

# Amending an Approved Regional Water Plan

## 1 Background and amendment initiation

### 1.1 Background

Every five years, the 16 regional water planning groups must develop and adopt regional water plans, which are then submitted to the Texas Water Development Board (TWDB) for approval. The TWDB then compiles the regional water plans into a state water plan. During the five-year span between the regular regional water plan adoptions, the plans may need to be amended to identify long-term water supplies.

### 1.2 Amendment initiation and general principles

A regional water planning group (RWPG) may initiate an amendment on its own or an entity planned for in the regional water planning process may request an amendment.

Examples of why a regional water plan amendment might need to be initiated include:

- A political subdivision of the state of Texas in the regional water planning area may request an amendment from the RWPG on the basis of changed conditions or new information<sup>1</sup>.
- Amendments are required if the RWPG identifies any strategies or projects as infeasible, based on the RWPG results of assessing the feasibility of recommended water management strategies and projects in the previous regional water plan, in accordance with 31 Texas Administrative Code (TAC) § 357.12(b) and Texas Water Code §16.053(h)(10).
- In order for projects to be eligible for funding from the State Water Implementation Fund for Texas (SWIFT), projects must be recommended in the most recent regional and state water plans and all project components must have an associated capital cost.
- If a project sponsor seeks funding from the TWDB for a water supply project or a water rights permit from the Texas Commission on Environmental Quality (TCEQ), the proposed project must be found to be consistent with the approved regional water plan and state water plan. If the proposed project is not consistent with the approved regional and state water plan and the sponsor cannot wait to incorporate the proposed project into the next adopted regional water plan, the existing regional water plan may be amended, or a waiver of statutory requirements regarding consistency with such plans must be obtained from the TWDB<sup>2</sup> and/or TCEQ.

The following general principles govern the amendment process:

- The RWPG must formally consider an amendment request within 180 days of its submittal.
- The RWPG may, at its discretion, accept or reject the proposed amendment request.
- If a RWPG rejects a political subdivision's request for an amendment, the political subdivision may file a petition to the TWDB's Executive Administrator in accordance with 31 TAC §357.51(a).

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<sup>1</sup> [31 TAC §357.51\(a\)](#)

<sup>2</sup> [31 TAC §357.60\(b\)\(5\)](#)

- If the RWPG takes action to proceed with an amendment, the RWPG must follow the existing amendment process in 31 TAC §357.51, in accordance with whether the amendment is a substitution of an alternative strategy, minor amendment, or major amendment.
- Any amendment proposed must meet rules and guidelines for development of a regional water plan.
- If a proposed substitution or amendment includes a water management strategy where the source is located within a different regional water planning area, the RWPG must submit a copy of the proposed substitution or amendment to the RWPG where the strategy is located concurrently with the submittal of their proposed substitution or amendment request to the TWDB Executive Administrator<sup>3</sup>.

## 2 Types of amendments and processes

### 2.1 Substitutions<sup>4</sup>

Substitutions of water management strategies that have been fully evaluated and are explicitly identified as alternative water management strategies in the adopted regional water plans may be made if

- the water management strategy originally recommended is no longer recommended, and
- the substitution of the alternative water management strategy is capable of meeting the same water need without over-allocating any source.

#### 2.1.1 Substitution process

The following steps must be followed for a substitution:

1. An entity requests that the RWPG make a substitution.
2. The RWPG considers the proposed substitution request as an action item on an agenda at one of its regular meetings<sup>5</sup>.
3. Proposed substitution materials are submitted to the TWDB Executive Administrator with a request for written approval of the substitution.
4. The TWDB Executive Administrator review and provides written approval of the substitution if it is in accordance with 31 TAC § 357.51(e).
5. The RWPG adopts the substitution at a public meeting with an opportunity for public input. This meeting requires at least a 14-day notice, a 14-day written comment period prior to the meeting, and consideration of comments prior to RWPG action<sup>6</sup>.
6. The RWPG submits adopted substitution materials to the TWDB.
7. The TWDB amends the state water plan, which requires a public hearing on the proposed state water plan amendment and a 30-day public notice prior to its adoption.

