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TO: Board Members

THROUGH: Carolyn Brittin, Deputy Executive Administrator
Water Resources Planning and Information *CYB*
Dan Hardin, Director, Water Resources Planning Division *DH*

FROM: Temple McKinnon, Team Lead, Regional Water Planning *TMK*

DATE: October 6, 2010

SUBJECT: Briefing and Discussion on Review of Currently Designated Regional Water Planning Boundaries Pursuant to 31 Texas Administrative Code Section 357.3(b), and Consider Authorizing Publication of Intent to Amend Regional Water Planning Area Boundaries if Appropriate

ACTION REQUESTED

Consider readopting the currently designated regional water planning area boundaries or authorizing publication of intent to amend regional planning area boundaries to meet the requirements of 31 TAC 375.3(b).

BACKGROUND

Texas Water Code §16.053(b) directed the Texas Water Development Board (TWDB) to designate the areas for which regional water plans shall be developed and to review the designations every 5 years. In designating these boundaries, the Board is to take into consideration such factors as:

- river basin and aquifer delineations,
- water utility development patterns,
- socioeconomic characteristics,
- existing regional water planning areas,

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- political subdivision boundaries,
- public comment, and
- other factors the Board deems relevant.

During the winter of 1997-1998, the planning area boundaries were developed. The initial grouping of counties was the ten climatic regions in Texas from the National Weather Service. These regions are based on factors such as average annual precipitation, which is directly related to water availability and drought. The grouping of climatic regions was then evaluated through the seven factors below derived from statutory requirements and with input from facilitated workshops with stakeholder groups. Specifically, other factors considered during the initial establishment of the boundaries included:

- cities,
- surface water systems,
- groundwater systems,
- large water service areas,
- metropolitan statistical areas,
- existing regional water supply studies and areas, and
- groundwater management districts.

During the formation of the regional water planning areas, consideration was given to avoiding splitting cities and districts between planning regions. Additionally, for ground and surface water utility systems, an effort was made to maintain the water supply source and end users in the same region. Following a process which included multiple opportunities for public input, 16 regional water planning areas were designated in the state on February 19, 1998.

Texas Water Code 16.053(b) requires the board to review and update the regional designations as necessary, but at least every five years. Should the Board seek to amend the designation of regional planning areas, 31 TAC Section 357.3(b) requires that 30-days notice be given by publishing proposed changes in the *Texas Register* and by mailing notice to regional water planning groups, cities, counties, water districts and river authorities.

The Board considered the regional water planning area boundaries in December 2001 and no changes were recommended. In February 2006, a regional water planning stakeholder workshop was held and input was received on current and future regional water planning issues, including planning area boundaries. No changes to the boundaries were recommended and the original regional water planning area boundaries established in 1998 are still in place today.

Notice of a public comment period on the regional water planning areas was posted in the *Texas Register* April 2, 2010. The public comment period closed June 1, 2010. A total of 13 comments were received by the close of the comment period and are categorized as follows:

- 5 comments in favor of including the east side of Calhoun County in Region P due to reliance on LNRA supplies: *Michael Pfeifer - Calhoun County Judge, Arlene Marshall - President of Calhoun County Economic Develop Corp., Neil Fritsch - Calhoun County Commissioner, Jack Wu - VP Formosa Plastics, Jay Cuellar - Councilman for Port Comfort*
- 4 comments to retain Region D boundaries as they are: *Rick Lowerre, Paulette Richardson, Gary Cheatwood, Janice Bezanson*
- 1 comment to create a regional water planning area that encompasses the Carrizo-Wilcox Aquifer - *Curtis Chubb*
- 1 comment to place Kerr County in Region L to better align with the boundary of Groundwater Management Area (GMA) 9 - *Mary Ellen Summerlin*
- 1 comment to consider how to better align GMA's with Regional Water Planning Area's - *Louis Rosenberg*
- 1 comment to consider integrated planning - *James Vance*

Following the closing of the comment period, 2 additional comments were received in favor of including the east side of Calhoun County in Region P: *Representative Todd Hunter, Randy Boyd – Chair of the Calhoun Port Authority*

At its July 19, 2010 meeting, the Lavaca (Region P) Regional Water Planning Group voted against modifying its current planning area boundaries after having learned of the above comments received by the TWDB. The Planning Group submitted a letter to the TWDB requesting no modifications to the Region P planning area boundary. Additionally, resolutions were passed by Jackson and Wharton Counties on July 7, 2010 and July 30, 2010, respectively, stating there is no need to change the boundaries of the Region P planning area.

KEY ISSUES

If the Board chooses to consider revisions, the Board is required to provide notice of its intent to amend the designations of regional water planning areas 30 days before making any change by publishing notice of the proposed change in the *Texas Register* and by mailing notice to various entities listed in the rules.

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After the notice period, the Board shall hold a public hearing at a location to be determined by the Board before making any changes to the designation of a regional water planning area, and may thereafter take actions to change the regional water planning area. Within 60 days of designating a regional water planning area, the Board must consider a recommendation from the Executive Administrator of nominees of initial coordinating body members.

RECOMMENDATIONS

Staff is unaware of any compelling reason, including public comments to recommend changes to the regional planning area boundaries based on factors under Texas Water Code 16.053(b). Additionally, no regional water planning group has requested changes to the planning area boundaries. Changes to regional planning area boundaries would require reconstitution of regional water planning groups by the Board for any realigned regions. Staff recommends that the existing regional planning areas boundaries remain intact.

This recommendation has been reviewed by legal counsel and is in compliance with applicable statutes and Board rules.



Ken Petersen
General Counsel