

MINUTES OF THE
TEXAS WATER DEVELOPMENT BOARD
BOARD MEETING
August 7, 2014 - 9:30 A.M.

Chairman Carlos Rubinstein called to order the meeting of the Texas Water Development Board at 9:30 a.m. in Room 1-111 of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas. In addition to Chairman Rubinstein, Directors Kathleen Jackson and Bech Bruun were also in attendance, and a quorum was present.

The General Counsel announced the item for consideration today:

1. CONSIDERATION OF THE INTERREGIONAL CONFLICT BETWEEN THE 2011 REGION C AND REGION D REGIONAL WATER PLANS.

Chairman Rubinstein stated that before proceeding with this item he wished to recognize the following Legislative staff members who were attending the meeting today:

Juan Ayala, Representative Eric Johnson's Office;
Kathi Seay, Representative David Simpson's Office;
Michael Bullock, Representative David Simpson's Office;
Andrea Williams-McCoy, Representative George Lavender's Office;
Ryan Weiseman, Senator Kevin Eltife's Office; and
Travis Ransom, Senator Kevin Eltife's Office.

The Chairman said that Andrea Williams-McCoy had requested that she be allowed to address the Board on behalf of Representative Lavender. She stated that the Representative was unable to attend and the Chairman allowed her to read comments from the Representative concerning this matter.

Mr. Trobman introduced Joe Reynolds, Staff Attorney, who presented the Executive Administrator's final recommendation.

Mr. Trobman then introduced James M. Parks, representing Region C, who addressed the Board.

Mr. Trobman then introduced Brett McCoy, representing Region D, who addressed the Board. Also addressing the Board on behalf of Region D were Jim Thompson and Richard Lowerre.

Chairman Rubinstein moved that the Board:

Determine that the Region C Regional Water Plan does not contain an adequate analysis and quantification of the impacts of the Marvin Nichols Reservoir Water Management Strategy on the Agricultural and Natural Resources of Region D and the State, as required under Sections 16.051 and 16.053 of the Texas Water Code and Chapters 357 and 358 of Agency Rules;

Direct Region C to conduct an analysis and quantification of the impacts of the Marvin Nichols Reservoir Water Management Strategy on the Agricultural and Natural Resources of Region D and the

State, pursuant to Sections 16.051 and 16.053 of the Texas Water Code and Chapters 357 and 358 of Agency Rules. Region C should submit this analysis and quantification to the Board by November 3rd, 2014. Upon receipt of the analysis and quantification, the Executive Administrator and Region D will be given the opportunity to submit a written response to the submission, and the matter will be scheduled for Board consideration. If no submittal is received by the Board on or before November 3rd, this matter will be set for a Board Meeting to direct the Regions to revise their regional water plans reflecting the removal of the Marvin Nichols Reservoir Water Management Strategy from the 2011 Region C Plan, without prejudice;

Direct the Executive Administrator to undertake an examination of current rules and guidance pertaining to the development of regional water plans, and identify any opportunities for: ensuring that future regional and state water planning efforts include all statutorily-required analyses; and defining “interregional conflict” in a manner that is consistent with the ruling of the 11th Court of Appeals in the TWDB v. Ward Timber case; and

Encourage Region C and Region D to continue to participate in the Sulphur River Basin Study.

The Motion was seconded by Director Jackson. Director Bruun voted Nay. The Motion carried by a 2-1 vote.

The Chairman stated that the Board will meet in closed session regarding matters pertaining to pending litigation in Room 600A immediately following this morning session, as permitted by the Texas Open Meetings Act, including Government Code, Sections 551.071 and 551.074.

The Board Meeting stands in recess until 1:30 PM. The time is 11:20 A.M.

APPROVED and ordered of record this, the 7th day of August, 2014.

TEXAS WATER DEVELOPMENT BOARD

Carlos Rubinstein, Chairman

DATE SIGNED: _____

ATTEST:

Kevin Patteson
Executive Administrator