No
5145	City of Megargel	Red	Megargel Creek Lake	Brazos	70	1962	No	No
5146	City of Olney	Red	Olney Lake, Lake Cooper	Brazos	450	1935	No	No
					810	1953	No	No
					35	1980	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5211	MacKenzie Municipal Water Authority	Red	Lake MacKenzie	Brazos	2,600	1967	No	Yes/1982
12151	North Texas Municipal Water District	Red	Lower Bois D'Arc Creek Reservoir	Trinity, Sulphur	175,000	2007	Yes	No (2)
4797	Sulphur River Municipal Water District (Upper Trinity Regional Water District)	Sulphur	Lake Chapman	Trinity	16,106	1965	No	No
	North Texas Municipal Water District			Sabine, Trinity	3,214	1965	No	No
4798	North Texas Municipal Water District	Sulphur	Lake Chapman	Sabine, Trinity	54,000	1965	No	No
4799	City of Irving	Sulphur	Lake Chapman	Trinity	54,000	1965	No	No
4811	City of Sulphur Springs	Sulphur	Lake Sulphur Springs	Sabine	2,000	1951	No	No
					7,800	1968	No	No
4836	City of Texarkana	Sulphur	Lake Wright Patman	Cypress	9,000	1951, 1957, 1967	No	Yes/1981
				Red	11,500		No	Yes/1981
5821	Upper Trinity Regional Water District	Sulphur	North Sulphur River	Trinity River Basin	45,000	2004	Yes	No (2)
4560	Franklin County Water District	Cypress	Lake Cypress Springs	Sulphur, Sabine	4,000	1970	No	No
					173	1970	No	No
					2,012	1970	No	Yes/1980
					2,200	1970	Yes	No ³

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
					1,000	1966	No	No (E)
4590	Northeast Texas Municipal Water District	Cypress	Lake O' the Pines	Sabine	20,000	1957	No ³	No
					9,000			No (E)
4614	City of Marshall	Cypress	Cypress Creek	Sabine	16,000	1947	Yes	No (E)
4658	Sabine River Authority of Texas	Sabine	Sabine River	Neches	80,000	1958	No	No
4662	Sabine River Authority of Texas	Sabine	Sabine River	Neches	30,000	1946	No	No
4669	Sabine River Authority of Texas	Sabine	Lake Fork	Trinity	120,000	1974	No	Yes/1983
					5,048	1974	No	Yes/1992
					56,800		Yes	No (E)
4670	Sabine River Authority of Texas	Sabine	Lake Tawakoni	Trinity	207,765	1955	No	No
				Sulphur	8,396	1955	No	Yes/1986
				Trinity	20,000	1955	No	Yes/1986
					47,620		Yes	No (E)
4693	ETX Paragon, Ltd	Sabine	Van Lake	Neches	150	1949	No	No
					250	1976	No	No
4724	Hide-Away-Lake Club	Sabine		Neches	180	1970	Yes	No (E)
					179.42	1994	Yes	No (E)
3254		Neches	Lake Palestine	Sabine, Trinity	114,337	1956	No ³	Yes/1972 (E) ³

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
	Upper Neches River Municipal Water Authority				18,000	1956	No ³	Yes/1983 (E) ³
3256	Athens Municipal Water Authority	Neches	Lake Athens	Trinity	8,500	1955	No ³	No
3879	Texaco	Neches	Neches River	Neches-Trinity	12,900	1982	No	No
4228	Angelina and Neches River Authority	Neches	Lake Columbia	Sabine	2,200	1985	No	No
4411	Lower Neches Valley Authority	Neches	Sam Rayburn Reservoir, Neches River and Pine Island Bayou	Neches-Trinity	219,252	1913	No	No
					107,108		No	No
					820,000	1963	Yes	No (E)
4415	City of Beaumont	Neches	Neches River	Neches-Trinity	6,570	1915	No	No
					49,897	1925	No	No
4853	City of Tyler	Neches	Lake Tyler	Sabine	40,325	1947	No	No
2319	City of Saint Jo	Trinity	Elm Fork Trinity River	Red	330	1957	No	No
2410	North Texas Municipal Water District	Trinity	Lake Lavon	Red, Sulphur, Sabine	498,024	multiple	Yes	No(E) ^{2,3}
3356	City of Weatherford	Trinity	Lake Weatherford	Brazos	5,220	1954	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
4248	Trinity River Authority	Trinity	Lake Livingston	Neches, Neches-Trinity	351,600	1959	No ³	No
				San Jacinto	51,600		No ³	No
4261	City of Houston	Trinity	Trinity River, Lake Livingston	Trinity-San Jacinto	31,600	1913	No	No
				San Jacinto	13,400		No	No
				Neches-Trinity	28,000	1959	No	No
				Trinity-San Jacinto, San Jacinto, San Jacinto-Brazos	444,000		No	No
					458,800		No	No
				10,000	No		No	
4277	City of Houston	Trinity	Trinity River	San Jacinto, Trinity-San Jacinto, San Jacinto-Brazos	33,000	1913	No	No
					5,000	1969	No	No
4279	Chambers-Liberty Counties Navigation District	Trinity	Trinity River, Lake Anahuac	Neches-Trinity, Trinity-San Jacinto	36,667	1906	No ³	No
	43,333				1914			
	San Jacinto River Authority			Trinity-San Jacinto	30,000	1914	No ³	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5271	San Jacinto River Authority	Trinity	Trinity River	Neches-Trinity	7,500	1917	No	No
				Trinity- San Jacinto	20,000	1926	No	No
				San Jacinto	17,500	1929	No	No
					11,000	1936	No	No
	Lower Neches Valley Authority			Neches-Trinity	2,500	1929	No	No
13037	North Texas Municipal Water District	Trinity	Lake Lavon	Sabine, Red, Sulphur		multiple	Yes	No (E)
5807	San Jacinto River Authority	San Jacinto	Lake Houston	Trinity-San Jacinto, Trinity, San Jacinto-Brazos	14,100	2003	Yes	No(E) ²
	City of Houston				14,100			
5808	San Jacinto River Authority	San Jacinto	Lake Houston	Trinity-San Jacinto, Trinity, San Jacinto-Brazos	40,000	2003	Yes	No (E) ²
	City of Houston				40,000			
5809	San Jacinto River Authority	San Jacinto	San Jacinto River	Trinity-San Jacinto	14,944	2004	Yes	No (E)
5826	City of Houston	San Jacinto	San Jacinto River	San Jacinto-Brazos, Trinity-San Jacinto	130,000	2004	Yes	No(E) ²
5827	City of Houston	San Jacinto	Brays, Hunting, Green, and Whiteoak Bayous and Lake Houston	Trinity, San Jacinto-Brazos, Trinity-San Jacinto	580,923	2004	Yes	No(E) ²
13183	San Jacinto River Authority	San Jacinto	West Fork San Jacinto River	Trinity-San Jacinto	11,200	2016	Yes	No (E) ²
5169	Gulf Coast Water Authority	San Jacinto - Brazos	Oyster and Jones Creek	San Jacinto, Brazos	12,000	1948	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5170	City of Sugarland	San Jacinto - Brazos	Oyster and Jones Creek	San Jacinto, Brazos	18,000	1948	Yes	No(E)
5338	Texas Department of Corrections	San Jacinto - Brazos	Oyster Creek	Brazos	300	1985	No	No
2925	TWDB, City of Houston, Brazos River Authority	Brazos	Allen's Creek Reservoir	San Jacinto, San Jacinto-Brazos	99,650	1999	Yes	No (E)
2971	City of Lampasas	Brazos	Sulphur Creek	Colorado	180	1986	No	No
4151	City of Clyde	Brazos	Elm Creek	Colorado	2,500	1928	Yes	No(E)
4161	City of Abilene	Brazos	Elm Creek	Colorado	3,000	1937	No ³	No (E)
5155	Brazos River Authority	Brazos	Possum Kingdom Reservoir	Trinity	5,240	1986	No	No
5156	Brazos River Authority	Brazos	Lake Granbury	Trinity	2,600	1964	No ³	Yes/1986
					17,400		No ³	Yes/1986
5167	Brazos River Authority	Brazos	Brazos River	San Jacinto-Brazos	200,000	Non-priority	No	No
5168	Gulf Coast Water Authority	Brazos	Brazos River	San Jacinto-Brazos	99,932	1926	No	No
5171	Gulf Coast Water Authority	Brazos	Brazos River	San Jacinto-Brazos	75,000	1939	No	No
					50,000	1950	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5287	Bi-Stone Municipal Water Supply District	Brazos	Lake Mexia	Trinity	2,952	1957	No	No
5291	City of Teague	Brazos	Teague City Lake	San Jacinto-Brazos	605	1952	No	No
5322	Gulf Coast Water Authority	Brazos	Brazos River	San Jacinto, San Jacinto-Brazos	40,000	1929	No ³	No
					40,000	1955	No ³	No
					75,000	1983	No ³	No
5328	Dow Chemical Company	Brazos	Brazos River	San Jacinto-Brazos	20,000	1929	No	No
					150,000	1942	No	No
					110,000	1960	No	No
					3,136	1976	No	No
5366	Brazosport Water Authority	Brazos	Brazos River	San Jacinto-Brazos, Brazos-Colorado	45,000	1960	No	No
5851	Brazos River Authority	Brazos	Brazos River	San Jacinto-Brazos, Brazos-Colorado, Trinity, Red, Colorado, Guadalupe, Lavaca, San Jacinto	516,945	2016	Yes	No (E)
1002	Colorado River Municipal Water District	Colorado	Lake J.B. Thomas	Brazos	30,000	1946	No	No
1031	City of Sweetwater	Colorado	Oak Creek Reservoir	Brazos	9,328	1949	No	No
1660	City of Clyde	Colorado	Lake Clyde	Brazos	200	1965	No	Yes/1985

