

**August 28, 2020 Meeting Materials for the
Enhancing Interregional Coordination Committee of the
Interregional Planning Council**

1. Agenda
2. Meeting presentation
3. Draft August 6, 2020 meeting minutes (Agenda Item #3)
4. IPC Report Document (Agenda Item #4)
5. Interregional Planning Council Deliberations by Discussion Topic (Agenda Item #4)
6. Interregional Planning Council Working Solutions Framework (Agenda Item #4)
7. Interregional Conflict Workgroup Report (Agenda Item #4)
8. RWPG Committees and Roles (Agenda Item #4)
9. Draft Working Round 6 Scope of Work (Agenda Item #4)
10. Draft Sixth Planning Cycle Timeline (Agenda Item #4)

1. Agenda

Enhancing Interregional Coordination Committee of the Interregional Planning Council

August 28, 2020, 10:00 am

Meeting will be conducted via GoToWebinar at:

<https://attendee.gotowebinar.com/register/8316398498139631117>

Webinar ID: 124-487-155

PLEASE SEE: <http://www.twdb.texas.gov/waterplanning/rwp/ipc/committees.asp>

**The Chairman of this Committee may choose to address the items identified in this agenda in an order outside of the pre-arranged numbering.*

1. Call to order and welcome
2. Public comment
3. Consider minutes from August 6, 2020, Committee meeting
4. Consideration and Action, as appropriate – Committee recommendations and observations for the Interregional Planning Council regarding Enhancing Interregional Coordination
5. Discussion of agenda for future meetings, including background materials needed for the meetings and steps to be accomplished before the meetings
6. Report and possible action on report from Committee Chair
7. Public comment
8. Adjourn

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Melinda Smith at melinda.smith@twdb.texas.gov or at (512) 463-6478 two (2) work days prior to the meeting so that appropriate arrangements can be made.

Direct links to this information can be found on our website at:

<http://www.twdb.texas.gov/waterplanning/rwp/ipc/committees.asp>

To view/listen to the Enhancing Interregional Coordination Committee Meeting on Friday, August 28, 2020, please use GoToWebinar. If you are a visitor for this meeting and wish to address the Committee, you will have an opportunity to do so under agenda items number 2 and 7 through the GoToWebinar application.

Additional Information may be obtained from: Ron Ellis, Regional Water Planner, Texas Water Development Board, 512/463-4146, Ron.Ellis@twdb.texas.gov.

Emergency Mtg: No

2. Meeting presentation

Interregional Planning Council

Enhancing Interregional Coordination Committee

August 28, 2020

AGENDA

1. Call to order and welcome
2. Public comment
3. Consider minutes from August 6, 2020, Committee meeting
4. Consideration and Action, as appropriate – Committee recommendations and observations for the Interregional Planning Council regarding Enhancing Interregional Coordination
5. Discussion of agenda for future meetings, including background materials needed for the meetings and steps to be accomplished before the meetings
6. Report and possible action on report from Committee Chair
7. Public comment
8. Adjourn

2. PUBLIC COMMENT

- Those on video Go To Webinar – Click “raise hand” on your screen.
- Those with telephone access – The organizer will unmute phone attendees to provide public comment.
- Limit comments to 3 minutes each.

3. CONSIDER APPROVAL OF MINUTES

Consider approval of minutes from the August 6,
2020 Committee meeting

4. CONSIDERATION OF RECOMMENDATIONS TO THE COUNCIL

- Committee recommendations
 - Draft Report Document
 - Council Comments and Documents
 - Working Solutions Framework
 - Deliberations by Topic
 - Interregional Conflict Workgroup Report
 - RWPG Committee Structures
 - Draft SOW and Timeline
- Recommendations should be
 - Aligned with specific charge from the legislature and additional guidance by Chairman Larson
 - Specific and actionable
 - Delineate which entity the recommendation is directed to
 - Describe the resulting benefit

5. NEXT STEPS

- Next Meeting – Agenda Items
 - Status of assignments
 - Consider committee reports and recommendations
 - Discuss next steps
 - Chair’s Report
- Next Interregional Planning Council Meeting on September 15, 2020
- Interregional Planning Council Schedule
- Background materials needed
- Assignments/accomplishments for next meeting

6. CHAIR'S REPORT AND POSSIBLE ACTION

- Report from Committee Chair
- Action on Report Items, if necessary

7. PUBLIC COMMENT

- Those on video Go To Webinar – Click “raise hand” on your screen.
- Those with telephone access – The organizer will unmute phone attendees to provide public comment.
- Limit comments to 3 minutes each.

ADJOURN

3. Draft August 6, 2020 meeting minutes (Agenda Item #3)

Enhancing Interregional Coordination (EIC) Committee Meeting Minutes

August 6, 2020, 10:00 a.m. held via GoToWebinar

Committee Members present (3 of 5): Gail Peek, Chair; Jim Thompson; Ray Buck. Scott Reinert and Patrick Brzozowski were absent.

Senators/Representatives/Other VIPs in Attendance: N/A

TWDB Board Members and Staff: Participants: Temple McKinnon, Ron Ellis, and Suzanne Schwartz.

MEETING GENERAL: Ron Ellis (TWDB) checked roll and determined that a quorum was present.

AGENDA ITEMS

- 1. Call to Order and Welcome** – Chair Gail Peek called the meeting to order and welcomed the committee members.
- 2. Public Comment** – None.
- 3. Consider Minutes for July 15, 2020 Meeting** – Ms. Peek noted that she had requested a clarifying change to the original draft minutes, which was reflected in the draft in the meeting materials. ***Jim Thompson made a motion to approve the minutes as amended, and Ray Buck seconded. The motion was approved.***
- 4. Committee Member feedback and discussion of Committee Charges** – Ms. Peek noted that the committee's charges had been expanded at the July 29th council meeting to include interregional conflict. She introduced changes to the committee problem statement and goal statement for the committee to discuss. Ray Buck asked about the pros and cons of the EIC Committee taking on the additional charge. Ms. Peek related that the pro is that EIC is looking at nuts and bolts of a related issue, while other committees are looking with a broader perspective which made it fit logically with EIC. She stated that in considering Chairman Larson's letter, the charge of dealing with interregional conflict fit with the EIC Committee in a logical way. The con is more work for the EIC Committee. Jim Thompson asked where the new language had come from and Ms. Peek indicated that she had drafted it for committee consideration. Mr. Thompson asked about the meaning of the reference to the timing requirements of TWDB. Ms. Peek indicated that the intent is to recognize that planning follows a schedule. Temple McKinnon proposed revising the language to reference the planning process administrative timing requirements to clarify that it's referring to statutory and rule constraints that must be met. The committee members agreed.

Mr. Thompson then suggested changing the draft Goal Statement language to refer to WMS that impact more than one region, instead of WMS that are in more than one region. The committee members agreed, and Ms. McKinnon made the change.

Mr. Thompson made a motion to adopt the revised Problem Statement and Goal Statement. Mr. Buck seconded, and the motion passed.

