

## AGENDA ITEM MEMO

**BOARD MEETING DATE:** February 10, 2021

**TO:** Board Members

**THROUGH:** Jeff Walker, Executive Administrator  
Ashley Harden, General Counsel  
Jessica Zuba, Deputy Executive Administrator, Water Supply & Infrastructure

**FROM:** Sarah Backhouse, Manager, Regional Water Planning

**SUBJECT:** Proposal for publication of proposed amendments related to regional water planning.

### **ACTION REQUESTED**

Consider authorizing publication of the proposed amendments to 31 Texas Administrative Code (TAC) Chapter 355 relating to Regional Water Planning Grants and 31 TAC Chapter 357.21 relating to Regional Water Planning Notice and Public Participation.

### **BACKGROUND**

The purpose of the proposed amendments to 31 TAC Chapter 355 is to address concerns raised by the regional water planning groups, which was also identified as a recommendation from the Interregional Planning Council to allow for the reimbursement of labor costs for regional water planning administrative agents. The revisions also clarify language throughout the section.

The purpose of the proposed amendment to 31 TAC § 357.21 is to simplify and streamline regional water planning notice requirements. These revisions more closely align with the new regional flood planning program public notice requirements that were adopted in 2020, where applicable, to make the notice requirements for the two similar planning processes more consistent where appropriate.

### **KEY ISSUES**

It is anticipated that the proposed rule will be published in the February 26, 2021 edition of the Texas Register, opening a 30-day comment period.

#### **Our Mission**

Leading the state's efforts in ensuring a secure water future for Texas and its citizens

#### **Board Members**

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member

Jeff Walker, Executive Administrator

**31 TAC Chapter 355 key changes:**

1. Minimum requirements for the contents of applications for funding and evaluation of applications are clarified.
2. The requirement to submit multiple applications for funding during a single planning cycle is removed.
3. Eligible and non-eligible expense limitations are reordered and clarified.
4. A new eligible expense is included to allow for limited reimbursement for political subdivision personnel costs. This addresses concerns raised by the regional water planning groups, is a recommendation to the TWDB from the Interregional Planning Council, and is consistent with the regional flood planning rules.
5. Clarification is provided that contract requirements also apply to regional water planning grant subcontracts, which reflects current practices and grant agreement language.

Due to time constraints, the proposed 31 TAC Chapter 355 revisions will not be incorporated into the regional water planning requests for applications schedule for this spring. However, they will be incorporated into the contracts resulting from the requests for applications which will be negotiated later in the year.

**31 TAC Chapter 357 key changes:**

1. The public notice section is simplified by moving minimum notice requirements to the beginning of the section rather than repeating throughout the subsections. The rules also follow the structure of the new regional flood planning public participation rules, where applicable.
2. The minimum public notice requirement is increased from three to seven days.
3. Minimum timeframes are added for the posting of meeting materials, depending on the action taken.
4. The requirement for RWPGs to receive public comments for 14 days after they take certain actions is removed. This is not anticipated to create a burden on the public because a minimum 14-day notice and comment period is required to occur prior to the RWPG taking action.
5. The minimum public notice for adoption of final regional water plans is changed from three to 14 days.
6. The 30-day public notice subsection is split into two subsections, one based on minimum requirements for certain actions, and one based on additional statutory requirements for certain actions.
7. The public comment period on the Initially Prepared Plans is revised to clarify that the comment period applies to all written comments. This will revise the state/federal agency comment period from 90 to 60 days and streamline comment deadlines. TWDB's comment period is not revised by this rule revision.
8. The 30-day public notice associated with submitting an application for funding regional water plan development is removed. Authorization to submit an application for funding would occur at a regularly noticed meeting.

**RECOMMENDATION**

The Executive Administrator recommends approval of the publication of the attached proposals that, if adopted, would amend 31 TAC Chapter 355 and § 357.21 to clarify existing rules.

Attachments: Preamble and Proposed Amendments to 31 TAC Chapter 355.  
Preamble and Proposed Amendments to 31 TAC Chapter 357.21

Preamble and Proposed Amendments to  
31 TAC Chapter 355

The Texas Water Development Board (“TWDB” or “board”) proposes an amendment to 31 TAC 355

## BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED AMENDMENT.

The purpose of the proposed amendments to 31 TAC 355 are to address concerns raised by the regional water planning groups, which was also identified as a recommendation from the Interregional Planning Council, established by House Bill 807 of the 86th Legislature, to allow for the limited reimbursement of certain labor costs for regional water planning administrative agents. The revisions also clarify language throughout the section.

## SECTION BY SECTION DISCUSSION OF PROPOSED AMENDMENTS.

### *Subchapter C. Regional Water Planning Grants.*

#### *Section 355.91 Notice of Funds and Submission and Review of Applications*

Section 355.91(a) is revised to remove the requirement that the request for funding applications be published in the Texas Register. Eligible applicants are limited to the Political Subdivision designated by each regional water planning group. These entities will be notified directly by the Executive Administrator (EA) that funding is available.

Section 355.91(b) is revised to add clarity to the rule.

Section 355.91(c) is revised to comply with 357.21 as modified by the current rulemaking project.

New section 355.91(d) is added clarify the statutory requirements to be included in a funding application.

Renumbered section 355.91(e) is revised to remove the requirement for multiple applications during the five-year planning cycle. The Board has discretion to amend the regional water planning grant contracts to add additional funds and scope of work tasks without a new application for funding during the same planning cycle.

Renumbered section 355.91(f) is revised to closely adhere to the statutory requirements.

#### *Section 355.92 Use of Funds*

Section 355.92(a)(5) is renumbered as 355.92(a)(4) and is revised to clarify that the EA may deem an analysis of benefits and costs of water management strategies eligible for funding at their discretion and specifies items the EA must consider. Section 355.92(d) is removed, as the EA consideration is now addressed in new 355.92(a)(4).