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
1891	Corix Utilities (Texas) Inc. and Joe R. Miller	Colorado	Lometa Reservoir	Brazos	117.5	1921	Yes	No (E)
1903	City of San Saba	Colorado	Mill Creek	Brazos	245	1914	Yes	No (E)
1913	Corix Utilities (Texas) Inc., John Pat Grumbles and Emmet Lee Grumbles	Colorado	Lometa Reservoir	Brazos	270	1932	Yes	No (E)
3676	Colorado River Municipal Water District	Colorado	O.H. Ivie Reservoir	Brazos	15,000	1978	Yes	No (E)
4007	City of Cedar Park	Colorado	Lake Travis	Brazos	18,000	1938	Yes	No (E)
5434	Lower Colorado River Authority	Colorado	Colorado River	Brazos-Colorado, Colorado-Lavaca, Lavaca	133,000	1900	No	No
	City of Corpus Christi			Colorado-Lavaca, Lavaca, San Antonio, Nueces, Lavaca-Guadalupe, San Antonio-Nueces, Nueces-Rio Grande	35,000		No	Yes ⁵

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5437	Lower Colorado River Authority and STP Nuclear Operating Company	Colorado	Colorado River	Colorado-Lavaca	102,000	1974	No	No
5471	City of Austin	Colorado	Lake Austin	Brazos, Guadalupe	249,000	1913	No	No
			Town Lake		22,403	1914	No	No
5475	Lower Colorado River Authority	Colorado	Eagle Lake	Brazos-Colorado, Colorado-Lavaca	52,500	1901	No	No
					78,750	1987	No	No
5476	Lower Colorado River Authority	Colorado	Colorado River	Brazos-Colorado, Colorado-Lavaca	228,570	1900	No	No
					33,930	1987	No	No
5477	Lower Colorado River Authority	Colorado	Colorado River	Brazos-Colorado, Colorado-Lavaca	110,000	1907	No ³	No
5677	Lower Colorado River Authority	Colorado	Lake Travis	Brazos	24,000	1938	Yes	No (E)
5715	Lower Colorado River Authority	Colorado	Colorado River (Lometa Reservoir)	Brazos	476	1938	Yes	No (E)
5730	Brazos River Authority	Colorado	Colorado River and Lake Travis	Brazos	25,000	1938	Yes	No (E)
5731	Lower Colorado River Authority	Colorado	Colorado River	Brazos, Brazos-Colorado, Colorado-Lavaca, Lavaca	327,591	2001	Yes	No(E) ²

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
2095	Lavaca Navidad River Authority	Lavaca	Lake Texana	San Antonio, Nueces, San Antonio-Nueces, Nueces-Rio Grande	46,518	1972	No	No
					7,500	2003	Yes	No ²
3978	2001 Cavalcade, Inc., Javelin Holding Limited Liability Company, Owen Enterprises, LLC.	Lavaca	Lavaca River	Lavaca-Guadalupe	1,800	1983	No	No
5584	Jackson County	Lavaca and Lavaca-Guadalupe	Lavaca River, Garcitas Creek, Venado Creek, Dry Creek	Lavaca, Lavaca-Guadalupe	2	1997	No	No
2074	Guadalupe-Blanco River Authority	Guadalupe	Canyon Lake	Colorado, Colorado-Lavaca, Lavaca, Lavaca-Guadalupe, San Antonio, San Antonio-Nueces	62,900	1956	No ³	No
					57,100	1999	Yes	No(E) ²
3600	Guadalupe- Blanco River Authority	Guadalupe	San Marcos River	San Antonio, Colorado, Lavaca	600	1981	Yes	No (E)
3606	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	4,676	1978	No	No
3606	Victoria County Navigation District	Guadalupe	Guadalupe River	Lavaca-Guadalupe	5,000	1978	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
3844	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	608	1918	Yes	No (E)
3858	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	1,000	1951	Yes	No (E)
3860	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	260	1951	No	No
3861	E.I. Du Pont de Nemours and Company	Guadalupe	Guadalupe River	Lavaca-Guadalupe	5,000	1948	No	No
	Invista				55,000			
3862	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	262.7	1951	Yes	No (E)
3863	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca, Lavaca-Guadalupe, San Antonio, San Antonio-Nueces	3,000	1951	No ³	No
3895	Jefferson Bank, Custodian of the Edmund McLeod Longscope IRA	Guadalupe	San Marcos River	Lavaca, Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca	580	1977	No ³	No (E)

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
4276	Del Williams	Guadalupe	Guadalupe River	Lavaca-Guadalupe	272	1985	No	No
5012	Robert Joseph Hawes	Guadalupe	Elm Bayou	San Antonio	140	1985	No	No
5173	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca, Lavaca	2,500	1941	No ³	No
5174	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca, Lavaca	1,870	1944	No ³	No
5175	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado,	940	1951	No ³	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
				Colorado-Lavaca, Lavaca				
5176	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca, Lavaca	9,944	1951	No ³	No
5177	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca, Lavaca	42,615	1944	No ³	No
					8,632	1948	No ³	No
5178	Guadalupe-Blanco River Authority	Guadalupe	Guadalupe River	Lavaca-Guadalupe, San Antonio, San Antonio-Nueces, Colorado, Colorado-Lavaca, Lavaca	106,000	1952	No ³	No
5234	Guadalupe-Blanco River Authority	Guadalupe	San Marcos River	San Antonio, Colorado, Lavaca	1,022	1989	Yes	No (E)
5466	City of Victoria	Guadalupe	Guadalupe River	Lavaca-Guadalupe	20,000	1993	No	No

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
1160	DDR Rock Ranch Partners, Ltd.	San Antonio	Cibolo Creek, San Antonio River	Nueces, Guadalupe, San Antonio-Nueces	140	1966	Yes	No (E)
2130	BMA WCID	San Antonio	Medina Lake	Nueces	65,830	1910	No	No
2131	BMA WCID	San Antonio	Medina Lake	Nueces	2,000	1912	No	No
2178	Zachary Xavier Yanta and Linda A. Yanta	San Antonio	San Antonio River	Nueces	63	1917	Yes	No (E) ³
					180	1926		
					500	1989		
2193	Riverdale Land and Cattle Company, Ltd.	San Antonio	San Antonio River	Guadalupe and Nueces River Basins and the San Antonio-Nueces Coastal Basin	284	1963	Yes	No (E)
2197	Riverdale Land and Cattle Company, Ltd.	San Antonio	San Antonio River	Guadalupe and Nueces River Basins and the San Antonio-Nueces Coastal Basin	86	1967	Yes	No (E)
2198	San Antonio River Authority	San Antonio	San Antonio River	Guadalupe and Nueces River Basins and the San Antonio-Nueces Coastal Basin	333	1950	Yes	No (E)

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
3517	Ridley Family Ranches	San Antonio	San Antonio River	Guadalupe, Nueces and Lavaca River Basins and the Lavaca-Guadalupe and San Antonio-Nueces	80	1977	Yes	No (E)
					80	1984	Yes	No (E)
4161	Joyce Ann Anderson	San Antonio	San Antonio River	Guadalupe and Nueces River Basins and the San Antonio-Nueces Coastal Basin	90	1984	Yes	No (E)
4175	Ridley Family Ranches	San Antonio	San Antonio River	Guadalupe, Nueces, and Lavaca River Basins & San Antonio-Nueces and Lavaca-Guadalupe Coastal Basins	160	1984	Yes	No (E)
4240	Rio Grande Resources Corporation	San Antonio	Cibolo Creek	Guadalupe, Nueces, San Antonio-Nueces	525	1985	Yes	No(E)
5044	Ridley Family Ranches, Ltd.	San Antonio	San Antonio River	Lavaca, Lavaca-Guadalupe, Guadalupe, San Antonio-Nueces, Nueces	150	1986	Yes	No(E)

Interbasin Transfers
Excluding the Rio Grande Basin

WR	Owner	Basin From	Source	Basin To	Amount	Original Priority Date	Subject to SB1	Junior Date?/New Priority Date
5489	Womack Land and Cattle Company, Ltd.	San Antonio	Elm Bayou	Guadalupe	750	1994	No ³	No
5283	RK Agustaya TIC LLC	San Antonio-Nueces	Poesta Creek	Guadalupe, Nueces, San Antonio	150	1990	Yes	No (E)
2466	Nueces County WCID #3	Nueces	Nueces River	Nueces-Rio Grande	8,606	1909	No	No
					2,940	1921	No	No
2464	City of Corpus Christi	Nueces	Lake Corpus Christi	Nueces-Rio Grande	675	1913	No	No
					4,054	1914	No	No
					300,026	1925	No	No
4092	City of Taft	Nueces	Taft Drainage Ditch	San Antonio-Nueces	600	1983	No	No
5736	City of Corpus Christi	Nueces	Nueces River	San Antonio-Nueces	8,000	2001	No	No
12986	M&G Resins USA, LLC	Nueces-Rio Grande	Corpus Christi Inner Harbor	Nueces	25,806	2014	Yes	No (E)

Interbasin Transfers Excluding the Rio Grande Basin

1. It should be noted that many water rights include authorization for interbasin transfer where the amount to be transferred is not specified. If the amount was not specified in the water right, it was assumed that the entire amount would be transferred.
2. Some water rights did not receive a new priority date for the interbasin transfer because the water right was a new appropriation of water and was junior anyway.
3. These water rights were subsequently amended after SB1 for additional exempt authorizations.
4. (E) represents water rights that applied for and were granted exempt interbasin transfers
5. The portion of the water right granted to Corpus Christi was made one day junior to LCRA's rights pursuant to an agreement between the parties.

Interregional Water Supply Projects

Compiled responses to TWDB's Request for Information

The TWDB issued this request for information (RFI) to seek information and comments regarding water supply projects that would benefit multiple water planning regions. The TWDB collected this information as directed in HB 1052 that passed during the 86th Legislative Session. The purpose of this RFI was to provide a means for stakeholders to share ideas regarding the types of interregional projects that could be considered for funding at a later date.

Responses were accepted from April 1, 2020 to July 1, 2020.