5. **Discussion and Action, as appropriate – Committee Action Plan** – Ms. Peek discussed the action plan as a roadmap to follow when developing observations and recommendations. She recognized that the BMP Committee has developed an action plan and recommended that the EIC follow its model. Ms. McKinnon displayed the action plan template, and Mr. Buck commented that it is an excellent model. Ms. Peek recognized that they have buy-in on the action plan, then she noted that they should play it by ear concerning member roles and assigning tasks since the committee is so small. The committee members agreed.

6. **Discussion and Action, as appropriate - Enhancing Interregional Coordination; Enhancing TWDB Coordination** – Ms. Peek asked Ms. McKinnon to display the draft sixth planning cycle timeline document. Ms. McKinnon oriented the committee to the document and emphasized that it's very draft and intended to help them see where coordination could potentially begin. Ms. Peek emphasized that the committee should consider coordination and collaboration and identify how planning groups can collaborate earlier rather than later. She also acknowledged that each planning group has a different way to identify WMSs and they need to find a way to get that done and shared earlier. She noted that the planning groups need to coordinate and collaborate as early as possible to avoid interregional conflict, for which TWDB already has a resolution process, which was covered in the first committee meeting. Ms. McKinnon noted that the collaboration and coordination bar in the timeline should extend to the beginning of the planning cycle.

Ms. McKinnon displayed the draft estimated sixth cycle scope of work and showed the draft task language under Task 4B that would require coordination before the mid-point of the planning cycle. Mr. Buck asked how it relates to the timeline discussed previously. Ms. McKinnon indicated that it would occur before the technical memorandum during the period indicated by the yellow bar labeled coordination on regional projects on the timeline. Ms. Peek asked that the draft language be reversed to put opportunities before conflicts, and the committee members worked out new language. The committee members agreed the new language was OK.

Suzanne Schwartz asked if the Interregional Conflict Workgroup members thought that assessing strategy opportunities and issues to discuss in the technical memorandum would be early enough. Ms. McKinnon displayed the planning cycle timeline and indicated that the technical memorandum is due 2.5 years into the planning cycle and the IPPs are due about a year later. Mr. Thompson raised a concern regarding the five-year cycle of planning, specifically that the final decisions on WMSs are not made until late in the cycle, which is not conducive to identifying and solving conflicts. He emphasized that the timing will always be the issue because so many planning tasks have to be completed early in the process, so issues will come late in the process. Ms. McKinnon acknowledged that the timing is tricky but asked if an issue has already been identified during one planning cycle, could the resolution process begin immediately at the beginning of the following cycle. Mr. Thompson responded yes, that if a WMS is likely to be recommended, then discussion could begin early, if the parties were willing or required to do so.

Ms. McKinnon asked if a process like coordination discussions initiated by TWDB with Regions C and D during the 5th cycle of planning would be effective, if earlier. Mr. Thompson said if stakeholders could get together earlier, the problem may not get resolved, but each side would know where the other stands. He also offered the example of the facilitated phone all of this Council's Interregional Conflict Workgroup (Jim Thompson and Kevin Ward) as a model of what could be done early in the planning cycle. Ms. McKinnon then asked how a process could be genericized to fit issues not yet

identified. She then asked if RWPGs should identify issues for the next cycle – WMS that need to be collaborated on. Mr. Buck asked how they would work on opportunities in such a process. Ms. McKinnon suggested that an opportunities and issue list be established at the end of each planning cycle to be addressed as a workplan for the RWPGs during the beginning of the following cycle. She indicated that she would draft that for the next meeting, and Ms. Peek and Mr. Buck agreed.

Ms. McKinnon asked if there is any other information TWDB could bring to the process that would help identify opportunities and issues early. Mr. Buck indicated that the RWPG consultants would need more money to do anything. Ms. Peek asked if there is a way to list each RWPGs WMSs from the IPP. Ms. McKinnon responded that TWDB can combine existing reports to provide that data to the RWPGs. Mr. Thompson reiterated that the earlier in the process they can get the information, the better. Ms. McKinnon indicated that TWDB could have data ready so RWPGs could use it in the first year of the planning cycle and that TWDB will also consider what other tools we can use to support a new collaboration scope of work item. Ms. Schwartz asked if there are opportunities to build in places where RWPGs automatically engage in conversations. Ms. McKinnon indicated that each RWPG is required to hold a pre-planning public meeting and discussion of identifying opportunities and issues at that meeting could be required by the scope of work.

Ms. Peek pointed out that the discussion is relevant to the third bullet and last bullet in Chairman Larson's letter. Mr. Thompson indicated that Chairman Larson also identified interregional conflict as one of his priorities in the letter.

Ms. McKinnon indicated that she would revise the planning cycle timeline document and the draft scope of work document to reflect the discussion.

- 7. Consideration and Action, as appropriate – Committee recommendations to the Interregional Planning Council regarding Enhancing Interregional Coordination** – Ms. Peek initiated discussion on recommendations by noting that the committee has a great deal of work to do in a short time. She observed that they may produce observations and/or recommendations, potentially more observations than recommendations. She emphasized that the committee should be mindful of Chairman Larson's letter. The letter was provided in the meeting materials and also posted on the Council's web page.

Ms. McKinnon reminded the committee that the committee recommendation document needs to be submitted by 8/10 for the full meeting of the Council on 8/12. She told the committee that she will update the problem statement and goal statement and asked if the committee wanted anything else from the meeting captured in recommendations. Ms. Peek asked her to capture coordination opportunities and activities that might impact other RWPGs. Ms. McKinnon indicated that TWDB staff will draft recommendations and recommendations under review and make sure they align with Rep. Larson's letter and provide them to the committee for review. Ms. Peek asked the committee members to continue to think about future issues for the committee to consider.

- 8. Discuss future steps – (a) methods to move forward including scheduling of Committee meetings, (b) background materials needed for future meetings, (c) coordination with or discussion and steps that can be accomplished before future meetings** – Ms. Peek noted that the Council will meet next on August 12. She indicated that she wants the committee to meet two more times to develop recommendations. Ms. McKinnon noted that the following IPC meeting is September 15 and that

Chair Scott had requested committee recommendations by then. Ms. Peek asked Ms. McKinnon to poll the members for availability for two meetings in two-hour blocks in morning and afternoon. Ms. Peek asked the committee members to let us know if they wish to see any materials for future meetings. She noted that the committee needs to know who in each planning group works on WMSs. Ms. McKinnon indicated that TWDB staff will generate a list of the committee structure and functions within each planning group.

9. Discussion of agenda for future meetings –Ms. Peek indicated that the agenda for the next two meetings will focus on observations and recommendations.

10. Report and Possible Action on Report from Chair – Ms. Peek reiterated to the committee that they need to think about how recommendations will be consistent with Chairman Larson’s letter. She thanked the committee members for their effort and input. She also stated a concern that the committee needs to stay focused on deliverables and doables and to focus concepts like “opportunities” to be more concrete in their recommendations to the council.

11. Public Comment – None.

12. Adjourned – Mr. Thompson motioned adjournment; Mr. Buck seconded. Adjourned at 11:20 a.m.

4. IPC Report Document (Agenda Item #4)

DRAFT

Interregional Planning Council Report to the Texas Water Development Board

This report was prepared on behalf of the Interregional Planning Council (Council), at their direction and based upon their meetings, decisions, and recommendations with guidance from their contracted facilitator. The full Council approved the final content and submission of this report to the TWDB on [2020].

