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TO: Board Members

FROM: Bill Mullican, Deputy Executive Administrator, Office of Planning
Carolyn L. Brittin, Director, Water Resources Planning Division

DATE: November 10, 2006

SUBJECT: Adoption of 2007 State Water Plan

ACTION REQUESTED:

Briefing and discussion on comments received on the Draft 2007 State Water Plan and consider adoption of the 2007 State Water Plan.

BACKGROUND:

DESCRIPTION OF REQUEST/POLICY CONSIDERATIONS:

In 1997, the 75th Legislature charged the Texas Water Development Board (TWDB) to prepare and adopt a comprehensive state water plan which incorporates the regional water plans approved under Texas Water Code, Section 16.053 no later than January 5, 2002, and every five years thereafter.

Texas Water Code Section 16.051(a) requires that the state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state. The state water plan, upon adoption by the TWDB, will be a guide to state water policy.

TWDB adopted rules to implement these statutory requirements. Specifically, 31 Texas Administrative Code §§358.3 and 358.4, provide certain guidelines and define a structure for the development of a state water plan. Staff have reviewed the draft state water plan and conclude the guidelines and structure requirements have been fulfilled.

Our Mission

To provide leadership, planning, financial assistance, information and education for the conservation and responsible development of water for Texas.

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Staff has incorporated the 15 regional water plans approved by the TWDB from March to May, 2006 into the 2007 State Water Plan. In addition, per directions from the TWDB at the January 2006 meeting, staff has also incorporated the South Central Texas Regional Water Plan as it was adopted by the planning group on January 19, 2006, although it has not been formally approved by the TWDB. This lack of formal approval is due to the fact that the South Central Texas Regional Water Plan was not adopted by the planning group by the statutory deadline.

The 2007 State Water Plan also includes a significant amount of water-related information including:

- policy recommendations to the Texas Legislature to remove impediments to plan implementation,
- history of water planning in Texas,
- climate of Texas,
- surface water resources,
- groundwater resources,
- water reuse,
- water supply needs,
- recommended water management strategies,
- plan implementation funding,
- challenges and uncertainties in water supply planning, and
- planning group policy recommendations.

The 2007 State Water Plan, titled *Water for Texas 2007* is in three volumes. Volume I contains the highlights of the 2007 State Water Plan and also policy recommendations for the Texas Legislature to consider related to recognized impediments that Texans currently face as they work to implement the various water management strategies recommended in the regional water plans. Volume I is included as Attachment 1.

Volume II may be best described as the water encyclopedia for Texas, 2007 edition. On a statewide and regional basis, it describes the demands, supplies, needs, and recommended water management strategies from the regional water plans. Volume II is included as Attachment 2.

In an effort to maintain all local, regional, and statewide water data and information as current as possible for public use, Volume III is available only in electronic format, and consists of all currently approved regional water plans and the statewide database which contains all regional water planning data. In addition it contains the Region L unapproved plan that was incorporated into the 2007 State Water Plan. Volume III is available online at the TWDB web site.

The TWDB approved release of the draft 2007 State Water Plan for public review and comment at its August 15, 2006 meeting. The TWDB staff held 14 public meetings across the state during the month of September to solicit oral and written comments. The single required public hearing was held October 2, 2006 at the Stephen F. Austin building in Austin. A total of 381 persons attended the 15 meetings with 101 persons providing public comments during the meetings. The TWDB also received over 1,200 written comments; 170 different persons or organizations wrote individual comments and approximately 1,060 form letters were received via email. Following is a summary of comments received and how staff addressed the comments in the 2007 State Water Plan.

Summary of Comments Received

Most letters, emails, and oral comments received touched on more than one issue. As a result, the total number of comments received is much greater than the number of persons or organizations commenting. The topics are presented in descending order according to the number of comments received on each respective topic. For brevity only those topics which received more than 10 comments are discussed with any detail. Upon release of the 2007 State Water Plan, a database with all comments will be presented on the TWDB web page for review by the public.

Conservation

Sixty persons specifically made the comment that more emphasis should be placed on conservation to meet future needs rather than developed new supplies. *Staff is incorporating additional information in Volume 1 on water conservation successes to date with the recognition that additional progress can be made.*

Marvin Nichols Reservoir

Fifty-nine comments were received in opposition to the inclusion of Marvin Nichols Reservoir in the 2007 State Water Plan. Most of these comments were associated with the view that the Dallas-Fort Worth area should conserve water more aggressively. Many also felt that since Marvin Nichols was not a recommended water management strategy in the 2006 Region D Regional Water Plan that it should not be included in the 2007 State Water Plan. *Staff did not address this comment in the 2007 State Water Plan since the Marvin Nichols Reservoir is a recommended water management strategy in the TWDB approved 2006 Region C Regional Water Plan to meet future water supply needs.*

General Plan Approval

Forty-one comments were received in favor of adopting the Draft 2007 State Water Plan in its current form. Many specifically mentioned the Region C portion of the plan as being important.