Section 355.92(a)(4) is renumbered as 355.92(b) and provides clarification on ineligible expenses for RWPG members and the RWPGs’ designated political subdivisions.

Section 355.92(b) is renumbered as 355.92(c) and clarifies certain eligible administrative costs that are specifically limited by the regional water planning grant contract. This includes a new eligible cost for limited reimbursement of the RWPG's political subdivision's personnel costs associated with RWPG meetings and hearings.

Section 355.92(c) is renumbered as 355.92(d) and is revised to clarify the subcontracting process is through the RWPG's political subdivision.

*Section 355.93 Board Consideration of Applications; Applicant's Responsibilities; and Contract*

Sections 355.93(a), (b), and (c) are revised to clarify rule language.

Section 355.93(d) is revised to clarify that the contracts and subcontracts for regional water planning must, at the direction of the EA, include either a scope of work provided by the EA or a scope of work developed by the RWPG if requested by the EA and a budget subdivided into task budgets.

**FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENTS**

Ms. Rebecca Trevino, Chief Financial Officer, has determined that there will be no fiscal implications for state or local governments as a result of the proposed rulemaking. For the first five years these rules are in effect, there is no expected additional cost to state or local governments resulting from their administration.

These rules may result in reductions in costs to local governments because some limited personnel costs will be reimbursable by the state. There is no change in costs for state governments to comply with the proposed revision. These rules are not expected to have any impact on state or local revenues. These rules do not require any increase in expenditures for state or local governments as a result of administering these rules. Additionally, there are no foreseeable implications relating to state or local governments' costs or revenue resulting from these rules.

Because these rules will not impose a cost on regulated persons, the requirement included in Texas Government Code Section 2001.0045 to repeal a rule does not apply. Furthermore, the requirement in Section 2001.0045 does not apply because these rules are amended to reduce the burden or responsibilities imposed on regulated persons by the rules.

The board invites public comment regarding this fiscal note. Written comments on the fiscal note may be submitted to the contact person at the address listed under the Submission of Comments section of this preamble.

**PUBLIC BENEFITS AND COSTS**

Ms. Rebecca Trevino also has determined that for each year of the first five years the proposed rulemaking is in effect, the public will benefit from the rulemaking as it will clarify rule language and provide reimbursement for certain personnel costs related to the administration of Regional Water Plans and Regional Water Planning Groups.

## LOCAL EMPLOYMENT IMPACT STATEMENT

The board has determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect because it will impose no new requirements on local economies. The board also has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of enforcing this rulemaking. The board also has determined that there is no anticipated economic cost to persons who are required to comply with the rulemaking as proposed. Therefore, no regulatory flexibility analysis is necessary.

## DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The board reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225, and determined that the rulemaking is not subject to Texas Government Code, §2001.0225, because it does not meet the definition of a “major environmental rule” as defined in the Administrative Procedure Act. A “major environmental rule” is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure, a rule that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to define eligible expenses and clarify existing language.

Even if the proposed rule were a major environmental rule, Texas Government Code, §2001.0225 still would not apply to this rulemaking because Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed the a standard set by federal law or any other federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not proposed solely under the general powers of the agency, but rather under the authority of Texas Water Code § 16.053. Therefore, this proposed rule does not fall under any of the applicability criteria in Texas Government Code, §2001.0225.

The board invites public comment regarding this draft regulatory impact analysis determination. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submission of Comments section of this preamble.

## TAKINGS IMPACT ASSESSMENT

The board evaluated this proposed rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule revision is to clarify language and to provide for some reimbursement of labor costs for regional water planning administration.

The board's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this proposed rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code, §2007.003(b)(4). The board is the agency that collects, analyzes, and disseminates water-related data and provides other services necessary to aid in planning and managing the state's water resources.

Nevertheless, the board further evaluated this proposed rule and performed an assessment of whether it constitutes a taking under Texas Government Code, Chapter 2007. Promulgation and enforcement of this proposed rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject proposed regulation does not affect a landowner's rights in private real property because this rulemaking does not burden nor restrict or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulation. Therefore, the proposed rule does not constitute a taking under Texas Government Code, Chapter 2007.

## GOVERNMENT GROWTH IMPACT STATEMENT

The board reviewed the proposed rulemaking in light of the government growth impact statement requirements of Texas Government Code §2001.0221 and has determined, for the first five years the proposed rule would be in effect, the proposed rules will not: (1) create or eliminate a government program; (2) require the creation of new employee positions or the elimination of existing employee positions; (3) require an increase or decrease in future legislative appropriations to the agency; (4) require an increase or decrease in fees paid to the agency; (5) create a new regulation; (6) expand, limit, or repeal an existing regulation; (7) increase or decrease the number of individuals subject to the rule's applicability; or (8) positively or adversely affect this state's economy.

## SUBMISSION OF COMMENTS

Written comments on the proposed rulemaking may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to [rulescomments@twdb.texas.gov](mailto:rulescomments@twdb.texas.gov), or by fax to (512) 475-2053. Comments will be accepted until 5:00 p.m. of the 31st day following publication the Texas Register. Include reference to Chapter 355 in the subject line of any comments submitted.

## STATUTORY AUTHORITY



This rulemaking is proposed under the authority of the Texas Water Code § 6.101 which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State.

The rulemaking is proposed under the additional authority of Texas Water Code § 15.403 which provides the TWDB with the authority to adopt rules necessary to carry out the purposes of the Research and Planning Program and Texas Water Code § 15.4061 which provides the TWDB with the authority to enter into contracts with political subdivisions and pay from the research and planning fund, all or part of the cost of developing or revising Regional Water Plans in accordance with the statute.