Contents

I.	Executive Summary.....	4
A.	History and Background of Regional Coordination.....	4
B.	Summary of Council Charge and Legislative Guidance.....	4
C.	Council Meetings and Deliberations.....	4
D.	Summary of Recommendations.....	4
II.	Council Observations and Recommendations.....	4
A.	Improve Coordination Among and Between Regional Water Planning Groups and the Texas Water Development Board.....	4
1.	Review of Existing Practices/Conditions (Council member general observations from deliberations).....	4
2.	Problem Statement.....	5
3.	Goal Statement.....	5
4.	Recommendations (including benefits that could result).....	5
B.	Planning Water Resources for the State as a Whole.....	9
1.	Review of Existing Practices/Conditions (Council member general observations from deliberations).....	9
2.	Problem Statement.....	9
3.	Goal Statement.....	9
4.	Recommendations (including benefits that could result).....	9
C.	General Best Practices for the Future of Planning.....	9
1.	Review of Existing Practices/Conditions (Council member general observations from deliberations).....	9
2.	Problem Statement.....	9
3.	Goal Statement.....	9
4.	Recommendations (including benefits that could result).....	9
D.	Addressing Interregional Conflict.....	10
1.	Outline of the coordination process within the Regional Planning Process to identify and address conflicts.....	10
2.	Acknowledgement of the limitations of Planning Regions to mitigate conflicts.....	11
3.	Recommendations regarding coordination protocols.....	12
III.	Conclusions.....	12
A.	Observations regarding the Council’s role.....	12
B.	Considerations for future Councils.....	12
C.	Other.....	12
IV.	Appendices.....	12

A. List of Council Members and Committees 12

B. Minutes from Council and Committee Meetings 12

C. Interregional Conflict Facilitator’s Report and Supporting Material 12

Appendix A - List of Council Members and Committees 13

I. Executive Summary

- A. History and Background of Regional Coordination
- B. Summary of Council Charge and Legislative Guidance
- C. Council Meetings and Deliberations
- D. Summary of Recommendations

II. Council Observations and Recommendations

A. Improve Coordination Among and Between Regional Water Planning Groups and the Texas Water Development Board

1. Review of Existing Practices/Conditions (Council member general observations from deliberations)

The Enhancing Interregional Coordination committee held **four** committee meetings to accomplish their charge. The committee reviewed interregional coordination issues identified by the Interregional Planning Council, in addition to new issues identified by members of the committee. The committee narrowed their focus to the following items: Identifying interregional issues and opportunities, defining roles for planning process participants, and documenting coordination between planning groups. The committee identified the following existing practices and observations associated with these topics.

Identifying Issues and Opportunities: The planning process does not currently have explicit requirements regarding when and how RWPGs will identify project development issues (including strategies that propose to use a water resource in another region) and regionalization opportunities. The only specific requirement to notify other RWPGs regarding strategies that propose to use a water resource in another region occurs too late by notice of the Initially Prepared Plan (31 TAC §357.50(b)).

Defining Roles for Planning Process Participants: Consultants, sponsors and stakeholders may have knowledge, or other avenues, for early identification of potential opportunities for collaboration, coordination or conflict between, or among regions. Knowledge of when and how consultants, sponsors and stakeholders are integrated into the water planning process cycle in each RWPG will help identify and tailor ways to utilize these resources in early identification of potential opportunities for collaboration, coordination or conflict between, or among regions.

Documenting Coordination between Planning Groups: The planning process does not currently have explicit requirements regarding when and how RWPGs will **identify document coordination regarding** project development issues (including strategies that

propose to use a water resource in another region) and regionalization opportunities in advance of the Initially Prepared Plan.

2. Problem Statement

In creating regional water plans that comprise the state water plan, the expectations for the scale at which planning groups coordinate is not clear throughout the state. Coordination and optimization requirements among regions and with TWDB are not fully formalized in statute or rule, coordination roles of consultants, sponsors, stakeholders, liaisons and members of the regional water planning groups tasked with considering water management strategies are not fully specified. Moreover, regions are not considering opportunities and issues of cooperation and coordination early enough in the water planning cycle process. Further, while there have been few interregional conflicts, regions may not be coordinating early and effectively on issues related to shared water resources and the development of multiregional projects. There are no mechanisms in the water planning process that set out the roles and responsibilities of consultants, sponsors, stakeholders, and liaisons in considering coordination and collaboration between regions impacted by the use of a water resource.

3. Goal Statement

Regions coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, potential impacts, identification of water management strategies that impact more than one Region, and cooperate to address water supply needs of their regions and identify ways the TWDB can assist the planning groups in meeting these goals.

4. Recommendations (including benefits that could result)

4.1 Identifying Issues and Opportunities

Identification of, and coordination around, project development, including strategies that proposed to use water resources in another region or that would impact another region, should occur *at the beginning* of the planning cycle. Implementing this recommendation will help expedite the identification of opportunities for coordination and collaboration, as well as potential interregional conflict concerns, including strategies that propose to use water resources in another region, or that would impact another region. It will help ensure that there are deliberate actions taken by the RWPGs at the beginning of the planning process to identify and coordinate on interregional project issues and opportunities.

a) Texas Water Development Board

The **Committee/Council** recommends that TWDB should revise planning requirements (contract and rules, as appropriate) so that:

1. RWPGs must identify, in their final adopted regional water plans, a list of strategies that were recommended, alternative, or considered water management strategies, or other projects based upon local knowledge, that present issues or opportunities for other regions and that merit further direct interregional coordination. For the 6th planning cycle,

development of this list would be an immediate first task for the RWPG as the 2021 Regional Water Plans are being finalized prior to this Council's recommendations. This list will be the basis of further coordination during the first year(s) of the following planning cycle.

2. RWPGs must consider strategy information provided by TWDB during the first year(s) of the following planning cycle regarding recommended strategies in all RWPAs, including specifically identifying those strategies sourced in other RWPAs.

3. RWPGs must document consideration and coordination around the identified projects (items 1 and 2 above) at their pre-planning meeting (31 TAC §357.12(a)(1)) and their meeting to approve the process for identifying potentially feasible strategies (31 TAC §357.12(b)). Strategies that would use a water resource in, or otherwise impact, another region must be specifically considered and documented. RWPG Liaisons and project sponsors from adjoining regions should be individually invited to these public meetings.

4. The TWDB will support and facilitate the RWPGs by reporting data, highlighting existing tools, and/or developing new tools to assist RWPGs with identifying issues or opportunities for interregional coordination

b) Legislature

The **Committee/Council** recommends that the Legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Committee/Council.

c) Regional Water Planning Groups

The **Committee/Council** recommends that the RWPGs should, at a minimum, enhance their coordination efforts in accordance with the TWDB process revisions recommended above.

d) Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils.