#### 2.1.2 Proposed substitution materials

The following materials must be submitted to the TWDB Executive Administrator for written approval of a substitution request:

1. A cover letter from the RWPG requesting approval of the substitution, stating the need for the substitution, and summarizing RWPG action taken.

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<sup>3</sup> [31 TAC §357.51\(f\)](#)

<sup>4</sup> [31 TAC §357.51\(e\)](#)

<sup>5</sup> [31 TAC §357.21\(g\)\(1\)](#)

<sup>6</sup> [31 TAC §357.21 \(g\)\(2\)](#)

2. Documentation of what plan sections the amendment applies to and where changes would occur based on the amendment<sup>7</sup>.
3. Information to demonstrate that the water management strategy to be substituted has been fully evaluated in accordance with statute, rule, and contractual technical guidelines.
4. Indication that the proposed substitution would meet the same water need as the previously recommended strategy without over allocating any source.
5. Confirmation of the strategy and project ids that will be swapped in the regional water planning database.

### **2.1.3 Adopted substitution materials**

The following materials must be submitted to the TWDB Executive Administrator following RWPG adoption of a substitution:

1. A cover letter from the RWPG documenting RWPG adoption of the substitution.
2. Items 2-4 in Section 2.1.2—updated as necessary based on TWDB or public comments.
3. Updated DB22<sup>8</sup> data reports (to be provided by the TWDB)
4. The RWPG’s response to any public comments received.

## **2.2 Minor amendments<sup>9</sup>**

Minor amendments may be made to incorporate changes that do not

- result in over-allocation of an existing or planned source of water,
- relate to a new reservoir,
- increase unmet needs or produce new unmet needs in the adopted regional water plan unless the increase in unmet needs or new unmet needs is the result of removing infeasible water management strategies and/or projects in accordance with 31 TAC § 357.51(g),
- have a significant effect on instream flows, environmental flows, or freshwater flows to bays and estuaries,
- have a significant substantive impact on water planning or previously adopted management strategies, or
- delete or change any legal requirements of a plan.

### **2.2.1 Minor amendment process**

The following steps must be followed for a minor amendment:

1. An entity requests the RWPG to amend a regional water plan, or the RWPG identifies an infeasible strategy or project in the previous regional water plan.
2. The RWPG considers the request and takes action to pursue the amendment at one of its regular public meetings<sup>10</sup>.
3. Amendment materials are prepared in accordance with TWDB rules and guidance, and the RWPG submits a request for a “minor amendment determination” to the TWDB Executive Administrator.
4. The TWDB Executive Administrator reviews the request and issues a determination to the planning group on whether the amendment is minor or major.

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<sup>7</sup> It is the discretion of the RWPG whether to include revisions to all relevant text and tables throughout the plan.

<sup>8</sup> TWDB’s Regional Water Planning database

<sup>9</sup> [31 TAC §357.51\(c\)](#)

<sup>10</sup> [31 TAC §357.21\(g\)\(1\)](#)

5. If the TWDB Executive Administrator determines that it is a minor amendment, the RWPG considers adopting the amendment at a public meeting with an opportunity for public input. This meeting requires at least a 14-day notice, a 14-day written comment period prior to the meeting, and consideration of comments prior to RWPG action <sup>11</sup>.
6. The RWPG submits the adopted minor amendment materials to the TWDB for approval.
7. The TWDB reviews the adopted minor amendment and, if acceptable, the TWDB Board will consider approval of the regional water plan amendment at a regular Board meeting.
8. The TWDB then amends the state water plan, which requires a public hearing on the proposed state water plan amendment and a 30-day public notice prior to its adoption.