## **CHAPTER 355 RESEARCH AND PLANNING FUND**

### **SUBCHAPTER C REGIONAL WATER PLANNING GRANTS**

#### **§355.91 Notice of Funds and Submission and Review of Applications**

(a) The EA will notify the [~~publish notice in the *Texas Register* advising~~] RWPGs that funds are available and that applications will be accepted from eligible applicants for grants to develop a scope of work or to develop or revise regional water plans. The notice will describe the form and manner for applications. A RWPG may not receive grant funds unless the RWPG has provided the EA with a copy of the RWPG's adopted by-laws.

(b) The RWPG shall provide a written designation to the EA naming the political subdivision that is authorized to apply for grant funds on behalf of the RWPG. The RWPG shall ensure that the designated political subdivision has the legal authority to conduct the procurement of professional services and enter into the contracts necessary for regional water planning.

(c) The political subdivision shall provide notice that an application for funding is being submitted in accordance with §357.21[~~(e)~~] of this title (relating to Notice and Public Participation).

(d) The application must include: the name of the political subdivision; citation to the laws under which the political subdivision was created and is operating, specific citation of all laws providing authority to develop and implement a regional water plan; the amount of funding requested; and any other relevant information requested by the EA.

(~~e~~[d]) The EA may request clarification from the political subdivision if necessary to evaluate the application. Incomplete applications may be rejected and returned to the applicant. [~~After the initial round of planning grant funds, an eligible applicant may submit additional applications for tasks not previously funded. The EA may fund additional applications under this subchapter, but is not required to provide such additional funding.~~]

(~~f~~[e]) The applications shall be evaluated by the following criteria:

(1) degree to which proposed planning does not duplicate previous or ongoing water planning;

(2) project [~~organization and~~] budget;

(3) scope of work [~~of project~~];

[~~(4) eligibility of tasks for funding under this subchapter;~~]

(~~4~~[5]) the relative need of the political subdivision for the money based [~~upon an assessment of~~] on the [~~necessary~~] scope of work and cost to develop the regional water plan [~~as compared to statewide needs for development of all regional water plans~~];

(~~5~~[6]) the legal authority of the political subdivision to participate in the development and implementation of a regional water plan; and

(~~6~~[7]) the degree to which regional water planning by the RWPG will address the water supply needs in the regional water planning area.

### **§355.92 Use of Funds**

(a) Limitations of Funding. The Board has sole discretion in determining which activities are necessary for the development or revision of regional water plans. However, no funds will be provided for the following:

(1) activities for which the Board determines existing information or data is sufficient for the planning effort including:

(A) detailed evaluations of cost of water management strategies where recent information for planning is available to evaluate the cost associated with the strategy;

(B) evaluations of groundwater resources for which a desired future condition has been submitted to the Board pursuant to Texas Water Code §36.108(d) (relating to Joint Planning in a Management Area);

(C) evaluations of groundwater resources for which current information is available from the Board or other entity sufficient for evaluation of the resource;

(D) determination of water savings resulting from standard conservation practices for which current information is available from the Board;

(E) revision of the adopted state population and demand projections;

(F) revision of state environmental planning criteria for new surface water supply projects; and

(G) collection of data describing groundwater or surface water resources where information for evaluation of the resource is currently available;

(2) activities directly related to the preparation of applications for state or federal permits or

other approvals, activities associated with administrative or legal proceedings by regulatory agencies, and preparation of engineering plans and specifications;

(3) activities related to planning for individual system facility needs other than identification of those facilities necessary to transport water from the source of supply to a regional water treatment plant or to a local distribution system;

(4) analyses of benefits and costs of water management strategies are not eligible for funding, unless the EA at his or her discretion, has deemed an analysis necessary and appropriate, or specifically authorizes reimbursement. In determining whether to authorize reimbursement for a cost benefit analysis for a water management strategy, the EA will consider:

(A) whether the water management strategy requires a state or federal permit and the RWPG has completed the analysis required by §357.34 of this title (relating to Identification and Evaluation of Potentially Feasible Water Management Strategies);

(B) whether these analyses are needed to determine the selection of the water management strategy;

(C) whether the analysis is for strategies that serve the same demand, but the costs and benefits differ significantly among the strategies; and

(D) the overarching benefits to the state when determining whether to provide such funding.

(b[4]) C[osts] associated with participation on a RWPG [administration of the plan's development,] and certain administrative activities by the RWPG's Political Subdivision and RWPG members are not eligible for funding. Ineligible costs include but are not [including but not] limited to:

(1[A]) compensation for the time or expenses of RWPGs members' service on or for the RWPG, including attendance at RWPG meetings and hearings;

~~[(B) costs of administering the RWPGs;~~

~~[(C) costs of public notice and meetings, including time and expenses for attendance at such meetings;]~~

~~(2[D]) costs for training;~~

(3) costs associated with the development of an application for a regional water planning grant;

(4[E]) costs of reviewing products developed due to this grant; and

(5[F]) costs of administering the regional water planning grant and associated contracts. [; and]

~~[(5) analyses of benefits and costs of water management strategies unless the water~~

~~management strategy requires a state or federal permit and the RWPG has completed the analysis required by §357.34 of this title (relating to Identification and Evaluation of Potentially Feasible Water Management Strategies), and the RWPG demonstrates to the satisfaction of the executive administrator that these analyses are needed to determine the selection of the water management strategy.]~~

(c**[b]**) Funding Administrative Costs. The following administrative costs are eligible for funding as specifically limited by the expense budget included in the regional water planning grant contract between the TWDB and the RWPG's political subdivision and if the RWPG or its chairperson certifies, during a public meeting, that the expenses are eligible for reimbursement and are correct and necessary:

(1) travel expenses, as authorized by the General Appropriations Act are available only for attendance at a posted meeting of the RWPG unless the travel is specifically authorized by the RWPG and EA;

(2) costs associated with providing translators and accommodations for persons with disabilities for public meetings when required by law or deemed necessary by the RWPGs and certified by the chairperson;

(3) direct costs, not including personnel costs, for ~~[placing public notices in newspapers for the legally required public hearings and of]~~ providing copies of information for the public and for members of the RWPGs as needed for the efficient performance of planning work; ~~[and]~~

(4) direct costs, not including personnel costs, of public notice postings including a maintaining a website and for postage for mailing notices of public meetings and hearings, including in newspapers [and other actions to persons and entities listed in] pursuant to Chapter 357 of this title (relating to Regional Water Planning); and

(5) the RWPG's political subdivision's personnel costs, for the staff hours that are directly spent providing, preparing for, and posting public notice for RWPG meetings and hearings, including time and direct expenses for their support of and attendance at such RWPG meetings and hearings.