APPENDIX B Response Form

TWDB REQUEST FOR INFORMATION 580-20-RFI-0009 DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020

Company/Entity Name America First Committee PAC/ James Lee Murphy, General Counsel <i>JLM</i>	
Address 265 E. Oakview Place, Alamo Heights, Texas 78209	Phone Number (210) 859-2189
Name and Title of Authorized Representative Submitting the Response James Lee Murphy, General Counsel, America First Committee PAC	
Contact Person Name James Lee Murphy, Esq.	Contact Person Phone Number (210) 859-2189
Contact Person Email Address jamesleemurphyesq@att.net	
Regions Affected (as shown on Regional Water Planning Areas map) Primary Regions of Impact: C, H, K & L Secondary Regions of Impact: I, P & N	
Proposed Source for the Water Supply: (1) Toledo Bend Reservoir; (2) the Simsboro Aquifer portion of the Carrizo-Wilcox Formation; and (3) the Gulf of Mexico	
<p>Response</p> <p>Chairman Lake, Directors Jackson and Paup, on behalf of myself, James Lee Murphy and the America First Committee PAC, I thank you for the opportunity to comment. The current regional planning process dates back to the passage of Senate Bill 1 during the 1997 Session of the Texas Legislature. A lot has changed since that time and we believe HB 1052 provides an opportunity for taking a second look at a regional planning process begun over two decades ago.</p> <p>Over the past 27 years I have been directly involved representing the interests of river authorities in the planning regions that affect the Dallas Metroplex, Houston, Austin, and San Antonio. Thanks to funding made available by the TWDB, I've supervised the development of large-scale regional projects and have presented testimony before the Texas Legislature, TWDB and numerous professional associations regarding strengths and weaknesses of the current regional planning process. I am therefore qualified to offer a careful examination of elements essential to the development of projects "that would benefit multiple water planning regions" and to do so in manner that will "encourage optimum development of interregional water supply projects selected under Texas Water Code Section 16.145."</p> <p>The projects that I reference in the "Proposed Source for the Water Supply" section above adhere strictly to the criteria established by TWDB for this RFI: (1) maximizing the use of private financial resources, (2) combining the financial resources of multiple water planning regions, and (3) having a substantial economic benefit to the regions served by: (a) affecting a large population, (b) creating jobs in the regions served, and (c) meeting a high percentage of the water supply needs of the water users served by the project. I will briefly describe the projects however a detailed description is unnecessary as TWDB has either funded or otherwise obtained information regarding the sources. I will conclude with an overview of the impediments to promote and fund "water supply projects that benefit multiple water planning regions."</p> <p>Toledo Bend Reservoir</p> <p>Toledo Bend reservoir has a conservation surface area of 181,600 acres and a shared storage capacity of 4,477,000 acre-feet at the conservation pool elevation of 172 feet above mean sea level. Designed total storage capacity is 4,661,000 acre feet at top of emergency spillway gates, elevation of 173 feet above mean sea level. Toledo Bend Reservoir is the largest man-made body of water in the South by surface area and fifth largest in surface acres in the United States. It is the third largest reservoir in or shared with Texas by total storage capacity. Toledo Bend could supply much, possibly all, of the demand projected in the State Water Plan for Regions C & K, however three factors combine to stymie the effective usage of this unmatched resource: (1) legislation; (2) transportation; and (3) commodity cost. Scholarly papers describe the problem in detail, however it is important to note that unlike most projects listed in the State Water Plan, the source of supply is secure, well-identified and readily available, while the impediments are largely "paper problems" that can be remedied by legislation, which I address below. The chief engineering challenge is in the field of transportation, as infrastructure is necessary to link the resource to the Greater Houston metropolitan area, as well as the DFW area's Integrated Water Project pipeline. It should be noted in terms of water availability that Louisiana has little projected need for its share of the Toledo Bend.</p> <p>Groundwater - The Simsboro Aquifer</p> <p>As an Executive Manager at the Guadalupe-Blanco River Authority (GBRA), I have as strong a claim as any to the potential development of the Carrizo-Wilcox aquifer as a source of supply consistent with the guidelines of this RFI. GBRA developed a project to utilize this resource in combination with storage and under-utilized surface water rights held by GBRA.</p>	

Response (continued)

As a predominantly rural authority, GBRA recognized that the highest and best use of the state's groundwater resource should be reserved for the following uses, in descending order of importance: (1) agriculture; (2) industry; and (3) smaller communities with stagnant or declining population growth. We were concerned moreover that promotion of groundwater was, and is, driven by consultants and private investors for whom profit precedes the public interest. Our approach therefore was to focus on the Simsboro, based on information obtained from TWDB, as the most reliable source of groundwater for municipal supply, supplemented by surface water and storage, the latter to balance the differing drought curves that affect surface and groundwater. We determined that no more than 100,000 acre-feet of groundwater could be relied upon for municipal water supply, and we predicated our project on providing 50,000 acre-feet to the San Antonio area, 35,000 acre-feet for the Austin area, with remainder for the I-35 corridor between Austin and San Antonio. GBRA abandoned this project due to political pressure, possibly illicit, applied by private investors and/or their lobbyists and attorneys, however it remains viable if the Vista Ridge pipeline, currently operated by Epcor, a private entity, were converted to a regional utility rather than a personal vehicle for the personal benefit of the beneficiaries of the San Antonio Water System.

The Gulf of Mexico

More than two-thirds of Texas residents live within 150 miles of the Gulf of Mexico. It should be glaringly obvious that marine seawater represents the best long-term source of uninterrupted source of water supply for our state. All sources of supply are subject to interruption, however unlike all other options, the Gulf will never run out of water. GBRA developed a scalable Integrated Water Power Project to provide from at least one treatment facility, up to 250,000 acre-feet of supply, in increments of 25,000 acre-feet along the Texas Coast. This project was funded in part by TWDB, the GLO, and the Bureau of Reclamation. I worked closely with Rep. Eddie Lucio III and Senator Juan "Chuy" Hinojosa to secure legislation recognizing marine seawater as resource for the state and in the process worked closely with TPWD and environmental stakeholders to address positively their concerns. This project remains in the State Plan and in terms of supply, remains the obvious choice in terms of prioritizing funding from the TWDB's Participation Account.

Maximizing the Use of Private Financial Resources

I have adequately outlined, within the limits of this RFI, projects that will would of necessity meet needs that: "(a) affecting a large population, (b) creating jobs in the regions served, and (c) meeting a high percentage of the water supply needs of the water users served by the project." The projects I describe would create jobs both in the design and construction phase and, more important, proved water supply for economic growth, particularly for sectors of the economy that are large scale water users. Based on personal experience, the foregoing projects are, each in their own way, tailored to take advantage of private finance to maximize state and local investment in water supply. "Private Financial Resources" covers a wide swath, however the terms of the RFI narrow the investor community to multinational corporations that operate in the global water sector and pension and other funds seeking long-term, secure, relatively low rates of return to balance shorter term, higher risk investments. Having worked personally with a significant number of such investors, I can testify to their appetite for investment. Those seeking short term, higher returns on investment have little appetite for investing in water supply projects absent a guaranteed payout in 5-7 years at the outside. I can also testify that Texas has driven off AAA+ investors because of the impediments noted above. Removal of these impediments will open Texas to private funding that will supplement and extend not only the State Participation Account, it will extend the ability of TWDB by reallocating state funds to other, more immediate, needs.

Impediments to Developing and Funding Interregional Water Supply Projects

I mentioned legislation, transportation and commodity cost as proximate obstacles to "developing and funding interregional water supply projects." These impediments have clear solutions that cannot be adequately addressed under the state's currently regulatory framework. The Chairman of the House Natural Resource Committee has often remarked on the "balkanization" of state water planning, and his remarks are if anything, understated. Adding up the projected water demands through the life of the state water plan and balancing those demands against the number of projects in the plan to meet those demands comes up with an average of 1500 acre-feet per project. Our state water plan is more accurately described as a wish list of often duplicative projects that are eligible for state funding. The same can be said for the state agencies that currently have jurisdiction over the state's interest in water supply.

TWDB is not in a position to develop and enforce a state water plan as it is a fiduciary. TWDB has, by default become the state's database for all things water because it is a funding source, but as lending institution it must maintain a safe distance from directing or regulating the institutions to which it extends loans or credit. In a similar way, TCEQ is a regulatory agency, and throughout my career water rights has been the poorly funded step-child of an agency that must focus on compliance with state and federal environmental regulations.

Removing Impediments to Interregional Water Supply Projects

Article XVI, §59 (a) of the Texas Constitution provides that "The conservation and development of all of the natural resources of this State... and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto." As is said, a journey begins with the first step. In this instance, "developing and funding interregional water supply projects" begins with an agency charged with the mission of maximizing the development of the state's water supply. There are many ways to accomplish this task, however the State needs an equivalent of the General Land Office to promote and protect the state's interest in water and in the process end what is a *de facto* privatization of the state's interest in water. Texas recognized that by the 1890's it was a bad idea to give away land rights for no value. As a result, we have the General Land Office and the Permanent University Fund. As a member of the profession I can't advocate the solution recommended by "Dick The Butcher" in *Henry VI, Part 2, Act IV, Scene 2*, however it can't be denied that a handful of Austin based lawyers and lobbyists have effectively privatized the state role in water planning and as such they are the principal impediment to "developing and funding interregional water supply projects." TWDB is leading the way by issuing this RFI and the good news is that the vast majority of the needs reflected in the state water plan are for domestic and municipal supply. As a practical matter projects and funding related thereto will go to political subdivision of the state. They are therefore subject in all things to the Texas Legislature and the "rules of the game" the state chooses to impose. In closing, I thank you for the opportunity to respond to this RFI and I look forward to working with you in the future to make your goals a reality. I am, as always, available to respond to queries or questions.