4.2 Defining Roles for Participants in the Planning Process

Identify the appropriate parties (RWPG consultants, sponsors, stakeholders, liaisons) and define their roles in an interregional coordination process **at the beginning** of the planning cycle. Implementing this recommendation would assist the RWPGs in understanding how each region considers water management strategies, as well as earlier engagement of consultants, sponsors and stakeholders to identify and consider potential opportunities for collaboration, coordination or conflict between, or among regions.

a) Texas Water Development Board

The **Committee/Council** recommends that the TWDB should:

1. Provide a list of its understood active committees to all RWPGs so that each region can best determine the mechanism for water management strategy planning for each region (e.g., scope of work committee, executive committee, etc.)

2. Require that Regions affected, or impacted, by a water management strategy that presents potential opportunity for collaboration, coordination or conflict, will promptly initiate direct discussions between, or among the RWPG mechanisms for water management strategy coordination.

b) Legislature

The **Committee/Council** recommends that the Legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Committee/Council.

c) Regional Water Planning Groups

The **Committee/Council** recommends that the RWPGs should implement timely actions to receive the early input of consultants, sponsors, and stakeholders when identifying and considering water management strategies to improve interregional coordination on potential opportunities for collaboration, coordination or conflict between, or among regions.

d) Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils.

4.3 Documenting Coordination between Planning Groups

Documenting the identification of project opportunities and issues, and the coordination between planning groups in the middle of the planning cycle. Implementing this recommendation will help ensure that there are deliberate actions taken by the RWPGs in the middle of the planning process yet prior to the development of the draft plans, to identify and coordinate on interregional project issues and opportunities.

a) Texas Water Development Board

The **Committee/Council** recommends that the TWDB should:

1. Require that the Technical Memorandum (31 TAC §357.12(c)) document the consideration of the issues and opportunities for interregional coordination identified and the process and progress of work to address them.
2. Require that the Technical Memorandum document the consideration of potentially feasible water management strategies that would use a water resource in, or otherwise impact, another region, and the process and progress of coordination work on those strategies.
3. Support or facilitate RWPGs with technical or administrative resources, as able, as they coordinate and collaborate with each other on any potentially feasible water management strategies that would use a water resource in, or otherwise impact, another region.

b) Legislature

No recommendations are made to the Legislature regarding documenting coordination between planning groups.

c) Regional Water Planning Groups

The **Committee/Council** recommends that the RWPGs should involve the appropriate parties and should commit to timely coordination and collaboration on any potentially feasible water management strategies that would use a water resource in another region, or otherwise impact, another region.

d) Future Interregional Planning Councils

No recommendations are made to future Interregional Planning Councils.

B. Planning Water Resources for the State as a Whole

- 1. Review of Existing Practices/Conditions (Council member general observations from deliberations)**
- 2. Problem Statement**
- 3. Goal Statement**
- 4. Recommendations (including benefits that could result)**

4.1 ABC

- a) Texas Water Development Board*
- b) Legislature*
- c) Regional Water Planning Groups*
- d) Future Interregional Planning Councils*

4.2 XYZ

- a) Texas Water Development Board*
- b) Legislature*
- c) Regional Water Planning Groups*
- d) Future Interregional Planning Councils*

C. General Best Practices for the Future of Planning

- 1. Review of Existing Practices/Conditions (Council member general observations from deliberations)**
- 2. Problem Statement**
- 3. Goal Statement**
- 4. Recommendations (including benefits that could result)**

4.1 ABC

The **Committee/Council** makes the following recommendations on ABC. Implementing these recommendations would xyz.

- a) Texas Water Development Board*

The **Council/Committee** recommends the TWDB...

b) Legislature

c) Regional Water Planning Groups

No recommendations are made to RWGPs groups on xyz.

d) Future Interregional Planning Councils

4.2 XYZ

a) Texas Water Development Board

b) Legislature

c) Regional Water Planning Groups

d) Future Interregional Planning Councils

D. Addressing Interregional Conflict

1. Outline of the coordination process within the Regional Planning Process to identify and address conflicts

Current statute does not indicate who determines if a conflict exists, only that the Board should resolve a conflict. As such, the Board has defined interregional conflict, and a process to resolve it, in its administrative rules, which is generally summarized below:

- The RWPG is to notify the TWDB's Executive Administrator in writing within 60 days of the submission of the Initially Prepared Plans (IPP) to assert that a potential interregional conflict exists based upon demonstrated potential for a substantial adverse effect from the impacts of a recommended water management strategy (31 TAC §357.10(16)). The RWPG must provide information
 - identifying the specific recommended WMS from another RWPG's IPP;
 - providing a statement of why the RWPG considers there to be an interregional conflict; and
 - providing any other information available to the RWPG that is relevant to the Board's decision.
- The RWPG must also notify the other affected RWPG identified concerning the information submitted to the Board (31 TAC §357.50(d)).
- The Executive Administrator considers the RWPG's assertion and informs TWDB's Governing Board of a potential finding of an interregional conflict.
- If the Board finds an interregional conflict exists between IPPs, the Executive Administrator facilitates resolution of the conflict by notifying the RWPGs involved and working with them to resolve the conflict (31 TAC §357.62(a)).
- If the conflict cannot be resolved, the Executive Administrator develops a recommendation to resolve the conflict, holds a public hearing on that recommendation at a central location readily accessible to the public with 30-day public notice, and takes a recommendation to the Board. The Executive Administrator then notifies the affected RWPGs of the Board's decision, and direct changes to the affected RWPGs, in accordance with 31 TAC §357.62(b).

Additionally, in the Board's January 8, 2015 Order resolving the conflict between the 2011 Region C and D Regional Water Plans, the Executive Administrator was directed to consider ways to identify potential conflicts and facilitate resolution early in the planning process. During the planning cycle to develop the 2021 Regional Water Plans, the Executive Administrator facilitated coordination between Regions C and D over assessment and development of supplies in the Sulphur River Basin. While not resolution of an identified conflict, this facilitated coordination was initiated in April 2019, approximately one year prior to the due date of the draft initially prepared plans. No formal conflict was identified and brought to the attention of the TWDB under the procedures noted above as of the date of this report.

2. Acknowledgement of the limitations of Planning Regions to mitigate conflicts

During Council and Committee deliberations, the following issues were raised by one or more Council members with respect to the role and limitation of an RWPG in identifying or resolving interregional conflicts:

- a. It is not a RWPG's role to determine the public support or permitting viability of a project. The RWPG makes sure there is sufficient supply to meet the demand or identifies projects or strategies identified to meet that demand.
- b. Who resolves conflicts: 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? There is uncertainty if it is the planning group's role to define or try to resolve interregional conflict when it is apparent from the beginning it can't be resolved, as the existence of lawsuits indicates. There will never be agreement if left to regions to address long-standing conflict and, at some point, the issue needs to be raised to a higher level for resolution.
- c. Interregional conflicts are few, rare, and difficult when they occur, and the regional water planning process has done a good job thus far in dealing with interregional conflicts.
- d. There isn't agreement that the interregional conflict process, as currently defined in TWDB's administrative rules, is working and it is considered problematic that there is no law that identifies what an interregional conflict is.
- e. There is nothing in the current process for weighing impacts of a land-intensive project on the economy of the state versus direct resource impacts on the region. This may not be able to be resolved between the regions and the current process doesn't come to conclusion. Historically the only resolution is that the conflicted regions agree to disagree. Interregional conflict may need to be raised to a higher level to be resolved and what determines that potential change of venue.
- f. Private mediation is considered by some to be more effective than public meetings that are currently required in the administrative process. It is seen as unfair to require the volunteer members of the RWPGs to go through their plan and all of the other plans to determine if a conflict exists. Rather, the TWDB should make the determination as to if there are interregional conflicts since they have more information and access to the plans. (Note: TWDB currently determines if an interregional conflict exists due to an overallocation of sources.)