(d**[e]**) Subcontracting. A RWPG through the ~~[eligible applicant's]~~ political subdivision's contractor or subcontractor may obtain professional services, including the services of a planner, land surveyor, licensed engineer, or attorney, for development or revision of a regional water plan only if such services are procured on the basis of demonstrated competence and qualifications through a request for qualifications process in accordance with Texas Government Code Chapter 2254.

~~[(d) Notwithstanding limitations on funding described in this section, the EA may, in his sole discretion, authorize funding for a cost benefit analysis of water management strategies. The EA shall consider funding such an analysis when the strategies serve the same demand, but the costs and benefits differ significantly among the strategies. The EA shall consider the overarching benefits to the state when determining whether to provide such funding. The EA~~

~~may provide cost benefit analysis in other situations, as he deems necessary and appropriate.]~~

### **§355.93 Board Consideration of Applications; Applicant's Responsibilities; and Contract**

(a) The EA shall provide ~~[submit]~~ a summary of regional water planning funding applications with recommendations for approval to the Board for consideration at a regularly scheduled public meeting of the Board. The EA shall notify the applicants ~~[and other persons who have provided comments]~~ of the time and place of such meeting. ~~[The Board agenda is published on the Web site at [www.twdb.texas.gov](http://www.twdb.texas.gov).]~~

(b) Board Review. The Board may ~~[has discretion to]~~ approve, deny ~~[disapprove]~~, amend, or continue consideration of an application. If the Board approves the application for funding, then the RWPG's political subdivision ~~[eligible applicant]~~ will be notified of the amount of funds available and ~~[about]~~ the deadline for executing a contract with the Board. If the applicant does not enter into a contract by the specified deadline, then the Board's approval expires and no funds will be provided. The political subdivision ~~[applicant]~~ may request an extension of time for good cause shown prior to the contract execution deadline.

(c) Eligible Applicant's Responsibility. The RWPG's political subdivision ~~[eligible applicant]~~ must demonstrate the availability of matching funds when applicable. However, the Board may in its discretion award up to 100% of the necessary and direct costs of the development or revision of a regional water plan.

(d) The [A] contracts and subcontracts for regional planning funds shall include:

(1) a detailed statement of the purpose for which the money is to be used;

(2) a scope of work provided by the EA or a scope of work developed by the RWPG if requested by the EA;

(3[2]) the total amount of money to be paid from the research and planning fund under the contract and, as determined by the EA, subdivided into task budgets;

(4[3]) the time for completion; and

(5[4]) any other terms and conditions required by the EA or agreed to by the contracting parties.

Preamble and Proposed Amendments to  
31 TAC Chapter 357.21

The Texas Water Development Board (“TWDB” or “board”) proposes an amendment to 31 TAC 357.21

## BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED AMENDMENT.

The purpose of this proposed rule change is to simplify regional water planning public notice requirements and remove redundant references in the section to notice requirements. The revisions closely align with the new flood planning public notice rules, where applicable, to reduce confusion among public notice requirements of the two planning processes administered by the agency.

## SECTION BY SECTION DISCUSSION OF PROPOSED AMENDMENTS.

### *Subchapter B. Guidance Principles and Notice Requirements*

#### *§357.21 Notice and Public Participation*

Sections 357.21(b)-(e) are rescinded and the requirements within those subsections are rewritten as 357.21(g)(1-3)-(h). Section 357.21(e) is fully removed to no longer require a costly public notice for a non-competitive funding process.

New subsection 357.21(b) requires that each Regional Water Planning Group (RWPG) maintain a website where public notice and meeting materials are posted. This is currently already required by the regional water planning contract scopes of work.

New subsection 357.21(c) clarifies that oral public comment must be accepted at each public meeting or hearing and the RWPGs must specify when and how the public may submit written comment.

New subsection 357.21(d) requires the RWPGs to maintain a list of interested parties of who will receive electronic notice of public meetings and hearings.

New subsections 357.21(e-f) specify the minimum requirements for all meeting and hearing notices. RWPGs may add additional notice requirements above the requirements specified by rule to their bylaws.

New subsection 357.21(g)(1) specifies that regular RWPG meetings, and any committee or subcommittee meetings, are subject to a minimum seven-day public notice. Additional RWPG actions that would be subject to the seven-day notice are specified in this rule. This revises the previous requirement that regular RWPG meetings occur with a minimum three-day public notice. A seven-day public notice allows for increased public transparency of upcoming meetings. As referenced in the TWDB’s Best Practices Guide for RWPG Political Subdivisions, the TWDB’s Regional Water Planning Public Notice tool, developed in coordination with a RWPG political subdivision, recommends providing public notice at least seven days prior to a RWPG meeting. The rule also specifies the minimum time for posting meeting materials as three days prior to and seven days following a public meeting.

New subsection 357.21(g)(2) specifies certain actions that are subject to a minimum 14-day public notice and public comment period. The rule also specifies the minimum time for posting meeting materials as seven days prior to and 14 days following the public meeting. This subsection revises the previous 14-day public notice requirements by requiring adoption of the final regional water plan to be subject to a 14-day notice, removes the requirement for a 14-day follow up comment period after a RWPG takes action, and removes the requirement to submit public comments on minor amendments to the TWDB from the public notice section. The requirement to provide public comments on minor amendments to the TWDB will be moved to Section 357.50 during a subsequent rulemaking to occur in 2021.

