

Interregional Planning Council Meeting Minutes

April 29, 2020, 1:00 p.m. to 4:00 p.m.

held via Zoom Videoconference

Council decisions bolded and italicized in document

Participation: Number of Interregional Planning Council Members present 16 of 16:

A	Steve Walthour	E	Scott Reinert	I	Kelley Holcomb	M	Tomas Rodriguez
B	Russell Schreiber	F	Allison Strube	J	Ray Buck	N	Carl Crull
C	Kevin Ward	G	Gail Peek	K	David Wheelock	O	Melanie Barnes
D	Jim Thompson	H	Mark Evans	L	Suzanne Scott	P	Patrick Brzozowski

Facilitator: Suzanne Schwartz

Senators/Representatives/Other VIPs in Attendance: Representative Lyle Larson and Shannon Houston of House Natural Resources Staff

TWDB Board Members and Staff: Director Kathleen Jackson, Matt Nelson, Temple McKinnon, Sarah Backhouse, Ron Ellis, Elizabeth McCoy, Lann Bookout, William Alfaro, Kevin Smith, Jean Devlin, Bryan McMath

Number of Attendees beyond known TWDB Staff: 11

AGENDA ITEMS

1. Welcome and Introductions

TWDB Director Kathleen Jackson welcomed participants to the inaugural Interregional Planning Council (Council) meeting and provided opening remarks. Meeting facilitator, Suzanne Schwartz, reviewed meeting logistics and led introductions.

2. Orientation to the Interregional Planning Council

Director Jackson introduced Representative Lyle Larson. Representative Larson provided a brief overview of the creation of the Council and noted that the following topics would be beneficial for the Council to consider: viability and justification of projects included in the regional water plans, ways to promote innovative water management strategies (WMS), ways to facilitate interregional coordination and promote multi-regional WMSs, and how to minimize interregional conflicts and collectively work together to improve planning at the statewide level.

Suzanne Scott (Region L) asked Representative Larson for his perspective on the compressed timeline the Council has to carry out its charge, noting that multi-regional project development may require additional time for consideration and coordination. Representative Larson referenced his April 27 letter to Council members that discusses the compressed timeframe for their work and encouraged the

Council to focus on interregional conflicts, project viability, and begin looking at longer term multi-regional projects and how drought contingency plans align with planning such water supply projects.

Temple McKinnon (TWDB) provided an orientation on legislative requirements and timelines related to the Council. Key points included the following:

- Planning rules are being revised to implement legislative changes from House Bill 807 and will include requirements related to the Council. Final planning rules are expected to be considered by the TWDB Board in June.
- House Bill 807 requires the Council to submit a report to TWDB prior to adoption of the state water plan. For this cycle, the Council report is due by October 14, 2020. In future cycles, the report will be due in advance of the initially prepared plans so that planning groups can consider any Council recommendations.
- Draft planning rules include a requirement that in future cycles planning groups will be required to put forward both a nominee and an alternate to serve on the Council. The nominee and alternate are required to be current voting members of the planning group.
- TWDB is available to support the Council. There is a Council webpage on the TWDB website.

Agenda item 3 was tabled until later in the meeting.

4. Consideration of Current Best Practices and Areas to Improve

Suzanne Schwartz invited members to share current best practices from the current or past planning cycles. The following items were shared:

- Suzanne Scott (Region L) discussed the benefits of developing guiding principles in Region L. The region added several guiding principles to its bylaws to clarify the region's approach to certain aspects of the planning process and to address issues from previous cycles. Region L referred to the guiding principles many times during the planning process.
- Carl Crull (Region N) noted the need for better public understanding of the role of the regional water planning groups (RWPG) and the division of responsibility between planning and implementation. He also noted challenges in dealing with competing interests of stakeholders.
- Melanie Barnes (Region O) shared the benefits of having subject matter expert presentations at meetings to help members better understand how different water user groups are using water and stressed the importance of members being informed. Region O has also provided more guidance to the public about when they may comment and ask questions.
- Patrick Brzozowski (Region P) shared that more time was spent this cycle on ensuring projects in the plan are feasible to finance and implement.
- Steve Walthour (Region A) noted the important role of RWPG Administrators in the planning process; including the role the Panhandle Regional Planning Commission (PRPC) plays in administering local funds for the planning process and providing high quality personnel to help with the planning process.
- Russell Schreiber (Region B) noted that with a new drought of record this cycle, Region B determined that planning for supply based on firm yield was not sufficient given the difficulty of treatment when reservoirs reach low levels. Region B worked with TWDB to get approval to use a 20 percent safe yield this cycle.
- Kevin Ward (Region C) highlighted the importance of receiving input from water providers on what they want their WMSs to be, rather than the region deciding what they should do. Kevin

also noted the importance of the flexibility in projections and hydrologic assumptions in the planning process.