3. Recommendations regarding coordination protocols to avoid conflicts or to enhance resolution of conflicts

III. Conclusions

- A. Observations regarding the Council's role
- B. Considerations for future Councils
- C. Other

IV. Appendices

- A. List of Council Members and Committees
- B. Minutes from Council and Committee Meetings
- C. Interregional Conflict Facilitator's Report and Supporting Material
- D. Committee Charges

Appendix A - List of Council Members and Committees

In July 2019, the TWDB's Executive Administrator requested each of the state's 16 RWPGs to submit at least one nominee to serve on the Council. At its January 16, 2020 meeting, the TWDB appointed the Council's members, and preapproved use of Regional Water Planning Contract voting member travel funds for Council members to attend meetings. Although alternates were not appointed and therefore cannot be utilized during this inaugural Council, provisions for alternates were included for the appointment of future Councils in the revisions to TWDB's administrative rules 31 Texas Administrative Code Section 357.11(k). The members appointed to the Council are:

Region	Council Member	Council or Committee Role	Council Member Affiliation	Supporting Background Provided from RWPGs During Nomination
A	Steve Walthour	Chair, General Best Practices for Future Planning Committee	General Manager, North Plains Groundwater Conservation District	Mr. Walthour has served on the Region A RWPG since 2007. He is a member of the agricultural and modeling subcommittees and has been an integral part of the Region A water planning process for the last 12 years. Mr. Walthour has over 25 years of experience in groundwater conservation programs.
B	Russell Schreiber	Member of General Best Practices for Future Planning Committee	Chair Region B; Director of Public Works , City of Wichita Falls	Mr. Schreiber has been a member of the Region B RWPG for 11 years and has served as Chair since 2017. He is a member of the Executive Committee, Technical Advisory Committee, and Groundwater Technical Committee.
C	Kevin Ward	Member of Planning Water Resources for the State as a Whole Committee	Chair Region C; General Manager, Trinity River Authority	Mr. Ward has been a member of the Region C RWPG for 7 years and has served as Chair since 2018. He also serves on the Region H RWPG. Prior to joining the Trinity River Authority, Mr. Ward was the Executive Administrator of the TWDB.
D	Jim Thompson	Member of Enhancing Interregional Coordination Committee	Chair Region D; Chief Financial Officer, Ward Timber	Mr. Thompson is currently the Chair of the Region D RWPG and previously served for six years on the Region D RWPG.
E	Scott Reinert	Member of Enhancing Interregional Coordination Committee	Vice-Chair Region E; Water Resources Manager, El Paso Water Utilities	Mr. Reinert has been a member of the Region E planning group for 10 years and currently serves as Vice-Chair.

Region	Council Member	Council or Committee Role	Council Member Affiliation	Supporting Background Provided from RWPGs During Nomination
F	Allison Strube	Member of General Best Practices for Future Planning Committee	Director of Water Utilities, City of San Angelo	Ms. Strube joined the Region F RWPG in 2018 and represents large municipalities. Ms. Strube also serves as a board member of the West Texas Weather Modification Association and a committee member for the Concho River Watermaster program.
G	Gail Peek	Chair, Enhancing Interregional Coordination Committee	Vice-Chair Region G; Of Counsel, Beard, Kultgen, Brophy, Bostwick & Dickson	Ms. Peek has been a member of the Region G RWPG for 12 years and currently serves as Vice-Chair. She also participates on the Executive and Groundwater Committees.
H	Mark Evans	Chair, Planning Water Resources for the State as a Whole Committee	Chair Region H; North Harris County Regional Water Authority	Mark Evans has been a member of the Region H RWPG since its creation (21 years) and has served as the Region H Chair since 2009. Mr. Evans previously served four terms as County Judge for Trinity County.
I	Kelley Holcomb	Council Vice-Chair; Member of General Best Practices for Future Planning Committee	Chair Region I; General Manager Angelina & Neches River Authority	Mr. Holcomb has been a member of the Region I RWPG since 1998 and currently serves as Chair. He also participates on the Nominations Committees.
J	Ray Buck	Member of Enhancing Interregional Coordination Committee	General Manager, Upper Guadalupe River Authority	Mr. Buck has represented the River Authorities interest category on the Region J RWPG for 14 years. Mr. Buck also oversees the Political Subdivision responsibilities for Region J.
K	David Wheelock	Member of Planning Water Resources for the State as a Whole Committee	Vice-Chair Region K; Water Supply Planning Manager, Lower Colorado River Authority	Mr. Wheelock has been a member of the Region K RWPG for over 5 years and currently serves as Vice-Chair of the planning group. He also participates on five Region K Committees and is the Administrative Agent for Region K. Mr. Wheelock has been involved with regional water planning since 1997.
L	Suzanne Scott	Council Chair	Chair Region L; General Manager San Antonio River Authority	Ms. Scott has been a member of the Region L RWPG for 11 years and has served as Chair since 2016. She also participates on the Policy Recommendations Committee and serves as Chair of the Guadalupe, San Antonio, Mission, and Aransas

Region	Council Member	Council or Committee Role	Council Member Affiliation	Supporting Background Provided from RWPGs During Nomination
				Rivers and Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Area Stakeholder Committee.
M	Tomas Rodriguez, Jr.	Member of General Best Practices for Future Planning Committee	Chair Region M; Retired Director of Utilities, City of Laredo	Mr. Rodriguez has been a member of the Region M RWPG for 11 years and currently serves as Chair. Before retiring, Mr. Rodriguez was the Director of the Utilities Department for the City of Laredo.
N	Carl Crull	Member of Planning Water Resources for the State as a Whole Committee	Owner, Crull Engineering, LLC	Mr. Crull has been involved with regional water supply issues since 1984. He previously served as Assistant City Manager for the City of Corpus Christi and worked for HDR Engineering Inc. before retiring to private practice. He joined the Region N RWPG in January 2017.
O	Melanie Barnes	Member of Planning Water Resources for the State as a Whole Committee	Retired Research Scientist, Texas Tech University	Dr. Barnes has been a member of the Region O RWPG since 2005. She serves as the Region O liaison to the Region F planning group. Dr. Barnes has also served on other Boards and Commissions involving local water issues.
P	Patrick Brzozowski	Member of Enhancing Interregional Coordination Committee	Secretary Region P; General Manager, Lavaca-Navidad River Authority	Mr. Brzozowski has served as Secretary of the Region P RWPG since 2003. He is also the Administrative Agent for Region P.