### **2.2.2 Minor amendment determination materials**

The following materials must be submitted to the TWDB Executive Administrator for a minor amendment determination:

1. A cover letter from the RWPG requesting a determination on the amendment, stating the need for the amendment, and summarizing RWPG action taken.
2. Documentation of what plan sections the amendment applies to and where changes would occur based on the amendment<sup>12</sup>.
3. Information to demonstrate that the amendment meets all of the minor amendment criteria listed in 31 TAC §357.51(c)(2).
4. Information to demonstrate that a new WMS has been fully evaluated in accordance with statute, rule, and regional water planning technical guidelines.
5. A summary of infeasible strategy and/or infeasible project components and why they were determined to be infeasible (for amendments associated with an infeasibility analysis).
6. Summarize any changes to unmet needs as a result of removing infeasible strategies, including adequate justification of increases in or new unmet municipal needs per 31 TAC§357.50(j), if applicable.
7. Relevant water availability modeling files, if applicable.
8. Relevant data revisions for the regional water planning database.

### **2.2.3 Adopted minor amendment materials**

The following materials must be submitted to the TWDB Executive Administrator following RWPG adoption of a minor amendment:

1. A cover letter from the RWPG documenting RWPG adoption of the amendment.
2. Items 2-7 in Section 2.2.2—updated as necessary based on TWDB or public comments.
3. Updated DB22<sup>13</sup> data reports (to be provided by the TWDB).
4. The RWPG’s response to any public comments received.

## **2.3 Major amendments<sup>14</sup>**

Major amendments may be made to incorporate changes that cannot be addressed through a minor amendment. Major amendments may not result in an over-allocation of an existing or planned source of water and must conform with all other rules for regional water plan development.

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<sup>11</sup> [31 TAC §357.21\(g\)\(2\)](#)

<sup>12</sup> It is the discretion of the RWPG whether to include revisions to all relevant text and tables throughout the plan.

<sup>13</sup> TWDB’s Regional Water Planning database

<sup>14</sup> [31 TAC §357.51\(b\)](#)

### **2.3.1 Major amendment process**

The following steps must be followed for a major amendment:

1. An entity requests that the RWPG make an amendment or the RWPG identifies an infeasible strategy or project in the previous regional water plan.
2. The RWPG considers the request and takes action to initiate the amendment and authorize posting the public hearing notice at one of its regular public meetings<sup>15</sup>.
3. Draft amendment materials are prepared in accordance with TWDB rules and guidance for consideration at a public hearing, and the RWPG submits the draft amendment packet to the TWDB Executive Administrator for review no later than 7 days prior to the public hearing date.
4. The RWPG holds a public hearing on the proposed amendment. This hearing requires a 30-day public notice prior to the hearing date and a 30-day written comment period prior to and following the hearing date<sup>16</sup>.
5. The TWDB Executive Administrator reviews the request and issues a response letter to the planning group.
6. The RWPG considers all public comments received and may adopt the regional water plan amendment at a regular planning group meeting after the hearing comment period closes.
7. The RWPG submits the adopted amendment materials to the TWDB for approval.
8. The TWDB reviews the adopted major amendment and, if acceptable, the TWDB Board will consider approval of the regional water plan amendment at a regular Board meeting.
9. The TWDB then amends the state water plan, which requires a public hearing on the proposed state water plan amendment and a 30-day public notice prior to its adoption.

### **2.3.2 Draft major amendment materials**

The following materials must be submitted to the TWDB Executive Administrator for a review of a draft major amendment:

1. A cover letter from the RWPG stating the need for the amendment and summarizing RWPG action taken.
2. Documentation of what plan sections the amendment applies to and where changes would occur based on the amendment<sup>17</sup>.
3. Information to demonstrate that a new WMS has been fully evaluated in accordance with statute, rule, and regional water planning technical guidelines.
4. A summary of infeasible strategy and/or infeasible project components and why they were determined to be infeasible (for amendments associated with an infeasibility analysis).
5. Summarize any changes to unmet needs as a result of removing infeasible strategies, including adequate justification of increases in or new unmet municipal needs per 31 TAC§357.50(j)), if applicable.
6. Relevant water availability modeling files, if applicable.
7. Relevant data revisions for the regional water planning database.