- Scott Reinert (Region E) discussed how the region is being mindful of management supply ¹in the plan. Prior plans had too many projects. They are now designating fewer projects and more alternate projects, which addresses public concern but still preserves the ability to fund primary or alternate projects through SWIFT.
- Allison Strube (Region F) agreed with others on the importance of the bottom up planning approach and added that the region's consultants have coordinated with consultants from neighboring regions to ensure plans are consistent.
- Gail Peek (Region G) highlighted Region G's new member orientation and efforts to increase public participation.
- Mark Evans (Region H) agreed on the importance of the bottom up planning approach and noted the openness to discuss any issues within the Region H membership. Mark stressed the importance of having full participation of membership.
- Kelley Holcomb (Region I) noted the biggest issue for Region I is a general lack of input and concern for water supply from public due to the planning area being in a water rich part of the state. Meetings are largely unattended.
- Ray Buck (Region J) shared that strengths of Region J are transparency and consensus decision-making. Ray noted that the most contentious issue discussed this planning cycle was the designation of unique stream segments.
- David Wheelock (Region K) noted the importance of communicating water issues. He shared that the region has generally followed the status quo for the past few cycles but is trying to address issues that weren't able to be thoroughly considered in the current cycle.

Suzanne Schwartz asked members what issues they would like the Council to consider in order to accomplish its charge. Members developed and then voted by online poll on a list of ten issues. The following represents the list in priority ranking by the Council. (voting results noted as percent of total member votes). Suzanne requested that the Council members select their top four (4) priorities from the items identified by the group.

- Develop a formal process by which the IPC will deal with interregional conflicts– 10 votes
- Develop a formal and informal process to look at projects that cross regions– 10 votes
- Identify potential new multiregional projects for consideration that serve the state as a whole– 10 votes
- Formal process for regions to coordinate on projects for shared resources from other regions (Regional Liaisons)– 8 votes
- Identify any large amounts of undeveloped water supplies and unused water across the state– 7 votes
- Develop guidelines on minimum standards for a project to be included in regional water plan– 6 votes
- Ways to have the rulemaking process more responsive to changing conditions – 5 votes
- Methods to plan for the larger picture of water resource development– 4 votes
- Provide guidance to Uniform Standards Stakeholder group in regard to prioritization of projects– 3 votes
- Develop ways for metropolitan areas to work within multiple planning processes– 1 vote

¹ The amount of water over that which is required to just meet demand/need.

Discussion surrounding the identification of the polling issues included:

- Kevin Ward suggested the Council evaluate what he perceives as double standards for documentation required on large regional projects, particularly when those projects are opposed. He suggested there be consistent standards for project evaluations in rulemaking from TWDB or guidance from the Legislature. The Council should consider at what level, and who, should be looking at well recognized disputes regarding development of a state water resource: should that be at a state leadership level rather than the TWDB or the two regions? Should the state determine the best optimization of state water and the role of state in its development? Should the Council be looking at longer timelines for larger interregional projects? What is the longer-term strategy for serving the state and what is the TWDB's role and the Legislature's role?
- Jim Thompson agreed on the need to focus on interregional conflicts and how to resolve those problems (ex: historical conflict over Marvin Nichols.) There needs to be discussion regarding guidelines on how to resolve conflicts and what is the basis for resolving them. In response to identifying undeveloped water, the Council should still identify unused water across the state.
- Gail Peek stated that RWPG liaisons should be used to more deeply explore WMS that cross planning group lines before getting to a formal conflict resolution process. There need to be clear guidelines of what formally comes to the Council and what needs to be resolved informally before coming to the Council.
- Kelley Holcomb asked if the Uniform Standards Stakeholder Committee was still active and if their unresolved issues could be considered by this Council. TWDB staff indicated that the Uniform Standards Committee is active and is charged with project prioritization standards. Kelley discussed that the Uniform Standards Committee needed assistance with resolving issues they identified in their process.
- David Wheelock discussed that, where metro areas cover multiple regions, planning groups could better coordinate planning for the whole metro area rather than just the smaller cities that comprise the metro area that are located in the respective regions.
- Suzanne Scott stated that most issues in Region L have been resolved through many rulemaking adjustments over time. She agreed that regional coordination is important and that the Uniform Standards Committee raised issues that may be good to look at. But continuing to have the rulemaking process be responsive to changing conditions is working; TWDB doing a good job.
- Tomas Rodriguez stated that TWDB could review projects in IPPs and see where a conflict could be, and to help coordination between regions. He agreed that a formal process to identify interregional conflicts needs to occur
- Carl Crull suggested that liaisons between regions should be formally notified about whether a project to be in an IPP effects their planning group (beyond the current practice of emailed agendas).
- Melanie Barnes agreed that liaisons need to help other groups if there are questions about a project.
- Patrick Brzozowski was interested to know how many regions service water outside their region. Liaison coordination should be improved: technical consultants often also work with neighboring regions and are good sources to identify potential conflicts. Improving coordination shouldn't happen at end of process; it should happen up front, in the middle, and when developing final IPPs. If those proposing the project could be in same room at least 3 times per cycle it would be helpful for coordination; the exact process needs to be defined.