5. Interregional Planning Council Deliberations by Discussion Topic (Agenda Item #4)

Interregional Planning Council

Deliberations by Discussion Topic

I. Enhancing Interregional Coordination

Discussion at Council meetings related to enhancing interregional coordination has included:

- April 29, 2020 Patrick Brzowski stated that 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.
- April 29, 2020 Gail Peek stated that regional water planning group (RWPG) liaisons should be used to more deeply explore water management strategies (WMS) that cross planning group lines before getting to a formal conflict resolution process.
- April 29, 2020 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).
- April 29, 2020 Melanie Barnes agreed that liaisons need to help other groups if there are questions about a project.
- May 28, 2020 Kevin Ward noted it may be useful to have a tool that shows the availability of water sources that can be used to develop water management strategies.
- May 28, 2020 Mark Evans suggested a revision to the brainstorming document that planning group members should be, rather than they are not, knowledgeable about adjacent planning areas or planning areas where important sources of water may originate. David Wheelock clarified the statement about the knowledge gap for planning members in some cases.
- May 28, 2020 Kelley Holcomb noted that the role of regional liaisons is to be a point of contact and information, not necessarily to solve problems between regions.
- May 28, 2020 Melanie Barnes noted, and Mr. Holcomb and Mr. Evans agreed, there is a need for guidelines on the role of liaisons.
- June 10, 2020 Steve Walthour noted cooperation is a good goal.
- June 10, 2020 Kelley Holcomb questioned the use of the word "cooperatively" given legal actions that have occurred in the state.
- June 10, 2020 Patrick Brzowski asked what serving multiple areas of the state really means, given that the state is so large? He said that regional water planning was established to benefit the state as a whole rather than any specific region.
- June 10, 2020 Melanie Barnes asked for clarification as to whether multi-benefit projects meant providing for water supply, flood control, water quality, etc.? Several Council members agreed that was the meaning of multi-benefit.
- June 10, 2020 Kelley Holcomb suggested that "Regions may not be coordinating effectively" may not be accurate since there is a low occurrence of interregional conflict, and it is important to acknowledge that is a positive in the regional water planning process.
- June 10, 2020 David Wheelock agreed and suggested revising the problem statement because including "throughout the state" suggests something bigger than coordinating on a regional level and is a hard concept for a regional water planning group to deal with.

- June 10, 2020 Kevin Ward suggested enhancing interregional coordination is needed to head off interregional conflict.
- June 10, 2020 Melanie Barnes suggested there may not be a problem with the interregional conflict resolution process, except that it may occur too late in the process (after submittal of the draft plans). She suggested the problem statement for enhancing interregional coordination is that potential interregional conflicts are not addressed early enough as plans are being developed, but only after plans are already developed and water resources have been planned.
- June 10, 2020 Mark Evans requested that the problem statement include that the state water plan is a compilation of the regional water plans.
- June 10, 2020 Patrick Brzowski noted interest from Rep. Larson to move water from areas with water to those without, no matter the distance.
- June 10, 2020 Kelley Holcomb noted there are many issues with that including ownership and cost and suggested having a section in the Council report to discuss issues that require legislative action.
- June 10, 2020 Gail Peek submitted the Council might want to consider how solutions are implemented expeditiously and cost-effectively.
- June 22, 2020 Mr. Ward noted that coordination regarding agricultural and natural resources needs to be assigned to all projects in the regional water plans not just projects related to interregional conflicts.
- June 22, 2020 Mr. Holcomb added that the resource issues are thoroughly addressed in the permitting stage of the project and the Council is charged with providing best management practices and encouraging and enhancing coordination, not solving disputes. Mr. Holcomb commented that the Council should not be specifically calling out agricultural or natural resources or any other resources because resource issues are resolved in the other (permitting) public process that the Council is not involved in.
- June 22, 2020 Ms. Barnes offered that the focus of the problem should be if groups are getting together soon enough to work things out and coordinating effectively on the issues of shared water resources or development of multi-regional projects and impacts are just a part of it.
- June 22, 2020 Ms. Scott asked if something could be added to address Mr. Thompson's concerns on project impacts. A new item was added: *consider impacts of proposed projects*. Ms. Scott suggested adding criteria for encouraging earlier regional coordination. *Encouraging earlier coordination by planning groups* was added to the list.
- June 22, 2020 Mr. Holcomb asked about developing a list of resource-based items as part of the criteria. Mr. Ward suggested that effort be conducted by the Committee on the topic.

Additional considerations provided to the facilitator via email include:

- May 27, 2020 Gail Peek noted addressing the issue of "my water" versus "their water" is still a deeply rooted concern. The challenge is to try to address sustained access to water for economic, recreational, agricultural and environmental, and other uses. Smaller communities are often concerned that their need for sustained access to reliable supplies of water for continued economic development and population growth may get a lower priority by legislators. Payment for the various studies required to evaluate innovative ideas and resolving possible interregional conflicts - Who will bear the costs, including research and structural costs? Can we dredge existing reservoirs in order to extend their useful life? If so, which ones are most cost effective? Who will bear costs for ideas such as ASRs? What other financial avenues can be added to the SWIFT funds, and how do we safeguard smaller communities' access to the funds? We will not have a one-size fits all for the water issues facing Texas. Perhaps we need to defer to a "cocktail" approach that utilizes a variety of ideas for the many counties in Texas. To the

extent that some of the ingredients of the “cocktail” meet interregional needs, they should be explored on that interregional basis.

- June 5, 2020 Suzanne Scott agreed with the need to define the roles of the regional liaisons—they should have responsibilities to report back and forth and it would be good to know the status of each region’s liaisons. It might not be practical to have a liaison with all the adjacent regions (Region L has 5 adjacent regions)—but at least the regions where the potential for conflict/coordination exists (i.e.: shared water sources or water moving between regions or shared demands). Early in the process those potential coordination issues can be raised, and the liaisons appointed. Regional consultants and administrating agencies should also have a requirement to meet early on in the process as interregional issues are raised.
- June 9, 2020 Kelley Holcomb suggested that there could be a requirement for RWPGs to formally consider and take action on each strategy which derives water from another region.
- June 10, 2020 Melanie Barnes submitted that the Council consider developing a process where the regions address, fairly early in the planning cycle, whether or not they are using or plan to use a water resource that could be used by multiple regions. If a region considers a multi-user water source outside of their region, then a process of engagement between the effected regions and their consultants is needed to work out how this resource is developed to the benefit of the majority. Possible over allocations of water sources used by multiple regions is not addressed until very close to the end of the five-year planning process and there is nothing formal for coordination. A directive is needed for coordination earlier in the planning process, more defined direction to the liaisons and RWPGs on what information should be shared, and if sharing of water resources is going to occur, how can the planning process benefit all parties, reduce the possibility of conflicts, and enhance the use of state water resources.

II. Planning Water Resources for the State as a Whole

Discussion surrounding the identification of the polling issues and other items included:

- April 29, 2020 Suzanne Scott noted that multi-regional project development may require additional time for consideration and coordination following the upcoming legislative session.
- April 29, 2020 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. 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?
- April 29, 2020 Jim Thompson stated the Council should identify unused water across the state.
- April 29, 2020 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.
- May 28, 2020 Kevin Ward discussed the evolution of state and regional water planning, noting that some older water plans included a greater emphasis on meeting water quality and flood control needs of the state (referenced the 1957 planning act and the water quality acts passed by the state and federal government.) He suggested that these are now more of an afterthought and more recent regional plans seem to approach water quality as a box to check in the process to simply make sure quality doesn’t conflict with supply rather than addressing water quality issues. He recommended adding the issue ***increase emphasis on water quality and flood***

control in water supply planning process, acknowledging the new regional flood planning process under the topic Planning Water Resources for the State as a Whole.