New subsection 357.21(g)(3) specifies public hearings requirements for declarations to pursue simplified planning and major amendments. These hearings are subject to a minimum 30-day public notice and public comment period prior to and after the hearings. This subsection revises the previous 30-day notice requirements for these hearings in that the notice requirements in Texas Water Code (TWC) 16.053(h) are no longer applied to these hearings to reduce the costly expense associated with a large mailout and posting notice in a newspaper. RWPGs may continue to provide newspaper notices and notify additional entities at their discretion and in accordance with their bylaws.

New subsection 357.21(h) specifies public meeting and hearing requirements for pre-planning public meetings to obtain input on development of the next RWP and holding hearings on the Initially Prepared Plan (IPP) or making revisions to RWPs based on interregional conflict resolutions. These hearings are subject to public notice provision in TWC 16.053(h), including posting notice in a newspaper and providing a mailed notice to certain entities as specified in the rule. This subsection also requires notification of all adjacent RWPGs, which is an additional requirement not included in TWC 16.053(h). This subsection changes the 60 “public comment” period on the IPP to a 60 “written comment” period on the IPP. This will change the comment period of state and public agencies from 90 to 60 days in order to simplify the deadlines to submit written comment to the RWPGs. TWDB’s 120-day comment period is not altered by this rule revision. The subsection also clarifies that if more than one hearing is held by a RWPG on the IPP, the notice and public comment periods apply to the date of the first hearing. The subsection adds in the requirements for RWPG hearings on making revisions to their RWPs based on interregional conflict resolutions. The requirements for this type of hearing are specified in TWC 16.053(h) but were not previously addressed in rule. The requirement to post notice for these meetings in the Texas Register is also removed.

#### FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENTS

Ms. Rebecca Trevino, Chief Financial Officer, has determined that there will be no fiscal implications for state or local governments as a result of the proposed rulemaking. For the first five years these rules are in effect, there is no expected additional cost to state or local governments resulting from their administration.

This rule amendment may result in reductions in costs to local governments. The amended rule reduces the number of newspaper publications required by political subdivisions that provide administrative support to Regional Water Planning Groups. There is no increase in costs for



state or local governments to comply with the proposed revision. This rule is not expected to have any impact on state or local revenues. This rule does not require any increase in expenditures for state or local governments as a result of administering this rule. Additionally, there are no foreseeable implications relating to state or local governments' costs or revenue resulting from this rule.

Because this rule will not impose a cost on regulated persons, the requirement included in Texas Government Code Section 2001.0045 to repeal a rule does not apply. Furthermore, the requirement in Section 2001.0045 does not apply because this rule is amended to reduce the burden or responsibilities imposed on regulated persons by the rule.

The board invites public comment regarding this fiscal note. Written comments on the fiscal note may be submitted to the contact person at the address listed under the Submission of Comments section of this preamble.

#### PUBLIC BENEFITS AND COSTS

Ms. Rebecca Trevino also has determined that for each year of the first five years the proposed rulemaking is in effect, the public will benefit from the rulemaking as it will simplify compliance with the notice requirements for the Regional Water Planning Groups.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The board has determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect because it will impose no new requirements on local economies. The board also has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of enforcing this rulemaking. The board also has determined that there is no anticipated economic cost to persons who are required to comply with the rulemaking as proposed. Therefore, no regulatory flexibility analysis is necessary.

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The board reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225, and determined that the rulemaking is not subject to Texas Government Code, §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure, a rule that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to simplify regional water planning public notice requirements and remove redundant references in the rule related to notice requirements.

Even if the proposed rule were a major environmental rule, Texas Government Code, §2001.0225 still would not apply to this rulemaking because Texas Government Code,

§2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed the a standard set by federal law or any other federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not proposed solely under the general powers of the agency, but rather under the authority of Texas Water Code § 16.053. Therefore, this proposed rule does not fall under any of the applicability criteria in Texas Government Code, §2001.0225.

The board invites public comment regarding this draft regulatory impact analysis determination. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submission of Comments section of this preamble.

#### TAKINGS IMPACT ASSESSMENT

The board evaluated this proposed rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to simplify regional water planning public notice requirements and remove redundant references in the section to notice requirements.

The board's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this proposed rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code, §2007.003(b)(4). The board is the agency that collects, analyzes, and disseminates water-related data and provides other services necessary to aid in planning and managing the state's water resources.

Nevertheless, the board further evaluated this proposed rule and performed an assessment of whether it constitutes a taking under Texas Government Code, Chapter 2007. Promulgation and enforcement of this proposed rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject proposed regulation does not affect a landowner's rights in private real property because this rulemaking does not burden nor restrict or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulation. Therefore, the proposed rule does not constitute a taking under Texas Government Code, Chapter 2007.

#### GOVERNMENT GROWTH IMPACT STATEMENT

The board reviewed the proposed rulemaking in light of the government growth impact statement requirements of Texas Government Code §2001.0221 and has determined, for the

first five years the proposed rule would be in effect, the proposed rule will not: (1) create or eliminate a government program; (2) require the creation of new employee positions or the elimination of existing employee positions; (3) require an increase or decrease in future legislative appropriations to the agency; (4) require an increase or decrease in fees paid to the agency; (5) create a new regulation; (6) expand, limit, or repeal an existing regulation; (7) increase or decrease the number of individuals subject to the rule's applicability; or (8) positively or adversely affect this state's economy.

## SUBMISSION OF COMMENTS

Written comments on the proposed rulemaking may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231. Or by email to [rulescomments@twdb.texas.gov](mailto:rulescomments@twdb.texas.gov), or by fax to (512) 475-2053. Comments must include reference to Chapter 357 in the subject line. Comments will be accepted until 5:00 p.m. of the 31st day following publication the Texas Register.

