

TO: Board Members

THROUGH: Kevin Patteson, Executive Administrator
Les Trobman, General Counsel
Jeff Walker, Deputy Executive Administrator, Water Supply & Infrastructure

FROM: Temple McKinnon, Manager, Regional Water Planning

DATE: November 21, 2014

SUBJECT: Consider approving the adopted Minor Amendment to the 2011 Region H Regional Water Plan, relating to Recommended Brackish Groundwater Desalination and Plant Expansion Water Management Strategies; and authorizing the Executive Administrator to post notice for a public hearing for an associated amendment to the 2012 State Water Plan.

ACTION REQUESTED

Approve the adopted minor amendment to the 2011 Region H Regional Water Plan; and, authorize the Executive Administrator (EA) to develop the corresponding minor amendment to the 2012 State Water Plan, with associated public hearing, as appropriate per 31 TAC §357.51(f).

BACKGROUND

At the August 6, 2014 meeting of the Region H Regional Water Planning Group (Group), the Group approved requesting a minor amendment determination from the EA for a Brackish Groundwater Desalination and (Water) Plant Expansion water management strategy (WMS). This action was documented in a letter received August 8, 2014.

The brackish groundwater desalination and separate plant expansion WMS are projects to be sponsored by the Brazosport Water Authority (BWA). The desalination strategy has an online date of 2020 and is to provide up to 3,136 acre-feet of water per year through 2070 to BWA’s municipal, manufacturing, mining, and steam-electric power generation customers (Phase I & II). The capital cost associated with the desalination strategy is \$30.6 million. The BWA treatment expansion strategy has an online date of 2020 and is to process up to 7.4 MGD (8,400 acre-feet) of treated water per year through 2070. This facility will treat water from existing surface water sources already planned for in the 2011 Region H Regional Water Plan. The cost associated with this strategy is \$14.3 million.

The EA made a determination (Attachment A) that adding BWA's Brackish Groundwater Desalination and Plant Expansion as recommended WMSs constitutes a minor amendment under 31 TAC §357.51(c), based on the amendment having met the following criteria:

1. Does not result in over-allocation of an existing or planned source of water;
2. Does not relate to a new reservoir;
3. Does not have a significant effect on instream flows, environmental flows or freshwater flows to bays and estuaries;
4. Does not have a significant substantive impact on water planning or previously adopted management strategies; and,
5. Does not delete or change any legal requirements of the plan.

The EA provided a written response to the Region H Regional Water Planning Group with a minor amendment determination on September 5, 2014; and Region H adopted the minor amendment at their November 5, 2014 meeting. Following this adoption, a two-week public comment period was held and no public comments were received. No revision to the proposed minor amendment was found to be necessary by the Regional Water Planning Group.

KEY ISSUES

1. The Region H Regional Water Planning Group submitted to the TWDB on November 20, 2014, the required written documentation of their adopted minor amendment, including an addendum to the current 2011 Region H Water Plan (Attachment B).
2. The EA has reviewed the adopted amendment and determined that statutory and rule requirements have been met.
3. If approved, an associated amendment to the 2012 State Water Plan will be presented for the Board's consideration following a 30-day notice period and public hearing in accordance with 31TAC §358.4 (a).

RECOMMENDATION

The Executive Administrator recommends approval of this item.

This recommendation has been reviewed by legal counsel and complies with applicable statutes and Board rules.

Les Trobman, General Counsel

Attachments:

- A. September 5, 2014 Executive Administrator Minor Amendment Determination Response Letter.
- B. Minor amendment documentation, including the addendum to the 2011 Region H Regional Water Plan.

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

September 5, 2014

Mr. Mark Evans
Region H Chair
North Harris County Regional Water Authority
3648 Cypress Creek Parkway #110
Houston, Texas 77068

Re: Region H's written request, received August 8, 2014, for a determination regarding whether or not amending the 2011 Region H Regional Water Plan to include Brackish Groundwater Desalination and Water Plant Expansion as a recommended water management strategy would be a minor amendment under 31 TAC §357.51(c).

Dear Mr. Evans:

I have reviewed Region H's request, and based on Region H's request and supporting materials, have determined that adding Brackish Groundwater Desalination and a Water Plant Expansion as a recommended water management strategy constitutes a minor amendment under 31 TAC §357.51(c).

If Region H adopts the proposed minor amendment, Region H will need to:

1. Provide the Texas Water Development Board (TWDB) with documentation of the planning group action adopting this water management strategy as a minor amendment;
2. Issue and distribute an addendum to the 2011 Region H Regional Water Plan updating the plan accordingly;
3. Provide TWDB with corrected DB12 data to reflect all the associated changes to the 2011 Region H Regional Water Plan and the 2012 State Water Plan; and,
4. Request that the Brazosport Water Authority obtain a web link from TWDB staff in order to fill out an associated online Infrastructure Financing Survey regarding how the entity plans to finance the projects associated with the amendment.