**APPENDIX B
Response Form**

**TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020**

Company/Entity Name Brazos River Authority	
Address 4600 Cobbs Drive Waco, TX 76710	Phone Number 254-761-3100
Name and Title of Authorized Representative Submitting the Response David Collinsworth, General Manager/CEO, Brazos River Authority	
Contact Person Name Aaron Abel	Contact Person Phone Number 254-761-3175
Contact Person Email Address aaron.abel@brazos.org	
Regions Affected (as shown on Regional Water Planning Areas map) Brazos G and Region H	
Proposed Source for the Water Supply Allens Creek Reservoir	
<p>The Brazos River Authority is pursuing the Allens Creek Reservoir project in order to develop water to meet needs in the lower Brazos and San Jacinto River Basins as well as adjoining coastal basins. Allens Creek Reservoir has been a recommended water management strategy in all Region H Regional Water Plans and State Water Plans since the first cycle of the water planning process in the early 2000's. Additionally, the Allens Creek Reservoir site has been continually identified as a Unique Reservoir Site within the Region H regional water planning process. It is currently estimated that the project will provide approximately 100,000 acre-feet/year of firm supply. The reservoir's primary benefit to the citizens of Texas is to provide water for municipalities, industry, agricultural producers, and electric energy generators in the Region H area. The reservoir will also help satisfy regulatory requirements to reduce groundwater pumping, which contributes to subsidence in the area.</p> <p>A Texas Commission on Environmental Quality (TCEQ) water right has been granted for Allens Creek Reservoir through permit 2925 (original right granted February 6, 1974 and amended by 2925A granted January 16, 2002 and 2925B granted August 31, 2011). This permit provided for the ownership of the reservoir among City of Houston, Brazos River Authority, and the Texas Water Development Board who provided funding for the original purchase of the site.</p> <p>In addition to the Region H planning area, Allens Creek Reservoir will also benefit the Brazos G planning area, located primarily in the central portion of the Brazos River basin. Currently, BRA system reservoirs upstream serve the demands in Lower Brazos River basin by providing downstream water supply releases to satisfy the Lower Brazos River basin demands. Once Allens Creek Reservoir is operational and supplying demands in the Lower Brazos River basin, upstream reservoirs within the BRA water supply system will not be required to make downstream water supply releases as frequently, thus creating the potential for additional supply for other users further upstream within the Brazos G planning area.</p>	

The proposed reservoir site is located in Austin County, one mile north of the City of Wallis, on Allens Creek, a tributary to the Brazos River. This site exists within the Brazos River Basin within Region H. Approximately 9,500 acres of land at the reservoir site has been purchased. This project is configured as a scalping reservoir that would divert stormwater flows from the Brazos River and impound these flows in the reservoir to create storage yield. During periods of lower streamflow, diversions are limited by instream flow thresholds established to protect the environment and downstream senior water rights. The conservation storage quantity is approximately 145,500 acre-feet at an elevation of 121 feet above mean sea level. The total project capital cost is estimated at \$365,446,301, according to the 2021 Region H Initially Prepared Plan.

The required permitting through the U.S. Army Corps of Engineers (USACE) and engineering design of the project is anticipated to take approximately 10 years to complete with another 2.5 to 3.5 years expected for construction at the end of an overall 15-year development period.

Currently, BRA's water supply system (System) is composed of eleven reservoirs and associated permitted water rights that allow BRA to contract water on a wholesale raw water basis to over 160 customers. As new projects are evaluated, designed, and constructed costs are spread across the entire BRA customer base. It is anticipated that financing new water supply projects will require a combination of BRA funds, TWDB funds either through the State Participation program or other TWDB programs, and additional outside funding sources.

Additional information related to Allens Creek Reservoir can be found in the 2021 Region H Initially Prepared Plan (<http://www.regionhwater.com/downloads/planningdocs.html>), dated March 2020 (Appendix 5-B-SWDV-001 – Allens Creek Reservoir).

Company/Entity Name
Brazos River Authority

APPENDIX B
Response Form

TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020

Company/Entity Name Brazos River Authority	
Address 4600 Cobbs Dr. Waco, TX 76710	Phone Number 254-761-3100
Name and Title of Authorized Representative Submitting the Response David Collinsworth, General Manager/CEO, Brazos River Authority	
Contact Person Name Aaron Abel	Contact Person Phone Number 254-761-3175
Contact Person Email Address aaron.abel@brazos.org	
Regions Affected (as shown on Regional Water Planning Areas map) Region G and Region H	
Proposed Source for the Water Supply Lake Whitney Reallocation Project	
<p>Lake Whitney is a major impoundment located on the Brazos River approximately 30 miles north of the City of Waco in Hill and Bosque Counties. Lake Whitney was completed in 1951 by the U.S. Army Corps of Engineers for the primary purposes of flood control, water supply, and production of hydroelectric power. The total storage in Lake Whitney is approximately 2.09 million acre-feet (acft), making it the largest reservoir in the Brazos River Basin. The vast majority of storage in Lake Whitney is for flood control, comprising approximately 1,473,000 acft (approximately 70 percent of the total reservoir storage). The conservation storage capacity at Lake Whitney is represented by the storage between elevations 520 and 533 ft-msl and represents approximately 260,000 acft according to a 2019 volumetric survey. The capacity below elevation 520 ft-msl is reserved for power head and sediment storage, and has a capacity of approximately 357,000 acft according to the 2019 survey. In 1972, the top of the power pool was raised from 520 ft-msl to 533ft-msl, and the top of power head reserve (i.e. the bottom of the power pool) was raised from 510 ft-msl to 520 ft-msl, making about 250,000 acft of storage available to hydropower. In 1982, approximately 20 percent of the hydropower storage (50,000 acft) was reallocated to water conservation storage (water supply). A water right was issued to the Brazos River Authority (BRA) that authorizes the BRA to divert and use up to 50,000 acft/yr from the water conservation storage. According to the 2019 survey, the amount stored between elevations 520 ft-msl and 533 ft-msl, which includes both the hydropower pool and BRA's storage, was approximately 260,000 acft. Hydroelectric power generation from Lake Whitney is administered through the Southwestern Power Administration (SWPA), a federal agency. The Whitney Dam powerhouse uses two generators that originally had a capacity of 30 megawatts (MW) but were upgraded in 2014 and now have a capacity of 43 MW.</p> <p>The potential for reallocation of the hydropower storage and inactive storage at Lake Whitney to water conservation storage has been studied in various forms in the past and is an option for developing additional water supply in the Brazos River Basin. The conversion of storage to water supply purposes at Lake Whitney can produce a significant supply of water that could be utilized by a number of entities throughout the Brazos River Basin. Potential users include entities within the Brazos G region, as well as entities downstream in Region H.</p> <p>Lake Whitney is unique due to its use for hydropower generation and the fact that no State water right permit exists for most of its storage. Due to its large size and location on the main stem of the Brazos River, it has the potential to provide greater water supply benefits than currently authorized if some form of reallocation can be implemented under which various portions or pools of the reservoir might be redefined or used differently than they are today.</p>	

The increase in water supply as a result of reallocation at Lake Whitney has been evaluated in each of the last three regional water planning cycles, dating back to the 2011 Brazos G Regional Water Plan. Evaluations of the firm supply in the most recent 2021 Brazos G Initially Prepared Regional Water Plan does not consider converting flood storage to water supply storage at Lake Whitney, but rather evaluates the reallocation of hydropower storage and a portion of the inactive storage in Lake Whitney to water supply storage. This reallocation could produce a considerable firm yield. Since most of the supply from this strategy would be used as part of the BRA system, this analysis determines the increase in BRA system yield made available from the additional storage. The increase in system yield for reallocation of the hydropower storage in Lake Whitney was found to be 38,480 acft/yr for 2070 conditions assuming use of the total storage between elevations 520 feet and 533 feet. If ten feet of previously inactive storage were reallocated to water supply, the increase in yield would be 77,600 acft/yr for 2070 conditions assuming use of the total storage between elevations 510 feet and 533 feet.

Development of the increase in system yield from reallocation of storage in Lake Whitney will not require major facilities for implementation. However, implementation of this alternative requires a detailed evaluation of various issues that will require mitigation of adverse impacts. In addition to these costs, a detailed U.S. Army Corps of Engineers (Corps) reallocation study is required. The final cost for implementation of this alternative will be dependent on the results of that study. The estimated cost for water supply storage in Lake Whitney is the maximum of two numbers: 1) the updated investment cost of the reallocated hydropower storage as a proportion of the reallocated storage to total useable storage, or 2) the amount of money needed to compensate for lost hydropower revenue. The updated total investment cost for Lake Whitney was estimated to be \$244,974,000 in the most recent 2021 Brazos G Initially Prepared Regional Water Plan. The increase in cost for water supply storage was estimated to be \$24,258,000. This corresponds to the first number referred to above. The impact to hydroelectric power generation will vary from year to year depending on hydrologic conditions. Based on the water availability simulations and releases from the reservoir to increase the system yield, the impact to hydroelectric power generation could be around 12 percent of the annual power generation amount. The mitigation cost for the reduction in hydroelectric power generation was based on a replacement cost of \$0.08 per kWh, which results in an annual cost of about \$700,000. This amount was converted from an annual value to a present value of about \$22,000,000 by assuming a 50-year planning horizon and an inflation rate of 2%. This corresponds to the second number referred to above. Because \$24.3 million is larger than \$22.1 million, the cost for the increase in storage, rather than hydropower compensation, was taken as the cost for reallocated storage. The total annual cost for this reallocation strategy is estimated to be \$2,679,000. Based on the increase in firm yield of 38,480 acft/yr in 2070, this results in a unit cost of raw water of \$70 per acft (\$0.21 per 1,000 gallons).

An initial appraisal report on Lake Whitney Reallocation was completed in December 2014 which recommended initiating a detailed feasibility study subsequent to development of a project management plan and feasibility cost share agreement. Currently, the BRA is pursuing the initiation of the detailed feasibility study of reallocation with the Corps on Lake Whitney using contributed funds provided by BRA. Based on current Corps policy, once initiated, the feasibility study would be completed within three years and at a cost of \$3 million or less. It is anticipated that implementation of reallocation would proceed after the detailed feasibility report and take 5 to 10 years, creating a new water supply for demands in both the Brazos G and Region H regional water planning areas.

Currently, BRA's water supply system (System) is composed of eleven reservoirs and associated permitted water rights that allow BRA to contract water on a wholesale raw water basis to over 160 customers. As new projects are evaluated, designed, and constructed costs are spread across the entire BRA customer base. It is anticipated that financing new water supply projects will require a combination of BRA funds, TWDB funds either through the State Participation program or other TWDB programs, and additional outside funding sources.

Additional information related to the Lake Whitney Reallocation Project is included within the Initially Prepared 2021 Brazos G Regional Water Plan, Volume II, Section 10.3.