### **2.3.3 Adopted major amendment materials**

The following materials must be submitted to the TWDB Executive Administrator following RWPG adoption of a major amendment:

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<sup>15</sup> [31 TAC §357.21\(g\)\(1\)](#)

<sup>16</sup> [31 TAC §357.21\(g\)\(3\)](#)

<sup>17</sup> It is the discretion of the RWPG whether to include revisions to all relevant text and tables throughout the plan.

1. A cover letter from the RWPG documenting RWPG adoption of the amendment.
2. Items 2-6 in Section 2.3.2—updated as necessary based on TWDB or public comments.
3. Updated DB22<sup>18</sup> data reports (to be provided by the TWDB).
4. The RWPG’s response to any public comments received.

### 3 Funding an amendment

Typically, the entity requesting the amendment pays for the costs related to developing regional water plan amendment materials.

TWDB regional water planning grant funds may **not** be used to pay for an amendment to a regional water plan except for those amendments required to address the region’s analysis of infeasible water management strategies and/or projects in accordance with Texas Water Code §16.053(h)(10).

### 4 Revisions to TWDB Board-adopted population or water demand projections during regional water plan development

Amendments to TWDB Board-adopted projections may be requested whenever current projections are no longer reasonable owing to changed conditions or the availability of new information<sup>19</sup>. These revision requests are typically for current plans under development and the resulting revisions are incorporated directly into the regional water plan under development prior to regional water plan adoption.

#### 4.1.1 Board-adopted population or water demand revision process

The following steps must be followed for revisions to Board-adopted projections:

1. An entity requests that the RWPG submit a revision request to the TWDB, to revise Board-adopted projections.
2. The RWPG considers the request and takes action to approve the proposed population and/or water demand projection revision request at a public meeting with an opportunity for public input. This meeting requires at least a 14-day notice, a 14-day written comment period prior to the meeting, and consideration of comments prior to RWPG action<sup>20</sup>.
3. The RWPG submits the revision request to TWDB’s Executive Administrator. The submittal must include supporting data and documentation developed in accordance with regional water planning contract guidelines<sup>21</sup>, and a summary of all public comments received.
4. The TWDB reviews the request in accordance with contract guidelines and consults with the Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department. Within 45 days of receipt of a revision request from an RWPG, the TWDB Executive Administrator responds to the request.

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<sup>18</sup> TWDB’s Regional Water Planning database

<sup>19</sup> [31 TAC §357.31\(e\)\(2\)](#)

<sup>20</sup> [31 TAC §357.21\(g\)\(2\)](#)

<sup>21</sup> Acceptable criteria and data is outlined in Regional Water Planning Contract Exhibit C: *Guidelines for Development of the 2026 Regional Water Plans*:

[https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/projectdocs/2026RWP\\_ExhibitC.pdf](https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/projectdocs/2026RWP_ExhibitC.pdf)

5. Acceptable revisions will be presented for consideration of approval at an upcoming TWDB Board meeting.

If the RWPG pursues revisions to TWDB Board-adopted population and/or water demand projections in a previously adopted plan, the RWPG would also need to take steps to pursue a minor or major amendment to the regional water plan *after* TWDB Board approval of the revision to adopted projections.

It is important to note that TWDB regional water planning grant funds are prohibited to be used for work associated with developing revision requests or amendments related to the revision of TWDB Board-adopted population and demand projections.

## 5 Statute, rules, and more information

- [Texas Water Code Section 16.053](#)
- [31 TAC Chapter 357](#)

For more information on regional water planning and related guidance, please visit TWDB's [regional water planning website](#).

For information on approximate amendment timelines, please see the [Regional and State Water Plan Amendment Process flowchart](#).

**Note:** *This guidance document is not intended to cover all procedural and substantive requirements applicable to water plan amendments. For this reason, this document should not be used as a substitute for the regulations as written. In case of doubt, consult the Texas Water Code, Chapter 16, Subchapter C, and 31 TAC Chapter 357. Regional water planning groups or political subdivisions with legal questions regarding changes to the regional water plans should consult with their own attorneys or the Texas Attorney General's Office.*