- May 28, 2020 Gail Peek noted the importance of water quality when considering innovative water technologies such as aquifer storage and recovery, when combining water types, and when addressing issues with aquifer recharge.
- May 28, 2020 Carl Crull shared that Region N has discussed impacts of seawater desalination on water quality in bays and estuaries. He noted that water quality requires more emphasis as new sources of supply become necessary.
- May 28, 2020 Melanie Barnes added that now is the time to bring serious discussions of water quality into the planning process, and provided example of water quality in the Dockum as an issue in Region O.
- May 28, 2020 Steve Walthour suggested the group consider opportunities for the state to develop water resources in neighboring states and discussed his region's work with states to the north in the High Plains, including Oklahoma. He suggested such coordination could potentially prevent interregional conflict. He suggested adding the issue ***Legislative support for interstate water resources for the State of Texas as a whole and neighboring states that may benefit*** under Planning Water Resources for the State as a Whole. Russell Schreiber noted support for Mr. Walthour's recommendation, adding that this could be especially beneficial for regions along the border.
- June 10, 2020 Kevin Ward observed that many people don't understand groundwater and the differences between the MAG and what is connected as existing supply. He suggested that the MAGs used for planning purposes to determine groundwater source availability don't scratch the surface of the water that is actually available under the ground. Mr. Ward noted using the MAG has been an impedance when developing a drought plan, and suggested having supply availability more representative of all of the water in a "bucket" would be beneficial even if only for a drought plan.
- June 10, 2020 Steve Walthour noted that TWDB has developed data on the total estimated recoverable groundwater in aquifers for joint management planning that says 25-75% of water in the aquifers is recoverable. Mr. Walthour added that the problem with considering all of the water in a "bucket" is that a lot of water in the bucket is not recoverable or practically available to produce. He noted that there are additional considerations for certain aquifers with legal protections, such as the Edwards Aquifer. Mr. Nelson said TWDB will post a link to the Total Estimated Recoverable Storage (TERS) information to the Council webpage so members can read about TERS assumptions when further working through the issue of Planning Water Resources for the State as a Whole.
- June 10, 2020 Melanie Barnes noted existing rules and laws that govern how water is planned for and developed, for example regulations on interbasin transfers, should be considered. That regions may have a problem sharing resources because they may need the resource in the future.
- June 10, 2020 Steve Walthour suggested that interstate cooperation needed to be added, noting that Region A will likely need to get water from outside the state in the future. He noted protectionism occurs at the state and interstate level, not just at the regional level.
- June 10, 2020 Kevin Ward stated that he had a problem with striking "deeply rooted instincts to protect each region's water resources" from an originally developed problem statement and stated that parochialism did exist. He said the way the resource was shared can be the source of the conflict.
- June 10, 2020 Mark Evans suggested specifying the legal constraints in the problem statement were specific to regional water planning. He added that could perhaps be addressed by including a broad statement at the beginning of the Council report to identify what the Council

is charged with doing, including having regional water planning trying to solve the needs of the state as a whole.

- June 10, 2020 Melanie Barnes asked if the Council was supposed to develop a process of how the regional water planning process can identify water resources and water management strategies for the state as a whole rather than identifying specific water resources to share or specific water management strategies.
- June 10, 2020 Kelley Holcomb offered it is the job of the Council to develop a protocol (for planning water resources for the state as a whole) for others to then follow at a much more granular level. He stated that the Council's job is to solve the problem of having interregional conflicts. That the Council can solve that problem by doing what the Legislature has mandated – improve coordination, facilitate dialogue and share best practices. From there, the Council should develop solutions to the problem which are the four topics the Council has been working through. Developing criteria helps to see if the solutions identified actually do what they are supposed to do; and the next step is implementation.
- June 10, 2020 David Wheelock stated one way to proceed would be to identify the water management strategies that serve multiple planning areas and then facilitate dialogue about those strategies. Conversely, the Council could have a high-level dialogue about statewide water issues without looking at specific strategies. That is the procedural question.
- June 22, 2020 Mr. Evans asked if the Council will be identifying potential new multi-regional projects for the state to sponsor? Or will Council be identifying sponsors for projects? Patrick Brzozowski (Region P) noted that Mr. Ward had previously made a comment that there are some projects the state needs to get involved in, and the Council will need to identify where there are issues that the state needs to get involved and potentially take the lead on multi-regional projects that benefit the state as a whole. These types of projects may or may not have a local sponsor and this issue should be addressed by the Council.
- June 22, 2020 Steve Walthour (Region A) suggested that TWDB will have to be involved in large projects, especially if developing resources outside of the state.
- June 22, 2020 Ms. Scott noted the Council can consider criteria to recommend when the state may need to be involved in development of multi-regional projects instead of keeping it at the regional planning group level.
- June 22, 2020 Matt Nelson (TWDB) suggested it may be appropriate for the Council to evaluate and recommend what the state's role might be or might do when it comes to multi-regional projects.
- June 22, 2020 Ms. Barnes recommended the Council review current multi-regional projects and see if they can develop criteria for what level of project may require state involvement, whether state involvement is the TWDB or the Council. She provided an example of a project between two regions as one that could potentially be handled at a regional level, but a larger project with multiple sponsor across regions and involving multiple state agencies may require state involvement.
- June 22, 2020 Ms. Scott offered that a project could be used as an example to develop a process and show how the process could work because the Council can't do the technical work of the actual project evaluation.
- June 22, 2020 Mr. Holcomb noted general concern about the Council getting into the weeds of identifying or recommending projects that are multi-regional and suggested the Council focus on interregional conflict, not finding sponsors and end users for projects. Ms. Scott agreed, saying that could put the Council in the position of endorsing a project that members may not know enough about.
- June 22, 2020 Discussion surrounded rather the legislative charge was to identify specific new projects or identify a process for planning groups to utilize. Mr. Schreiber stated he wasn't

qualified to determine the viability or justification of projects in other regions and didn't think the same held for others to determine for Region B.

- June 22, 2020 Ms. McKinnon provided guidance that the Council could provide recommendations to improve TWDB rules and guidance to planning groups. This could include recommendations on how planning groups provide documentation of their justifications and viability of projects in their plans. It was noted that TWDB is required by statute to review planning guidelines every 5 years. This review will occur next year and will include solicitation of stakeholder input. Ms. McKinnon offered that TWDB could get Council preliminary input on planning guidelines prior to their dissolution next year and in advance of other stakeholder preliminary input. Mr. Holcomb suggested the Council could provide guidance on items for review in the rulemaking process.
- June 22, 2020 Kevin Ward noted it can be difficult think of multi-regional projects, but the Council has been requested to identify projects for the benefit of the state. These could come from the regional water planning process or the group could look into old ideas like Trans Texas or importing water from Oklahoma or Louisiana. He offered that something that gets missed by the legislature not hearing from constituents is the full gist of larger projects moving water. The example was provided of moving water from the Trinity basin to the San Jacinto basin, including the subsequent reuse benefitting almost 50% of the state's population and is associated economy. He suggested the Council could provide commentary to the legislature on projects that could have a big impact on the state's water resources, beyond the planning horizon of the current plans, with support of information provided by the TWDB. Some of these alternative projects might assist in conflicts that have or may present and that is what the Council has been asked to review and comment on to the Legislature.
- June 22, 2020 Mr. Holcomb asked how the current TWDB solicitation for information on interregional projects fit into the Council's charge. Ms. McKinnon noted TWDB has an RFI open to receive input on multi-regional projects that a sponsor is planning to pursue. Information on the solicitation was sent to the Council for their information and will be available to planning groups next planning cycle. The results of the RFA will be shared with the Council. Mr. Holcomb commented that this could cast a broad net to catch potential multi-regional projects.