Company/Entity Name

Brazos River Authority

APPENDIX B
Response Form

TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020

Company/Entity Name Brazos River Authority	
Address 4600 Cobbs Dr. Waco, TX 76710	Phone Number 254-761-3100
Name and Title of Authorized Representative Submitting the Response David Collinworth, General Manager/CEO, Brazos River Authority	
Contact Person Name Aaron Abel	Contact Person Phone Number 254-761-3175
Contact Person Email Address aaron.abel@brazos.org	
Regions Affected (as shown on Regional Water Planning Areas map) Brazos G and Region H	
Proposed Source for the Water Supply Freeport Seawater Desalination	
<p>This Project has been included in the 2006, 2011, and 2016 Region H Regional Water Plans and is included within the 2021 Region H Initially Prepared Plan. The Brazos River Authority (BRA) participated in a study to determine the feasibility of a seawater desalination project in the lower Brazos River basin in the early 2000's. This study was concluded in 2004 as part of the Texas Water Development Board (TWDB) initiative for desalination research. Over the last 15+ years, the status of the project has changed from an active pursuit to an inactive concept. Despite this status, the project remains a viable alternative for water supply and may be enhanced in the future through additional technological development in a way which may make the project more cost-effective.</p> <p>A desalination facility located in the Freeport area would allow desalinated water to be supplied to wholesale water providers (WWPs) in the vicinity of the project. These WWPs would then be able to replace or augment their supplies with a reliable, high-quality water supply from an alternative source that would reduce water-quality issues that have been encountered in the past. Additionally, the treated water from a seawater desalination facility could offset current supplies, including diversion rights from the Brazos River; in turn freeing up existing supplies.</p> <p>In addition to the Region H planning area, the Freeport Seawater Desalination project will also benefit the Brazos G planning area, located primarily in the central portion of the Brazos River basin. Currently, BRA system reservoirs upstream serve demands in Lower Brazos River basin by providing downstream water supply releases. Once a seawater desalination project is operational and supplying demands in the Lower Brazos River basin, upstream reservoirs within the BRA water supply system will not be required to make downstream water supply releases as frequently, thus creating the potential for additional supply for other users further upstream within the Brazos G planning area. Additionally, a secondary benefit is the elimination of losses that occur when water is released from upstream reservoirs due to evaporation and natural losses to the streambank as the released water travels along the bed and banks of the Brazos River and its tributaries. Reducing the demands for water stored in the upstream BRA water supply system allows for greater efficiency for surface water supplies across both the Brazos G and Region H Planning Regions.</p>	

Currently, BRA's water supply system (System) is composed of eleven reservoirs and associated permitted water rights that allow BRA to contract water on a wholesale raw water basis to over 160 customers. As new projects are evaluated, designed, and constructed costs are spread across the entire BRA customer base. It is anticipated that financing new water supply projects will require a combination of BRA funds, TWDB funds either through the State Participation program or other TWDB programs, and additional outside funding sources.

Additional information of the Freeport Seawater Desalination Project can be found within the 2021 Region H Initially Prepared Plan (<http://www.regionhwater.com/downloads/planningdocs.html>).
Freeport Seawater Desalination Project, 2021 Region H Initially Prepared Plan - Appendix 5-B- SWDV-004

Company/Entity Name

Brazos River Authority

**APPENDIX B
Response Form**

**TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020**

Company/Entity Name City of Mission	
Address 1201 E 8 th St. Mission, Texas 78572	Phone Number (956)580-8780
Name and Title of Authorized Representative Submitting the Response Roberto Salinas- Public Works Director	
Contact Person Name Roberto Salinas	Contact Person Phone Number (956)580-8780
Contact Person Email Address rsalinas@missiontexas.us	
Regions Affected (as shown on Regional Water Planning Areas map) Rio Grande (M)	
Proposed Source for the Water Supply Regional Water Reservoir	
<p>Response:</p> <p>The intention of this submission is to respond to the Texas Water Development Board’s Request for Information. Based on the regional water planning area shown in Appendix A, the Rio Grande area is made up of seven (7) counties: Cameron, Willacy, Hidalgo, Starr, Jim Hogg, Webb, & Maverick. During times of crisis such as droughts the City of Mission have had to utilize water supply lines to purchase water from neighboring cities, such as McAllen, Texas. Although it is not often that the City has had to resort to this interregional support, it is the beginning of possible improvements for our region.</p> <p>A proposal for possible water supply projects that provide substantial benefit to multiple regions could include regional water reservoirs and interconnected water supply lines that could feed the seven counties that make up the Rio Grande Area. Through proper studying, this water supply project could bring substantial benefit to the region because it would bring a main source of water supply to the communities in times of crisis without the burden of increasing taxes to make up for government shortfalls. Additionally, this type of project will create employment opportunities as reservoirs will need maintenance and research. This would require a regional effort to determine the proper placement of reservoirs and possible fund sharing from counties to make this type of project work. If the Texas Water Development Board could provide funding opportunities for the proposed project that allowed eligible expenses for construction, the municipalities could provide their share costs for design, research, and maintenance. Allowing each municipality to apply for a grant with the ceiling of one million dollars could potentially bring opportunity as proposed.</p>	

**APPENDIX B
Response Form**

**TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020**

Company/Entity Name Dimmit Utility Water Supply Corporation	
Address P.O. Box 279 Carrizo Springs, TX 78834	Phone Number 830-876-9554
Name and Title of Authorized Representative Submitting the Response Ruben Saenz, Dimmit Utility Manager	
Contact Person Name  Ruben Saenz	Contact Person Phone Number 361-947-8060
Contact Person Email Address Captainsaenz28@gmail.com	
Regions Affected (as shown on Regional Water Planning Areas map) Region M, N, and P	
Proposed Source for the Water Supply 42,000 acres of private land with pre-1965 water rights over Carrizo-Wilcox Aquifer	
<p>Response Recommendation for a South Texas Water Sharing Pipeline</p> <p>Dimmit Utility WSC recommends to the Texas Water Development Board the construction of a South Texas Water Sharing Pipeline that will benefit South Texas, specifically Regions M, N, and P. Dimmit Utility's corporate partner South Texas Water Sharing Pipeline Project is ready and able to begin construction of a 60-inch diameter pipeline (see Appendix B). The pipeline will connect various reservoirs and lakes for optimum use of their existing secondary water which originates in the Carrizo-Wilcox Aquifer from 42,000 acres of private land with pre-1965 inalienable water rights (see Appendix C). Private financing from JP Morgan Chase is secured pending contractual agreement with a municipality with minimum use of 10 million gallons of water per day. The pipeline building materials and routes have been planned and are ready for development and construction in four phases (see Appendix H). Dimmit Utility presented materials to the TWDB (June 24, 2019) with its Water Sharing Pipeline Project and challenges and opportunities it has encountered in the process (see Appendix A). Recently, Dimmit Utility wrote to Chairman Lyle Larson and Representative Eddie Lucio III regarding their concerns of the water needs of the North Alamo Water Supply Corporation (see Appendix G).</p> <p>How the use of private financial resources would be maximized</p> <p>Private funding for Dimmit Utility's Water Sharing Pipeline Project is secured up to a billion dollars of private funding from JP Morgan Chase. Scientific Hydrology Model Studies show excellent water sustainability with up to 50% safety factor on groundwater resources and has created confidence in securing private funding without need of state funds (see Appendix I). These private funds will be maximized by building a 60-inch diameter pipeline with reversible water pumps (see Appendix D). This pipeline project will connect most of the South Texas area and will be built during a two- to three-year period. The most probable pipeline route consists of four Phases and impacts three TWDB Regions: M, N, and P. The pipeline's four phases include: Phase I from Big Wells, Texas (the main distribution point) to Laredo, Phase II Laredo to Robstown/Corpus Christi, Phase III Robstown/Corpus Christi to Edinburg and possibly Phase IV Edinburg to Brownsville, Texas (see Appendix H). The municipality(ies)/ governmental entity that signs to implement the project will not incur any debts until that municipality(ies) allows the Dimmit Utility water supply to enter their water system. It's only after the pipeline is complete that the municipality(ies) will begin paying the municipal tax free bonds incurred by JP Morgan Chase used to build the pipeline. Dimmit Utility's maximization of private funds allows smaller cities and even colonias along the pipeline route to connect to the already existing pipeline water source by 2023.</p>	

This South Texas Water Sharing Pipeline Project greatly lessens the amount of funds needed by these outlying cities and colonias to connect to a potable water source. Depending on a rural city's specific needs Dimmit Utility may be able to fund the infrastructure connectivity. In addition, Dimmit Utility maintains sand pit recharge capability eight miles south of Carrizo Springs—the second best place in Texas for aquifer recharge. This would increase the water shed and available water reclamation permit volume into Lake Corpus Christi in Region N. As an outcome, Dimmit Utility estimates a \$25 to \$80 million savings annually to the municipality on water reclamation alone and depending on the city's specific use.

How the financial resources of multiple water planning regions would be combined; and

Because of Dimmit Utility's secured private financing, the only required resources from Region N, M and P will be their municipality(ies) agreement to connect to the South Texas Water Sharing Pipeline. This "one stop shop" will necessitate less geopolitical involvement. For example, San Diego, Texas—a small rural town—provides water to a state penitentiary and negotiates between this entity and the Jim Wells County Court. The pipeline would eliminate extended costs and time and effort for all constituencies.

How the project would substantially benefit the regions served by:

1) Affecting a large population

Dimmit Utility WSC can provide a potential 100 million gallons of potable drinking water per day for a large South Texas population living within three Regions: Regions M (Rio Grande), N (Coastal Bend), and P (Lavaca). Hydrologist and scientifically proven reserves of 50 million gallons of potable water per day and certified "drought proof" is available to approximately three million users. Dimmit Utility will deliver this potable drinking water through corporate partner South Texas Community Water Sharing Pipeline Project, LLC. This pipeline connects four surface water sources: Falcon Reservoir (Region M), Amistad Reservoir (Region M), Choke Canyon Lake and Lake Corpus Christi (Region N), and Texana Lake (Region P). A review of the 2021 Drafts of the Regional Planning Groups' Region M, N and P (TWDB website) indicates that the pipeline project meets the estimated population and water usage projection for 2070 and beyond.