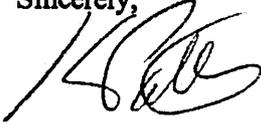
If Region H makes any substantive changes to the project components or configuration during the minor amendment process, TWDB will need to review the modified proposed amendment to ensure that the modified project still meets all of the criteria under 31 TAC §357.51(c).

<p>Our Mission : To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas</p>	<p>: Board Members : Carlos Rubinstein, Chairman Bech Bruun, Member Kathleen Jackson, Member : : : Kevin Patteson, Executive Administrator</p>
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Mr. Mark Evans, Region H Chair
September 5, 2014
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If you have any questions concerning this approval or its associated requirements, please contact Lann Bookout, the Board's designated regional water planning project manager for this region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Patteson', written over a horizontal line.

Kevin Patteson
Executive Administrator

cc: Mr. Jace Houston, General Manager, San Jacinto River Authority, PO Box 329, Conroe,
Texas 77305
Lann Bookout, TWDB

ATTACHMENT B

Minor amendment documentation of submittal

REGION H

Water Planning Group

REGION H WATER PLANNING GROUP
Senate Bill 1 - Texas Water Development Board
c/o San Jacinto River Authority
P. O. Box 329, Conroe, Texas 77305
Telephone 936-588-1111 Facsimile 936-588-3043

November 20, 2014

Agricultural
Robert Bruner
Pudge Willcox

Counties
John Blount
Mark Evans, Chair
Judge Art Henson

Electric Generating Utilities
Gene Fisseler

Environmental
John R. Bartos,
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Groundwater Management Areas
David Bailey
Kathy Jones

Industries
James Comin
Glenn Lord

Municipalities
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Executive Committee
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Public
Carl Masterson

River Authorities
David Collinsworth
Jace Houston, Secretary
Kevin Ward

Small Businesses
Judge Bob Hebert
John Howard

Water Districts
Marvin Marcell
Ron Neighbors, Vice-Chair
Jimmie Schindewolf

Water Utilities
James Morrison
William Teer

TWDB Liaison
Lann Bookout

Mr. Kevin Patteson
Executive Administrator
Texas Water Development Board
1700 North Congress Avenue
Austin, TX 78701

**Re: Amendment to the 2011 Region H Water Plan
Brazosport Water Authority
Adoption of Amendment by Region H**

Dear Mr. Patteson:

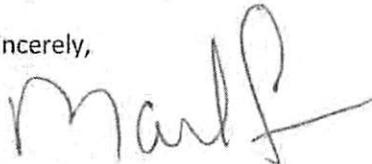
The Region H Water Planning Group (RHWPG) has reviewed, considered, and approved the amendment of the 2011 Region H Regional Water Plan (RWP) to include two projects to be developed by the Brazosport Water Authority (BWA). This action follows your determination of minor amendment status on September 5, 2014.

According to your determination of this revision as a minor amendment, the RHWPG provided 14-day notice prior to the November 5, 2014 RHWPG meeting to consider adoption of the amendment. Following this adoption of the amendment, a 14-day period was also observed for the receipt of comment related to the action through November 19th. The RHWPG now wishes to submit the completed amendment package along with comments received from the public regarding the amendment.

Attached to this letter, please find the final amendment package for your consideration. Please note that this package includes the amended sections of the 2011 RWP and a summary of corrections to be made to DB12 to accommodate the amendment. In addition, a summary of comments received on the project are also included as an attachment.

Should you have any further questions regarding this submittal, please feel free to contact me at 281.440.3924 or mevans@nhcrwa.com or the Region H consultant, Jason Afinowicz, at 713.600.6841 or jason.afinowicz@freese.com.

Sincerely,



Mark Evans
Region H Chair

cc: Lann Bookout, TWDB



**MINOR AMENDMENT TO THE
2011 REGION H REGIONAL
WATER PLAN**

Brazosport Water Authority

Attachment	Description
A	Amended excerpts from Executive Summary including Tables ES-7 and ES-8.
B	Amended excerpts from Chapter 4: Identification, Evaluation and Selection of Water Management Strategies Based on Needs
C	Amended Table 4A-3: Water Management Strategy Screening
D	Amended Table 4A-4: Water Management Strategy Environmental Impacts
E	Amended Table 4A-5: Recommended WMS by County
F	Amended Table 4A-6: Decadal WMS Summary
G	Amended Table 4A-7: WMS Supply Allocations by WUG
H	Amended Table 4A-8: WUG-Level Contracts
I	New Technical Memoranda 4B-52 (Brazosport Water Authority Brackish Groundwater Reverse Osmosis Water Treatment Plant and Wells) and 4B-53 (Brazosport Water Authority Conventional Water Plant Expansion)
J	Amended Table 4C-1: WWP-Level Project Costs
K	Amended Table 4C-2: WUG-Level Project Costs
L	Amended Appendix 4E: Environmental Flows Modeling for New WMS
M	Amended excerpts from Chapter 5: Impacts of Management Strategies on Water Quality and Impacts of Moving Water from Rural and Agricultural Areas
N	Summary of database entries anticipated for DB12
O	Comments received regarding proposed amendment