Protection of Natural Resources

Forty comments were received advocating the protection of natural resources. Most of these comments were associated with the construction of reservoirs. Many also noted that one responsibility of the TWDB is to protect the state's agricultural and natural resources. *Staff did not revise the 2007 State Water Plan to address this comment. With TWDB approval of each of the 15 regional water plans, staff included a finding that each regional water plan under consideration had met the statutory requirements for the protection of agricultural and natural resources.*

Lake Fastrill

Thirty-five comments were received in opposition to the inclusion of Fastrill Reservoir in the 2007 State Water Plan. Objections were because of the damage such a reservoir would cause to the Neches river habitat and many mentioned the U. S. Fish & Wildlife Service designation of the site for the North Neches National Wildlife Refuge. *As was the case with the Marvin Nichols Reservoir project, staff did not address this comment on the Lake Fastrill project in the 2007 State Water Plan since the Lake Fastrill project is a recommended water management strategy in the TWDB approved 2006 Region C Regional Water Plan to meet future water supply needs.*

Reservoir Policy

Thirty-five comments were received on the general policy of building reservoirs to meet future water demands. Thirty-two were against the strategy of building new reservoirs while two were neutral and one was in favor of the strategy. *Staff did not revise the 2007 State Water Plan to address this comment.*

Surface Water Availability

Seventeen comments were received on surface water availability. Nearly all of these were technical comments noting that some numbers appeared to be in error. *In addition to the comments received from external reviewers, staff has conducted a thorough, exhaustive quality assurance process to ensure that all numbers included in the 2007 State Water Plan are accurate and reflective of analysis included in the 2006 regional water plans.*

Groundwater Availability

Fifteen comments were received on the issue of groundwater availability. Thirteen of these were technical in nature and dealt with corrections or observations about the data. Two comments objected to the use of groundwater on an unsustainable basis. *As was the case with surface water availability, staff has conducted a thorough, exhaustive quality assurance process to ensure that all numbers included in the 2007 State Water Plan are accurate and reflective of analysis included in the 2006 regional water plans.*

Cost of Plans

The fourteen comments received on the costs of the plan can be divided into three groups. Six were clarifications about costs of strategies. Five of the comments stated that the plan costs too much. The remaining three voiced support for the financing of the plan through innovative mechanisms. *Staff made extensive revisions to Volume I and Volume II, Chapter 11, relative to the cost of plan implementation.*

Land Stewardship

Fourteen comments were received recommending the increased use of voluntary land stewardship to assist in increasing water supplies. *Staff has addressed these comments by expanding the discussion of land stewardship in Volume II, Chapter 10 on water management strategies.*

Drought Contingency

Eleven comments were received recommending the use of drought management planning to meet future water supply needs. Several mentioned that drought management should be built into demand projections. They feel that including such plans would lower the demand projections and therefore the need to develop new supplies. *Staff did not revise the 2007 State Water Plan to address this comment. The regional water planning process is based on what can be described as a progressive analysis with conservation and drought management occurring at the beginning of each planning group's evaluations of water management strategies to meet needs. The planning groups evaluated drought management to meet their needs, but as a rule, did not recommend it as a strategy. As was the case with Marvin Nichols Reservoir and Lake Fastrill, decisions on which water management strategies are recommended to meet needs is by statute delegated to the planning groups.*

General

One hundred seventy-two comments were received that were categorized as general in nature. Forty-one of these, as noted above, spoke in general terms in favor of the plan in its draft form. Two comments were in general against the plan in its draft form. The remaining 159 comments in this category were technical or editorial comments by consultants correcting a number or clarifying a statement.

Form Letters

Many comments (1,060) were received via email that commented on three elements in combination that are lacking in the draft 2007 State Water Plan. These are too expensive: more conservation, drought management, and no new reservoir construction. *Staff is incorporating additional information in Volume 1 on water conservation successes to date with the recognition that additional progress can be made. Staff does not anticipate making changes relating to drought management. Staff will not include the recommendation to remove reservoirs which are recommended water management strategies in a regional plan to meet needs.*

RECOMMENDATION:

Staff recommends TWDB find that all rules and statutory requirements for the development of a state water plan have been met and also recommends the adoption of the 2007 State Water Plan *Water for Texas – 2007*. This adoption includes the provision that staff be allowed to continue to make editorial improvements that are not substantive until the plan is submitted to the printer on or about December 1, 2006.

ATTACHMENTS:

Attachment 1: Revised Volume I of the Draft 2007 State Water Plan

Attachment 2: Revised Volume II of the Draft 2007 State Water Plan

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

Wendall Corrigan Braniff
General Counsel

Attachment 1

**2007 State Water Plan
Volume I**

Attachment 2

**2007 State Water Plan
Volume II**