2) Creating jobs in the regions served, and

Dimmit Utility's South Texas Water Sharing Pipeline would be an economic boost to South Texas especially needed now during the COVID-19 economic recovery. A potential of adding millions of dollars to the local economy as each phase of the pipeline is built. Building a pipeline of more than 400 miles will necessitate at the minimum 50 to 100 welders for several expert welding processes: heated tool butt welding, hot gas exclusion welding and hot gas welding. A combination of construction welders in addition to construction workers and truck drivers will be needed to build the planned KRAH technology pipeline for the long-term, 100-year durability (see Appendix E). On-site construction workers supporting each of the four planned phases requires a minimum of 25 to 50 employees. In addition, 100 or more 18-wheeler trucks will be needed to transport the pipeline materials as needed to each of the municipalities in both urban and rural locations. Dimmit Utility plans to have each municipality(ies) to select and/or recommend companies and potential workforce employees in building and/or connecting the pipeline to their municipal water systems.

3) Meeting a percentage of the water supply needs of the water users served by the project.

Although Dimmit Utility proposes its more than 50 million gallons of water a day to the municipality (ies) as a secondary water source, its drinkable, potable water can also serve as a 50% water source for that city and several other cities depending on its daily use. Expert hydrologists have certified its "drought proof" water and its long-term availability up to 100 years. For example, a Dimmit Utility Reclamation Study of the city of Laredo's Rio Grande water pumping permit projected a value of over \$67 million dollars from taking just 40 million gallons of ground water a day from Dimmit Utility (see Appendix F).

Dimmit Utility WSC

Response Form

TWDB REQUEST FOR INFORMATION 580-20-RFI-0009 DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020

Company/Entity Name Evangeline/Laguna, LP	
Address 5111 Broadway San Antonio, TX 78209	Phone Number 210-794-9036
Name and Title of Authorized Representative Submitting the Response Hamlet Newsom, Principal, Evangeline/Laguna, LP	
Contact Person Name Hamlet Newsom	Contact Person Phone Number 210-240-8891
Contact Person Email Address Hamlet@evangelinewater.com	
Regions Affected (as shown on Regional Water Planning Areas map) Regions: K, L, N, & P	
Proposed Source for the Water Supply Evangeline/Laguna, LP Groundwater Supply Project in San Patricio County, TX	
<p>Response</p> <p>Evangeline/Laguna, LP ("Evangeline") is a partnership between a group of landowners in San Patricio County and an investor/development team with over 20 years of experience in putting together successful groundwater supply and delivery projects in Central – South Central Texas. The project development team also includes experts in regional/inter-regional water management, and the hydrogeology of the Gulf Coast Aquifer.</p> <p>On April 18, 2019, the San Patricio County Groundwater Conservation District granted Evangeline a production permit for 28,486 acre-feet of groundwater per year from a 22,789-acre tract of land in north-central San Patricio County. Representatives of Evangeline have been meeting with water providers/users in the Coastal Bend region to inform them of the project and the availability of the Evangeline groundwater as a source of municipal/industrial water supply.</p> <p>One of the advantages of the groundwater is the project's location immediately adjacent to the City of Corpus Christi's Mary Rhodes Pipeline ("MRP") which now transports surface water available under from the City's "Garwood" water rights in the Colorado River, and a contract with the Lavaca-Navidad River Authority for water from Lake Texana. The Evangeline project's proximity to the MRP provides an opportunity to either integrate the Evangeline groundwater into the City of Corpus Christi's regional water supply system via the MRP (or via a pipeline direct to another regional purchaser) or, conceptually, to utilize the MRP as a means of "wheeling" the Evangeline groundwater to potential users in other Regional Water Planning Areas located between the MRP's origin in the Lower Colorado River Basin at Bay City and its terminus in the Nueces River Basin at the City of Corpus Christi's O.N. Stevens surface water treatment plant.</p> <p>Such "wheeling" would involve developing contractual agreements between Evangeline, the City of Corpus Christi ("City of CC") and other participating entities, and securing any necessary state water rights permits or permit amendments which would allow surface water supplies which the City of CC currently diverts from the Colorado River (via its "Garwood" water rights permit) and from Lake Texana water (via the Lavaca-Navidad River Authority purchase agreement), and transports through the MRP, to be made available for use by other water providers in Regions K, L, N and P. It would also facilitate interregional water banking opportunities, using Aquifer Storage and Recovery (ASR) facilities which could be developed on the Evangeline project properties, to take surface water from potential sources⁽¹⁾ along the length of the MRP, store it in the underlying Gulf Coast Aquifer, and then later withdraw/recover it to make it available to users in the Coastal Bend area while allowing the "depositors" to access water which would otherwise be delivered to the City of CC via the MRP.</p>	

Company/Entity Name
Evangeline/Laguna, LP

Response (continued)

An example of these kinds of water wheeling projects would be an arrangement between the Lower Colorado River Authority (LCRA) and the City of CC which would allow LCRA, during drought/low flow periods, to divert and use additional Colorado River water available under the City's Garwood Water Rights Permit, and then pay Evangeline to produce and deliver to the City of CC, in exchange, a comparable, or greater, amount of groundwater from the Gulf Coast Aquifer, available under Evangeline's groundwater production permit.

Similarly, LCRA might, during high flow periods, arrange to divert water from the Colorado River under its various water rights, deliver it via the MRP to Evangeline for storage in an ASR facility, and later, during drought conditions in the Colorado River basin, allow the City of CC to withdraw water from LCRA's "ASR storage account" in exchange for LCRA accessing Colorado River water under the City of CC's Garwood water right.

These ideas draw on a prior TWDB interregional water supply study⁽²⁾ which explored options for "Interregional Cooperation" among water suppliers in the South/South-Central Texas area, as well as evaluations of various Water Management Strategies in Region N Water Plans for 2001 thru 2017, and the draft Region N 2021 Regional Water Plan. Such interregional projects could generate new water supplies to benefit the rapidly growing populations and expanding economies within the large area of Texas included in Regional Water Planning Areas K, L, N and P.

The Evangeline management team has experience in interregional water projects as the owner of the water rights in the interregional Vista Ridge water supply project delivering water from Region G, through Region K to Region L. Furthermore, Evangeline management can capitalize on Evangeline's unique location and provide private financing for not only all the costs of production of this groundwater as a new supply source, but also for all the costs of well field infrastructure, storage, any desired treatment and pipelines for delivery for these types of interregional projects based around its project site and water rights. Evangeline management could work with local/regional/state water management agencies to jointly finance and develop groundwater sources and water storage (including ASR) and conveyance facilities to meet long-term water demands and support job creation in the South-Central Texas area. Accessing TWDB's State Participation Program would help assure these new water supplies would also be affordable.

Evangeline is prepared to work with TWDB in further identifying opportunities to utilize the groundwater resources it is permitted to produce from the Gulf Coast Aquifer in San Patricio County, and its ability to develop ASR facilities, in order to develop and implement large-scale, interregional water supply projects serving the needs of water suppliers in Regional Water Planning Areas K, L, N and P.

Footnotes:

- (1) Potential Sources of Water Along the MRP Could Include, If Available:** LCRA and other Colorado River water rights (WR's); Lake Texana water; other Navidad and Lavaca River WR's; Guadalupe River WR's; San Antonio River WR's, and other groundwater sources. In addition, ASR facilities could be developed at locations along the MRP and used to "firm-up" surface water rights in basins along the MRP route.
- (2) "Management Strategies for Potential Inter-Regional Cooperation,"** HDR Engineering, Inc., May 2002; http://www.twdb.texas.gov/publications/reports/contracted_reports/doc/2002483432.pdf

See Maps on next two pages for more information.

**APPENDIX B
Response Form**

**TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020**

Company/Entity Name Gulf Coast Authority	
Address 910 Bay Area Boulevard Houston, TX 77058	Phone Number 281-226-1110
Name and Title of Authorized Representative Submitting the Response Elizabeth Fazio Hale, Assistant General Manager	
Contact Person Name Leonard Levine	Contact Person Phone Number 281-226-1124
Contact Person Email Address LLevine@gcatx.org	
Regions Affected (as shown on Regional Water Planning Areas map) Regions A, E, F, G, I, J, K, L, M, O	
Proposed Source for the Water Supply Produced water	
<p>Response</p> <p>Across many Texas water planning regions, there are vast resources of crude oil. With unconventional drilling, large volumes of water are produced from oil wells, typically known as “produced water.” Based on recent years’ data, Texas produces 3 to 5 million barrels of oil per day. This results in 18 to 30 million barrels of water per day, based on 6 barrels of water for every barrel of oil produced. Put in more common measurements for water, this is 756 million gallons per day (mgd) (2,320 acre-feet per day [ac-ft/day]) to 1,260 mgd (3,870 ac-ft/day). Of that volume, approximately 25% is used for additional oil wells. A majority of the remaining 1,740 ac-ft/day is currently injected into Class II disposal wells.</p> <p>If as little as 25% of the disposed water was recovered for alternate uses, this would result in in approximately 190 mgd (580 ac-ft/day) of water which could be used as a source of water for activities such as agriculture or industry, thus reducing pressure on existing sources. On an annual basis, this is almost 70 billion gallons (211,700 ac-ft) of available water for use/reuse.</p> <p>These freed-up water sources would then be available for other uses without increasing stress on our groundwater aquifers or other fresh water sources. This allows for population and economic growth in water scarce regions.</p> <p>The current challenge is the lack of cost-effective treatment technologies for treating produced water to the quality needed for use outside the oil field. Produced water can be difficult to treat due to the fact it typically has high concentrations of TDS (10,000 to 250,000 milligrams per liter [mg/L]) and naturally occurring organic and inorganic contaminants, which limit the use of these waters outside of the oil field.</p>	

Response (continued)

GCA proposes identifying one or two of the most promising technologies currently being evaluated under the EPA Water Reuse Action Plan or the Department of Energy National Alliance for Water Innovation Energy-Water Desalination Hub. These technologies would then be tested on a pilot plant scale in an actual oil field application.

The purpose of the pilot testing is to be a proof of concept that the chosen technology can cost-effectively treat water to a sufficient quality for use outside the oil field, such as agriculture or industrial uses. If successful, this technology could then be used as the basis for a regional, full-scale treatment plant.