## STATUTORY AUTHORITY

This rulemaking is proposed under the authority of the Texas Water Code § 6.101 which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State. The rulemaking is proposed under the additional authority of Texas Water Code § 16.053 which provides the TWDB with the authority to adopt rules necessary to carry out Regional Water Planning in accordance with the statute.

Texas Water Code § 16.053 is affected by this rulemaking.

## CHAPTER 357 REGIONAL WATER PLANNING

### SUBCHAPTER B GUIDANCE PRINCIPLES AND NOTICE REQUIREMENTS

#### **§357.21 Notice and Public Participation**

(a) Each RWPG and any committee or subcommittee of an RWPG are subject to Chapters 551 and 552, Government Code. A copy of all materials presented or discussed at an open meeting shall be made available for public inspection prior to and following the meetings and shall meet the additional notice requirements when specifically referenced as required under other subsections. In accordance with Texas Water Code §16.053(r), certain information regarding water infrastructure facilities is excepted from the Public Information Act, Texas Government Code, Chapter 552. In addition to the notice requirements of Chapter 551, Government Code, the following requirements apply to RWPGs.

(b) Each RWPG shall create and maintain a website that they will use to post public notices of all its full RWPG, committee, and subcommittee meetings and make available meeting agendas and related meeting materials for the public, in accordance with this section.

(c) Each RWPG shall provide a means by which it will accept written public comment prior to and after meetings. The RWPGs must also allow oral public comment during RWPG meetings and hearings.

(d) Each RWPG shall solicit interested parties from the public and maintain a list of emails of persons or entities who request to be notified electronically of RWPG activities.

(e) At a minimum, notices of all meetings, meeting materials, and meeting agendas shall be sent electronically, in accordance with the timelines and any notice additional requirements provided in subsection (g)(1) - (3) and (h) of this section or any additional notice requirements in the RWPG by-laws, to all voting and non-voting RWPG members and any person or entity who has requested notice of RWPG activities. Notice must also be provided to the following:

(1) if a recommended or Alternative WMS that is located outside of the RWPG is being considered, the RWPG where the recommended or Alternative WMS is located must also receive notice of any meeting or hearing where action or public input may be taken on the recommended or Alternative WMS.

(2) for hearings on declarations of intent to pursue simplified planning, if a RWPG shares a water supply source, WMS, or WMSP with another RWPG, the RWPG declaring intent to pursue simplified planning must notify the RWPG with shared source, WMS, or WMSP.

(3) each project sponsor of an infeasible WMS or WMSP must be provided notice of any meeting or hearing where action may be taken on the infeasible WMS or WMSP.

(f) At a minimum, all meeting and hearing notices must be posted to the RWPG website and on the secretary of state website and must include:

(1) the date, time, and location of the meeting;

(2) a summary of the proposed action(s) to be taken;

(3) the name, telephone number, email address, and physical address of a contact person to whom questions or requests for additional information may be submitted; and

(4) a statement of how and when comments will be received from the members and public.

(g) In addition to subsections (a) - (f) of this section, and the notice requirements of Chapter 551, Government Code, the following requirements apply:

(1) at a minimum, notice must be provided at least seven days prior to the meeting, and meeting materials must be made available online at least three days prior to and seven days following the meeting when the planning group will take the following actions:

(A) regular RWPG meetings and any RWPG committee or subcommittee meetings;

(B) approval of requests for funds from the Board;

(C) amendments to the scope of work or budget included in the regional water planning grant contract between the political subdivision and TWDB;

(D) approval of revision requests for draft population projections and Water Demand projections;

(E) adoption of the IPP;

(F) approval to submit a request to EA for approval of an Alternative WMS substitution or to request an EA determination of a minor amendment;

(G) declaration of implementation of simplified planning following public hearing on intent to pursue simplified planning;

(H) initiation of major amendments to RWPs and adoption of major amendments following a public hearing on the amendment;

(I) approval of replacement RWPG members to fill voting and non-voting position vacancies; and

(J) any other RWPG approvals required by the regional water planning grant contract between TWDB and the political subdivision.

(2) at a minimum, notice must be provided at least 14 days prior to the meeting, written comment must be accepted for 14 days prior to the meeting and considered by the RWPG members prior to taking the associated action, and meeting materials must be made available online for a minimum of seven days prior to and 14 days following the meeting, when the planning group will take the following actions:

(A) approval to submit revision requests to officially adopted Board population and Water Demand projections;

(B) approval of process of identifying potentially feasible WMSs and presentation of analysis of infeasible WMSs or WMSPs;

(C) approval to submit the Technical Memorandum;

(D) adoption of the final RWP;

(E) approval to substitute an Alternative WMSs; and

(F) adoption of minor amendments to RWPs.

(3) at a minimum, notice must be provided at least 30 days prior to the hearing, written comment must be accepted for 30 days prior to and following the date of the hearing and considered by the RWPG members prior to taking the associated action, and meeting materials

must be made available online for a minimum of seven days prior to and 30 days following the hearing, when the planning group will receive input from the public on the following items:

(A) declarations to pursue simplified planning; and

(B) major amendments to RWPs.

(h) when holding pre-planning public meetings to obtain public input on development of the next RWP, holding hearings on the IPP, or making revisions to RWPs based on interregional conflict resolutions, in addition to the requirements of subsection (e), the following additional public notice and document provisions must be met per TWC 16.053(h):

(1) notice shall be published in a newspaper of general circulation in each county located in whole or in part in the RWPA before the 30th day preceding the date of the public meeting or hearing.

(2) at a minimum, notice must be provided at least 30 days prior to the meeting or hearing.

(3) written comments to be accepted as follows:

(A) written comments submitted immediately following 30-day public notice posting and prior to and during meeting or hearing; and

(B) at least 60 days following the date of the public hearing on an IPP.

(4) if more than one hearing on the IPP is held, the notice and comment periods applies to the date of the first hearing.