Mark Evans asked whether these issues would be what is presented in the Council's report. Suzanne Schwartz noted that these could be the topics the Council would focus on this cycle. Suzanne Scott suggested adding the polling item regarding multiregional projects after comparing the ideas generated with Representative Larson April 27 letter. Kelley Holcomb suggested the Council work its issues list into Rep. Larson's identified topics when generating the report for TWDB. Suzanne Scott agreed and Suzanne Schwartz said she would process issues and confirm against issues captured in Rep. Larson's letter.

Members discussed the intent of the Council's statute, including the intent of facilitating dialogue about strategies affecting multiple planning areas, and whether that meant to look at specific projects. They noted that the statute was clear about making recommendations for changes in rule or law regarding the planning process. They discussed how to facilitate dialogue on strategies and whether interregional project issues should come before the Council. They stated that, without real help, it is hard to identify strategies that haven't already been envisioned during the planning process. Members suggested that it would be helpful for the Council to have a list of projects that serve multiple regions and for the TWDB to look back at past plans for regional projects and studies from the 1950's or 60's, such as Trans-Texas and whether the planning horizon should be extended.

3. Consideration of What the Council Wants to Accomplish

The Council generated the following ideas about what it wanted to accomplish before October 2020:

- Meet the legislative requirements to have a public meeting and prepare a report.
- Identify projects that could have statewide impact.
- Identify interregional projects and consider minimum requirements for a project to be included in the regional water plans.
- Review existing interregional conflicts and the interregional conflict process, including process before conflict declared.
- Apply environmental view to larger projects; environmental aspects may be limitations to projects.
- Keep in mind that project implementation is not the role of the planning group and that stakeholder concerns of implementation can't necessarily be addressed in the planning process.
- Planning process is so prescribed that implementation issues rest with the project sponsor and not the planning process. With respect to interregional conflicts, planning is supposed to identify potential projects, not work out implementation issues.
- Funding limitations for regional planning can prevent looking at larger conceptual projects that may or may not have a sponsor.

The format of the Council's final report was briefly discussed. It was suggested that the report document a chronology of the Council's process, focus on statutory charges, key decisions, and recommendations, and highlight other issues or insights that arise. The Council discussed addressing the points in Representative Larson's letter, even if it's noting that some items may need to be addressed by the Council next cycle.

5. Consideration of How Council will Operate

Suzanne Schwartz reminded members that the Council is subject to the Texas Open Meetings Act (TOMA). Members then discussed how the Council will operate moving forward and considered the following items:

- ***Quorum- a majority of members agreed that a simple quorum will be required to conduct business.***
- ***Chair/Co-chair – a majority of members agreed not to select a chairperson and to use a facilitator at meetings.***
- ***Decision making – members voted by online poll to determine if their decision making would be based on consensus, simple majority, or super majority. Ten of the 15 voting preferred a simple majority, which was selected for decision making. Four preferred consensus, and one a super majority.***
- ***Number of meetings, and logistics – a majority of members agreed to hold several shorter, remote meetings while the Governor has waived portions of the TOMA.***
- ***Use of subcommittees – a majority of members agreed that subcommittees are not necessary at this time.***
- ***Public comment and participation – a majority of members agreed to solicit public comment both at the beginning and end of Council meetings.***

A poll will be sent out to schedule future meetings. Melanie Barnes (Region O) and David Wheelock (Region K) volunteered to help develop the next meeting agenda. Draft agendas will be sent to all members for review and comment. A plan will be developed to map out future discussion topics and identify necessary meeting materials and potential subject matter expert presentations. Potential materials needed for future meetings include information on interregional projects from current and past State Water Plans and historical TWDB studies of supply and transmission projects.

During this agenda item Kevin Ward brought up the need to discuss current Interregional Conflicts and asked for clarification on the deadline for regions to assert a potential conflict. Temple McKinnon noted the deadline had been extended to May 11.

David Wheelock suggested bringing in experts to present on regional projects at future Council meetings.

6. **Public Comment** - No public comments were offered.
7. **Adjourn** - No additional discussion. Meeting adjourned.