As previously mentioned, if as little as 25% of the disposed water was recovered for alternate uses statewide, this could provide up to 190 mgd (580 ac-ft/day) of treated water which can be used for agricultural or industrial use. This is nearly double the municipal water demand for Region F (based on the demand in draft 2021 Region F Water Plan) which includes a large portion of the Permian Basin. In addition, the almost 70 billion gallons (211,700 ac-ft) of water available on an annual basis would satisfy the entire projected 2020 annual shortage for Region L, which includes San Antonio (based on shortage listed in TWDB draft 2021 State Water Plan.) These are just two regional examples and further comparative numbers can be established on a region-by-region basis.

The treated water could also potentially provide:

- Aquifer relief, as it allows treated produced water to replace water being used from aquifers for agriculture and industry. Water from aquifers can then be used for purposes such as potable water supply;
- Economic growth, as a previously untapped water source would be available for agricultural and industrial needs, furthering facility growth; and/or
- Sustained oil production, as it reduces the possibility of decreased production due to produced water disposal restraints (deep well injection.)

Treated produced water could also be sold, which would offset the disposal costs for the untreatable produced water streams.

Funding could potentially come from several sources including:

- Upstream oil drillers who have produced water needing disposal;
- Grants to research institutions or local universities such as the Texas A&M, University of Texas, and Texas Tech systems or other research universities;
- TWDB, other state agencies, or state appropriations;
- Bureau of Reclamation (potentially eligible for application now, based on a previous GCA study partially funded by the bureau); and/or
- Other federal or state programs.

GCA expects this technology to be transferrable to any oil-producing region in the state. The initial pilot would likely be done in the Permian Basin (which largely impacts Regions E, F, J, and O), as a majority of the state's produced water originates there. The Permian Basin is also a water scarce area.

This could be expanded to the water planning regions which include the Eagle Ford, Anadarko, and Haynesville basins, as well as any other region which has oil and gas production. This would result in Regions A, I, K, L, and M, amongst others, to benefit from the pilot results.

As oil fields span water planning regions, so does the opportunity for the treatment of produced water. The treated water could be used across many water planning regions, allowing for a true interregional supply system which provides water supply relief to areas suffering from water scarcity.

Company/Entity Name
Gulf Coast Authority

Received by
TWDB

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July 01

**APPENDIX B
Response Form**

**TWDB REQUEST FOR INFORMATION 580-20-RFI-0009
DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020**

Company/Entity Name Hidalgo County Irrigation District No. 6	
Address 3735 N FM 492 (Goodwin Road)	Phone Number (956)585-8389
Name and Title of Authorized Representative Submitting the Response Dr. Antonio Uresti - General Manager	
Contact Person Name Dr. Antonio Uresti	Contact Person Phone Number (956)585-8389
Contact Person Email Address antonio.uresti@hcid6.com	
Regions Affected (as shown on Regional Water Planning Areas map) Region M	
Proposed Source for the Water Supply Rio Grande River	
Response Please see attached..... 2 pages	

RESPONSE:

Project Name: Hidalgo County Irrigation District #6 Expansion Project 2022

Introduction: Affordable and sustainable water supplies are fundamental need for Hidalgo County Irrigation District #6. The dual challenge of our susceptibility to drought and our rapid growth intensifies the need for long term comprehensive planning that addresses our water needs and ensures the continued economic viability of our community especially in the west of Hidalgo County.

Project Description: The Hidalgo County Irrigation District #6 intent is to move raw water north in an expansion project approach. The Hidalgo County Irrigation District #6 will acquire minimum of 30' right-a-way and use a minimum of a 36" water main or as needed up to 108 "as used in the Dallas-Fort Worth area Integrated Pipeline Project (Challenge Potential 12' tunnels) or more as designed by an engineer as an extension transmission canal in an underground line setting. Feasibility study, land acquisition, right-a-way, pilot testing, design, construction that will move raw water from the Rio Grande River thru Hidalgo County Irrigation District #6 for distribution throughout the new extension water system. A future phase will include an additional miles of capacity as the cities develop if forecasted. The project will begin from 8 mile line western thru Abram road north until determined by the board its size and expansion miles. Feasibility study will begin FY2017 followed by land acquisition, right-a-way acquisition, pilot testing, preliminary planning design, final planning design and construction and associated water conveyance infrastructure delivery system. The project is scheduled to be completed over a five year period with the new and full capacity available by 2022.

Project Justification: The Hidalgo County Irrigation District #6 has no water beyond 12-mile line or lines of distribution system. This project will provide raw water capacity and meet the demand as the cities, school districts and Agua SUD continue to grow. The 2012 Water Model Update based on growth projections established that the demand for a water system for this area would need to be met by 2022. The resulting Integrated Pipeline Project of the Dallas-Fort Worth area will connect four reservoirs and deliver 350 million gallons a day of water to the Metropolis area. The 2004 recommendation of a statewide water use of 140 gallons per day is projected impressively under the 2007 state water plan by the state's Water Conservation Implementation Task Force.

Estimated Cost of Project will be provided by Engineer Julio Cerda.

It is time to make futuristic decisions.

The Hidalgo County Irrigation District #6 desires an expansion project to deliver raw water beyond 12-mile line is a decision made.

On June 27, 2020 Hidalgo County Irrigation District # 6 made a yes commitment to future planning to start today Monday June 29, 2020 to meet for planning, grants and budget.

Funding Sources:

To optimize water supplies at cost-effective rates through grants, low-interest loans, extended repayment terms, deferral of loan repayment and incremental repurchase terms for projects with state ownership aspects decisions to use the funding programs as deem necessary.

Service Demands:

1. Irrigation
2. Citrus Industry
3. Livestock
4. Rural Water Services
5. Municipalities
6. Manufacturing
7. Industrial
8. Others: Steam/electrical, mining, etc....

Budget 5 Year Impact:

Sequence of Events	Fiscal Year
Feasibility Study	2020
Land Acquisition, Water Rights and Service Area	2021
Preliminary Engineering Design Report	2021
Right-of-Way Acquisition	2021
Final Design	2021
Survey	Late 2021
Construction	2021, 2022, 2023, 2024
Equipment	2021, 2022, 2023, 2024
Plant Final Finish	2025
Associated water conveyance infrastructure System	2021, 2022, 2023
Contingency	2020, 2021, 2022, 2023, 2024, 2025

REQUEST FOR INFORMATION

FOR

ESTELLINE PROJECT TEXAS
SALT WATER AQUIFIER TREATMENT TO
PRODUCE POTABLE WATER SUPPLIES

TEXAS WATER DEVELOPMENT BOARD

P.O. BOX 13231 AUSTIN, TEXAS 78711

HYDRONICS, INC.

8101 Boat Club Road, Suite 240, #263
Fort Worth, Texas 76179

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Appendix "B" TWDB Response Form

Project Scope

The scope of this Request for Information is to provide an overview of the Hydronics, Inc. plan for utilizing new sources of water supply which would benefit various water regions within the State of Texas identified as the Estelline Project. This Request for Information will evaluate the feasibility and benefit of treatment for the various untapped Texas Salt Water Aquifers which could be used to supplement the current water supplies in the arid West Texas region. The following is a discussion concerning the project need, the project planning area, private financial resources, financial benefit for multiple water regions, project benefit, financial status and the associated cost estimates and conclusions.

Project Planning Area

The project planning area for this Request for Information focuses on the West Texas areas of Region "A", Region "B" and Region "O" as defined by the Texas Water Development Board. These three regions, cover parts of West Texas, where ongoing drought conditions and limited water supplies, create restrictions on the current needs of these areas and limits growth. This project will be comprised of a regional water supply area for the Towns of Childress, Clarendon, Estelline, Hedley, Matador, Memphis, Paducah, Quanah, Quitague, Turkey and Wellington. These communities are located in Briscoe, Childress, Collingsworth, Cottle, Donley, Hall, Hardeman and Motley Counties respectively with an estimated total population of 18,373 people based on the 2010 U.S. Census.

Private Financial Resources

Private financial resources will be provided for this project and will consist of funding for the water treatment portion of the project. This private financing will provide a total of 25% of the project cost while public funding will comprise 75% of the project cost which will be utilized to provide distribution lines for the treated water. This will supply fresh water to communities within an estimated forty five mile radius of the proposed plant facilities located in the Town of Estelline, Texas. This proposed water treatment and distribution system will provide a much needed increase in water supply across the three water regions mentioned above and will have a significant economic and environmental impact on the communities of West Texas.

Financial Benefit for Multiple Water Regions

The financial benefits of this project will have a sustaining impact on the water needs for West Texas. This project will provide treatment and supply from an untapped water source and will not have any impact on the current water supplies for these water regions. Utilization of underlying saltwater aquifers in these regions is part of the Texas Water Development Board Water Plan to find and develop new water supply sources. This project will allow approximately twenty small towns in Regions "A", "B" and "O" to

receive a new source of water supply for future growth without the cost associated with the improvements. The increase of available water to these areas will sustain and promote future growth in these areas creating jobs and opportunities.

Project Benefit and Job Opportunities

The project benefits are substantial, by utilizing a water source from an untapped water supply such as the underlying saltwater aquifers. This project has the potential to provide water to approximately 18,373 people in these three water regions. This project can potentially provide the approximately 2 million gallons per day of fresh water used by this population. Current water supplies would be conserved promoting protection of the long term supply for current and future water needs in these areas.

Job benefits for this project will be two fold. The initial jobs generated will include the construction phase. This will provide over one hundred new jobs to the area hiring many workers from the local areas to build the treatment facility and the distribution line system. These jobs although not permanent could last up to five years in duration due to the size and scope of this project. The second job creation will be permanent jobs for operation and maintenance of the plant facility and distribution line system. These jobs will be long term jobs and approach another one hundred permanent positions. These jobs will be technical high paying jobs to run and maintain the plant facility, distribution lines and service the communities. These jobs will be prioritized for hiring within the communities served by this project.

Proposed Project Financial Status and Cost Estimates

The cost of this project is approximately \$160,000,000 and is currently unfunded. The proposed private funding sources would provide approximately 25% of the project cost for treatment and supply while the public sector would provide approximately 75% of the project cost for distribution and use.

Conclusion

This project has a significant impact on Regions "A", "B" and "O" in West

Texas by providing an alternative water supply from an untapped source to supplement and sustain current and future growth in these areas. This project also implements a part of the Texas Water Development Boards Water Plan for utilizing saltwater aquifers to supplement water sources within the State of Texas. This water system approach is unique and gives the State of Texas the opportunity to utilize a part of the current Texas water plan currently not being implemented.