(5) additional entities to be notified by mail under this subsection include:

(A) each adjacent RWPG;

(B) each mayor of a municipality, located in whole or in part in the RWPA, with a population of 1,000 or more or which is a county seat;

(C) each county judge of a county located in whole or in part in the RWPA;

(D) each special or general law district or river authority with responsibility to manage or supply water in the RWPA based upon lists of such water districts and river authorities obtained from the Commission; and

(E) each Retail Public Utility, defined as a community water system, that serves any part of the RWPA or receives water from the RWPA based upon lists of such entities obtained from the Commission; and

(F) each holder of record of a water right for the use of surface water the diversion of which

occurs in the RWPA based upon lists of such water rights holders obtained from the Commission.

(6) the public hearings shall be conducted at a central location readily accessible to the public within the regional water planning area.

(7) RWPGs shall make copies of the IPP available for public inspection at least 30 days before the required public hearing by providing a copy of the IPP in at least one public library in each county and either the county courthouse's law library, the county clerk's office, or some other accessible place within the county courthouse of each county having land in the RWPA. The locations of such copies shall be included in the public hearing notice. For distribution of the IPP, the RWPG may consult and coordinate with county and local officials in determining the most appropriate public library and location in the county courthouse to ensure maximum accessibility to the public during business hours. According to the capabilities of the facility, the RWPG may provide the copy electronically, on electronic media, through an internet web link, or in hard copy. The RWPG shall make an effort to ensure ease of access to the public, including where feasible, posting the IPP on websites and providing notice of such posting. The public inspection requirement in this subsection applies only to IPPs; adopted RWPs are only required to be submitted to the Board pursuant to Texas Water Code, §16.053(i).

(i) All notice periods given are based on calendar days.

(j) Each RWPG shall include a statement in their draft and final adopted RWPs regarding the RWPG's conformance with this section.

~~[(b) All public notices required by this subsection shall comply with this section and shall meet the following requirements:~~

~~(1) These notice requirements apply to the following RWPG actions: regular RWPG meetings; amendments to the regional water planning scope of work or budget; population projection and Water Demand projection revision requests to the EA regarding draft projections; process of identifying potentially feasible WMSs for plans previous to the 2026 RWPs; meetings to replace RWPG members or addition of new RWPG members; submittal of request to EA for approval of an Alternative WMS substitution; declaration of implementation of simplified planning following public hearing on intent to pursue simplified planning; adoption of RWPs; and RWPG committee and subcommittee meetings.~~

~~(2) Published 72 hours prior to the meeting.~~

~~(3) Notice shall include:~~

~~(A) a date, time, and location of the meeting;~~

~~(B) a summary of the proposed action to be taken; and~~

~~(C) the name, telephone number, and address of the person to whom questions or requests for~~

additional information may be submitted.

~~(4) Entities to be notified in writing include:~~

~~(A) all voting and non-voting RWPG members; and~~

~~(B) any person or entity who has requested notice of RWPG activities.~~

~~(5) Notice and agenda to be posted:~~

~~(A) On the website of the RWPG or host Political Subdivision. In lieu of posting the meeting notice and agenda on the website of the RWPG or host Political Subdivision, the notice and agenda may be provided, in writing, to the County Clerk of each county in the RWPA; and~~

~~(B) Texas Secretary of State website.~~

~~(6) Documents to be made available on the internet or in hard copy for public inspection prior to and following meeting include:~~

~~(A) Agenda of meeting; and~~

~~(B) Copies of all materials presented or discussed at the meeting.~~

~~(c) Notice under this subsection shall meet the following requirements:~~

~~(1) These notice requirements apply to the following RWPG actions: population projection and Water Demand projection revision requests to officially adopted Board projections; approval to submit Technical Memorandum; substitution of Alternative WMSs; process of identifying potentially feasible WMSs and presentation of analysis of infeasible WMSs or WMSPs for plans beginning with the 2026 plan; and minor amendments to RWPs.~~

~~(2) Notice of meetings under this subsection shall be published/postmarked on the internet and emailed or mailed to the public before the 14th day preceding the date of the meeting.~~

~~(3) Notice shall include:~~

~~(A) a date, time, and location of the meeting;~~

~~(B) a summary of the proposed action to be taken;~~

~~(C) the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted; and~~

~~(D) information that the RWPG will accept written and oral comments at the meetings and information on how the public may submit written comments separate from such meetings. The RWPG shall specify a deadline for submission of public written comments of not earlier than~~



~~14 days after the meeting.~~

~~(4) Entities to be notified in writing include:~~

~~(A) all voting and non-voting RWPG members;~~

~~(B) any person or entity who has requested notice of RWPG activities;~~

~~(C) each RWPG where a recommended or Alternative WMS being considered would be located; and~~

~~(D) for actions associated with infeasible WMSs or WMSPs, each project sponsor of a WMS or WMSP identified as infeasible.~~

~~(5) Notice and associated meeting agenda to be posted:~~

~~(A) On the website of the RWPG or host Political Subdivision. In lieu of posting the meeting notice and agenda on the website of the RWPG or host Political Subdivision, the notice and agenda may be provided, in writing, to the County Clerk of each county in the RWPA; and~~

~~(B) Texas Secretary of State website.~~

~~(6) Documents to be made available on the internet or in hard copy for public inspection prior to and following meeting include:~~

~~(A) Agenda of meeting; and~~

~~(B) Copies of all materials, reports, plans presented or discussed at the meeting.~~

~~(7) Public comments to be accepted as follows:~~

~~(A) Written comments for 14 days prior to meeting with comments considered by RWPG members prior to action;~~

~~(B) Oral and written public comment during meeting; and~~

~~(C) Written comments must also be accepted for 14 days following the meeting and all comments received during the comment period must be submitted to the Board by the RWPG.~~