Exhibit "A" Texas Water Board Regional Water Maps

Texhoma

Booker Darrouzett

Timbercreek

Canyon

Palisades Lake Tanglewood Follett Texline

Perryton Stratford Dallam Sherman Hansford Ochiltree

Lipscomb

APPENDIX B

Response Form

TWDB REQUEST FOR INFORMATION 580-20-RFI-0009 DUE NO LATER THAN 2:00 PM (CDT) on JULY 1, 2020

Company/Entity Name		SEVEN SEAS WATER CORPORATION	
Address		Phone Number	
14400 CARLSON CIRCLE TAMPA FL 33626		813.818.4041	
Name and Title of Authorized Representative Submitting the Response			
RICHARD WHITING VP BUSINESS DEVELOPMENT			
Contact Person Name		Contact Person Phone Number	
RICHARD WHITING		813.992.5627 CELL 813.818.4041 DIRECT	
Contact Person Email Address			
RWHITING@7SEASWATER.COM			
Regions Affected (as shown on Regional Water Planning Areas map)			
TBA			
Proposed Source for the Water Supply			
SURFACE WATER, BRACKISH GROUNDWATER, OR SEAWATER			
<p>Response</p> <p>The TWDB is looking for a general description of what kind of private financial resources might be deployed by a respondent to develop potential interregional water supply projects. The Public-Private Partnership (P3) approach to developing and delivering public sector infrastructure projects is a well established form of contract. The P3 form of contract differs from the more traditional forms of contract involving private sector finance, e.g.: Build-Own-Operate (BOO), Build-Own-Operate-Transfer (BOOT), Design-Build_Finance_Operate-Maintain (DBFOM) etc.in that it (a) allows for the optimum transfer of risk between the two parties (private and public), and (b) it allows for the public sector client to be involved in the project financing. With the TWDB's access to the State Participation Account it provides the perfect opportunity to combine private sector equity with public sector low-cost debt to deliver the critical water supply projects TWDB is looking to develop.</p> <p>The question does arise "why use private sector equity at all and not 100% of available public sector low-cost debt?". The answer is two-fold: (a) by demanding the specialist private sector company invests its own equity, the private sector company then has financial risk involved in the project, increasing accountability and creating more pressure on it to complete the project on-time and on-budget, thus eliminating the typical project cost and program overruns associated with public sector projects and (b) the perceived premium to be paid for the inclusion of private sector equity is off-set by the private sector entity assuming all design, process, and construction risk, and subsequent to commissioning the long-term operations and maintenance risk, which is critical for advanced water treatment processes.</p> <p>An example of the benefits of such an approach, i.e. to have the same company develop, invest equity, design and construct, and then operate and maintain an advanced water treatment process is to consider seawater desalination plants, which are an advanced water treatment process via the of use of membrane technology. By designing such a plant for the long-term, we incorporate higher specification components in the plant's construction because we know it leads to a lower life-cycle cost (we have an aggregate of over 150 years operations and maintenance experience of such plants); coupled with our experience in the operations and maintenance, it leads to an industry-leading 97% on-line availability for our plants (equivalent to 102% of</p>			

Company/Entity Name **SEVEN SEAS WATER CORPORATION**

Response (continued)

contracted production) versus an industry standard of 85% and a typical municipal stand-alone plant of 70%. The delta in percentage water production and availability reduces the unit cost of water to the end-user and ensures maximum benefit of the project and its associated financing. It is important to note that by using P3 to develop and deliver the projects, the TWDB would lend to the Project Company, not the water planning regions. The Project Company would be created as a Special Purpose Company (SPC) by the private sector entity, and it would be the SPC that would invest the equity against the TWDB-supplied project loan. Please note the TWDB would have the opportunity to participate in the SPC.

Therefore it would be the responsibility of the SPC to re-pay the loan to the TWDB. The w responsibility to pay the SPC for the water delivered. As the debt lender to the project, the TWDB would be involved in discussions regarding the contractual obligations of the off-takers and their financial capability to meet such payment obligations.

A coastal seawater desalination plant is an ideal candidate for a regional or multiregional P3 project. Leveraging the expertise of a company with experience in owning, operating and maintaining such plants with low cost finance participation by the state will benefit the state as a whole, not just the coastal regions. Coastal regions with heavy industrial users of water can guarantee a drought proof water supply to those customers. In return, the coastal regions will reduce their reliance on current groundwater sources thus reducing subsidence and decrease their reliance on surface water. By reducing its reliance on surface water, more water can be available for upstream users or environmental flows. Coastal regions with these surface water rights can lease or sell them upstream to offset the costs of desalinated sea water.

Appendix F

Multi-Regional Recommended Strategies
from the 2017 State Water Plan

Draft DB22 Select WMS Serving Multiple Planning Regions

WMSId	WMS Sponsor Region	WMS Name	Benefiting WUG Regions	Strategy Supply 2020 (acre-feet/year)	Strategy Supply 2030 (acre-feet/year)	Strategy Supply 2040 (acre-feet/year)	Strategy Supply 2050 (acre-feet/year)	Strategy Supply 2060 (acre-feet/year)	Strategy Supply 2070 (acre-feet/year)
732	A	DEVELOP OGALLALA AQUIFER IN DONLEY COUNTY - GREENBELT MIWA	A; B	0	0	0	1	347	723
677	A	EXPAND CAPACITY CRMWA II	A; O	0	16,590	21,747	28,946	29,085	26,111
675	A	REPLACE WELL CAPACITY	A; O	0	0	1,889	5,197	11,450	14,558
2494	C	CORSICANA - HALBERT/RICHLAND CHAMBERS WTP	C; G	0	0	9	871	2,272	4,499
2429	C	MARVIN NICHOLS (328) STRATEGY FOR NTMWD, TRWD, AND UTRWD	C; D; G	0	0	0	182,933	235,049	249,591
5239	C	MIDLOTHIAN - UNALLOCATED SUPPLY UTILIZATION	C; G	1,399	4,861	4,861	3,985	3,629	3,529
4750	C	NTMWD - ADDITIONAL LAVON WATERSHED REUSE	C; D	0	0	0	4,341	12,672	17,775
4864	C	NTMWD - ADDITIONAL MEASURES TO ACCESS FULL LAVON YIELD	C; D	0	4,905	6,568	4,201	5,081	4,356
2236	C	NTMWD - BOIS D'ARC LAKE	C; D	591	45,423	70,709	60,478	83,369	91,088
2418	C	NTMWD - EXPANDED WETLAND REUSE	C; D	0	3,353	9,678	9,010	15,146	17,183
2279	C	NTMWD - OKLAHOMA	C; D	0	0	0	0	0	22,913
2970	C	NTMWD - TEXOMA BLENDING	C; D	0	0	20,969	35,072	46,217	52,202
2117	C	TRWD - ADDITIONAL CEDAR CREEK AND RICHLAND-CHAMBERS	C; D; G; I	0	36,043	45,951	32,971	38,046	37,387
4936	C	TRWD - AQUIFER STORAGE AND RECOVERY PILOT	C; D; G	0	1,476	4,101	3,202	4,083	4,592
4745	C	TRWD - CARRIZO-WILCOX GROUNDWATER	C; D; G; I	175	76	26,218	20,570	26,234	29,554
2467	C	TRWD - CEDAR CREEK WETLANDS	C; D; G	0	22,674	45,733	45,430	68,492	80,861
4746	C	TRWD - REUSE FROM TRA CENTRAL WWTP	C; D; G	0	11,834	24,587	25,661	40,834	55,094
2182	C	TRWD - TEHUACANA	C; D; G; I	0	0	17,263	13,518	17,211	19,346
3628	C	TRWD - UNALLOCATED SUPPLY UTILIZATION	C; D; G; I	7,146	2,039	2,779	2,669	4,456	8,310
3376	C	WAXAHACHIE - DREDGE WAXAHACHIE LAKE	C; G	0	0	810	810	810	810
3347	C	WAXAHACHIE - UNALLOCATED SUPPLY UTILIZATION	C; G	2,733	1,502	1,104	1,319	1,020	721
4767	C	WRIGHT PATMAN REALLOCATION FOR NTMWD, TRWD, AND UTRWD	C; D; G; I	0	0	0	0	0	84,438
2936	F	SUBORDINATION - CRMWD SYSTEM	F; G	6,479	2,510	3,911	9,471	15,235	21,441
4013	F	SUBORDINATION - OH IVIE NON SYSTEM PORTION	F; G	1,082	1,077	1,173	1,263	1,376	1,562
5355	G	BRA SYSTEM OPERATION--SURPLUS	C; F; G	14,496	14,526	14,329	14,368	14,408	14,443
2824	G	CARRIZO AQUIFER DEVELOPMENT	C; G	3,359	9,818	15,444	19,796	20,125	20,484
2589	I	ANRA-COL - LAKE COLUMBIA	C; I	0	44,464	44,464	44,464	44,464	50,539
2981	I	TYL-PAL-EXISTING SURPLUS FOR TYLER	D; I	314	804	1,251	2,081	2,588	3,079
3424	K	LCRA - MID BASIN RESERVOIR	G; K	0	1,400	8,120	12,020	15,570	17,181
4762	L	ARWA - PHASE 2	K; L	0	0	20,999	20,999	20,999	20,999
3792	L	ARWA SHARED PROJECT (PHASE 1)	K; L	15,000	15,000	15,000	15,000	15,000	15,000
3271	L	GBRA - MBWSP - SURFACE WATER W/ ASR	K; L	0	27,000	27,000	27,000	27,000	27,000
WMS Supply Totals:				52,774	267,375	456,667	647,647	822,268	1,017,369

*A subset of WMS serving other regions is listed in this spreadsheet tab. WMS included must serve at least two WUGs whose population or demand is located primarily in two different planning regions or be associated with WUGs having more than two planning regions associated with them. See the spreadsheet tab labeled 'DataDescription' for more details about how the WMS were selected.

**To see more detailed information about the WMS listed above including WUGs served, see tab # 3 named SelectWMServingMultReg_WUGInfo colored orange.