~~(d) Notice under this subsection shall meet the following requirements:~~

~~(1) These notice requirements apply to the following RWPG actions: holding a preplanning public meeting to obtain public input on development of the next RWP; public hearings on declarations to pursue simplified planning, major amendments to RWPs; and holding hearings for IPPs.~~

~~(2) Notice shall be published in a newspaper of general circulation in each county located in whole or in part in the RWPA before the 30th day preceding the date of the public meeting or hearing.~~

~~(3) Notice of the public meetings and public hearings shall include:~~

~~(A) a date, time, and location of the public meeting or hearing;~~

~~(B) a summary of the proposed action to be taken;~~

~~(C) the name, telephone number, and address of the person to whom questions or requests for additional information may be submitted; and~~

~~(D) information that the RWPG will accept written and oral comments at the hearings and information on how the public may submit written comments separate from such hearings. The RWPG shall specify a deadline for submission of public written comments as specified in paragraph (9)(A) of this subsection.~~

~~(4) RWPGs shall make copies of the IPP available for public inspection at least 30 days before a public hearing required or held by providing a copy of the IPP in at least one public library in each county and either the county courthouse's law library, the county clerk's office, or some other accessible place within the county courthouse of each county having land in the RWPA and include locations of such copies in the notice for public hearing. For distribution of the IPP and adopted RWP, the RWPG may consult and coordinate with county and local officials in determining the most appropriate location in the county courthouse to ensure maximum accessibility to the public during business hours. Additionally, the RWPG may consult with local and county officials in determining which public library in the county can provide maximum accessibility to the public. According to the capabilities of the facility, the RWPG may provide the copy electronically, on electronic media, through an internet web link, or in hard copy. The RWPG shall make an effort to ensure ease of access to the public, including where feasible, posting the IPP on websites and providing notice of such posting. The public inspection requirement in this subsection applies only to IPPs; adopted RWPs are only required to be submitted to the Board pursuant to Texas Water Code, §16.053(i).~~

~~(5) Notice shall be mailed to, at a minimum, the following:~~

~~(A) Notification of all entities that are to be notified under subsection (c)(4) of this section;~~

~~(B) Each mayor of a municipality, located in whole or in part in the RWPA, with a population of 1,000 or more or which is a county seat;~~

~~(C) Each county judge of a county located in whole or in part in the RWPA;~~

~~(D) Each special or general law district or river authority with responsibility to manage or supply water in the RWPA based upon lists of such water districts and river authorities obtained from the Commission; and~~

~~(E) Each Retail Public Utility, defined as a community water system, that serves any part of the RWPA or receives water from the RWPA based upon lists of such entities obtained from the Commission;~~

~~(F) Each holder of record of a water right for the use of surface water the diversion of which occurs in the RWPA based upon lists of such water rights holders obtained from the Commission;~~

~~(G) For declarations of intent to pursue simplified planning, RWPGs with water supply sources, WMSs, or WMSPs shared with the RWPG declaring intent to pursue simplified planning; and~~

~~(H) For amendments associated with infeasible WMSs or WMSPs, each project sponsor of a WMS or WMSP identified as infeasible.~~

~~(6) Notice and associated hearing and meeting agenda shall also be posted:~~

~~(A) On the website of the RWPG or host Political Subdivision. In lieu of posting the meeting notice and agenda on the website of the RWPG or host Political Subdivision, the notice and agenda may be provided, in writing, to the County Clerk of each county in the RWPA;~~

~~(B) Texas Secretary of State website; and~~

~~(C) In the *Texas Register*.~~

~~(7) Documents to be made available on the internet or in hard copy for public inspection prior to and following meeting include:~~

~~(A) Agenda of meeting; and~~

~~(B) Copies of all materials presented or discussed at the meeting.~~

~~(8) The public hearing for the IPP shall be conducted at a central location readily accessible to the public within the regional water planning area.~~

~~(9) Public comments to be accepted as follows:~~

~~(A) Written comments submitted immediately following 30-day public notice posting and prior to and during meeting or hearing; and~~

~~(i) Until not earlier than 30 days following the date of the public hearing on a major amendment to an RWP or declaration of intent to pursue simplified planning.~~

~~(ii) Until not earlier than 60 days following the date of the public hearing on an IPP.~~

~~(B) Verbal public comments at the noticed meeting or hearing;~~

~~(C) Comments received must be considered as follows:~~

~~(i) Comments associated with hearings must be considered by RWPG members when declaring implementation of simplified planning, adopting an RWP or adopting a major amendment to an RWP.~~

~~(ii) Comments associated with a preplanning meeting must be considered prior to taking RWPG action.~~

~~(e) Notice under this subsection shall meet the following requirements:~~

~~(1) These notice requirements apply when an RWPG is requesting research and planning funds from the Board.~~

~~(2) Notice shall be published in a newspaper of general circulation in each county located in whole or in part in the RWPA at least 30 days prior to Board consideration of funding applications.~~

~~(3) Notice shall include the name and address of the eligible applicant and the name of the applicant's manager or official representative; a brief description of the RWPA; the purposes of the planning project; the Board's name, address, and the name of a contact person with the Board; a statement that any comments must be filed with the EA and the applicant within 30 days of the date on which the notice is mailed or published. Prior to action by the Board, the applicant must provide one copy of the notice sent, a list of those to which the notice was sent, the date on which the notice was sent, copies of all notices as published showing name of the newspaper and the date on which the notice was published.~~

~~(4) Notice shall be mailed to, at a minimum, the following:~~

~~(A) Each mayor of a municipality, located in whole or in part in the RWPA, with a population of 1,000 or more or which is a county seat;~~

~~(B) Each county judge of a county located in whole or in part in the RWPA;~~

~~(C) Each special or general law district or river authority with responsibility to manage or supply water in the RWPA based upon lists of such water districts and river authorities obtained from the Commission; and~~

~~(D) All other RWPGs.~~

~~(5) Notice shall also be posted on the website of the RWPG or host Political Subdivision.]~~