Additional considerations provided to the facilitator via email include:

- May 28, 2020 Steve Walthour provided background information to support discussion of developing interstate water resources including a summary of work being done by the North Plains GCD Board and the Groundwater Management Districts Association in advocating for Congress to fund and direct reassessment of the 1982 Study and seek new opportunities to address water supply needs for the six-state High Plains region. This information is posted on the [Council webpage](#) for consideration.

III. Dealing with Interregional Conflict

Discussion at Council meetings related to dealing with interregional conflict has included:

- April 29, 2020 Kevin Ward suggested 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?
- April 29, 2020 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.

- April 29, 2020 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.
- April 29, 2020 Gail Peek stated 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.
- May 28, 2020 Mark Evans offered that the Council report should be forward-looking and try to anticipate problems that may occur in the future relating to interregional conflict. In discussion, clarification was sought on whether legislative intent was for Council to develop a process on how to handle future interregional conflict, or to identify areas where interregional use would occur and thus the need for interregional coordination. Mr. Ward suggested looking ahead to future needs for water and identifying where and when potential conflicts could present (he provided examples of San Antonio, Corpus Christi and the Garfield water right, and High Plains irrigation.) Mr. Evans said the charge is to identify interregional conflicts, and that the Council should consider process development and ways to identify potential areas of conflict between the regions. He suggested (and the Council added) the following issue under Dealing with Interregional Conflict: ***proactively consider potential areas of conflict and ways to coordinate in advance of conflict.***
- May 28, 2020 Steve Walthour suggested developing guidelines or measures for interregional conflict prioritization between two regions, such as first-come first-serve or how many people a proposed project will serve.
- June 10, 2020 Kelley Holcomb acknowledged that in Region I, members pride themselves on being conflict free, noting it would be nice to acknowledge that interregional conflicts are few, rare, and difficult when they occur (and thus why the Council is charged with the issue.) He stated that the regional water planning process has done a good job thus far.
- June 10, 2020 Melanie Barnes agreed that conflict is not a severe problem but hasn't been involved in a planning conflict so not aware what needs to be addressed beyond the process that exists.
- June 10, 2020 Kevin Ward suggested enhancing interregional coordination is needed to head off interregional conflict; that shouldn't be missed and it the requires Council to look at the interregional conflict process itself. The current formalized process addresses conflicts at the end of plan development and there is more than one place in the planning process to address potential interregional conflicts. Mr. Ward discussed how there is a "hall pass" on conflict identification right now because the regional plans won't be approved until later in 2020 and that the Council should review the past interregional conflicts to determine how the planning process could address potential interregional conflicts earlier than in the final stages of planning and having interregional projects vetted at the appropriate level of government. He said he has been through the interregional conflict process, doesn't necessarily agree with it, and there is no law that identifies what an interregional conflict is - that is a problem.
- June 10, 2020 David Wheelock suggested prioritizing interregional conflict more in Council discussion based on what he has heard from Rep. Larson. The Council should consider how to address territorialism to incentivize multiregional projects rather than just avoiding interregional conflict.
- June 22, 2020 Ms. Scott noted that sometimes interregional conflict is more related to project implementation than planning. The conflict can stem from permitting and stakeholder issues that fall outside the planning group's responsibilities and that the role of the planning group should be considered as part of the work on this topic.
- June 22, 2020 Mr. Holcomb asked what happens if a conflict is identified and isn't resolved by the statutory deadline for final plan adopted? Is guidance needed? Ms. McKinnon noted that

planning rules include a process that if the conflict is not resolved by the deadline for final plan adoption, then content related to the conflict is removed from the plans prior to adoption.

- June 22, 2020 Mr. Schreiber asked where the rules on interregional conflict fall short. Mr. Ward offered that the process in some respects is not clear. One issue is that there is nothing in the current process for weighing impacts of a land-intensive project on the economy of the state versus direct resource impacts on the region. This may not be able to be resolved between the regions and the process doesn't come to conclusion. Historically the only resolution is that the conflicted regions agree to disagree. Interregional conflict may need to be raised to a higher level to be resolved and what determines that potential change of venue.
- June 22, 2020 Mr. Thompson noted that the Region C and D conflict has gone on for several cycles, rather officially declared a conflict or not. The regions have tried several methods to resolve the conflict. For the first conflict, an official meeting was held with mediation that was closed to public. Representative from each region were able to come out with temporary resolution. For the second conflict, the rules had changed, and there were public meetings attended by hundreds of people and many public comments were provided. The regions were unable to resolve the conflict. Mr. Thompson noted he was in favor of private mediation rather than public meetings that these are the rules planning groups are currently operating under. He expressed that it was unfair to require the volunteer members of the planning groups to go through their plan and all of the other plans to determine if a conflict exists. Members then have to meet and take action on declaring a conflict prior to sending a letter declaring an interregional conflict to the TWDB. Mr. Thompson argued that TWDB should make the determination as to if there are interregional conflicts since they have more information and access to the plans. He continued that there is no official conflict between Regions C and D at this time because Region D could not meet because of the pandemic, but there is still a conflict even though no letter was sent to TWDB. There are fundamental differences and points of view with respect to certain projects that are difficult to resolve.
- June 22, 2020 Mr. Thompson agreed (with the problem statement) stating that rules for addressing what constitutes a conflict need to be reviewed.
- June 22, 2020 Mr. Ward agreed with the problem statement, adding he is not sure if it is the planning group's role to define or try to resolve interregional conflict when it is apparent from the beginning it can't be resolved, as the existence of lawsuits indicates. He asked how do you tear down the barrier between regions and address the true issues that exist; there will never be agreement if left to regions to address it. Mr. Ward noted there is limited potential for successful mediation and at some point the issue needs to be raised to a higher level for resolution.
- June 22, 2020 Mr. Ward noted it would be difficult to come up with comprehensive criteria that would apply to every interregional conflict scenario. He asked how you resolve conflict with groups that don't use the same set of criteria; Mr. Walthour agreed.
- June 22, 2020 Ms. Barnes noted that Council discussion may lead to a legislative recommendation that the state needs to be more involved.
- June 22, 2020 Ms. Scott noted that planning groups should not necessarily have to deal with stakeholder concern on project implementation; rather only if two regions are fighting over the same water to meet different needs.
- June 22, 2020 Ms. Barnes provided an example of developing thresholds to determine what would be the appropriate level of conflict requiring resolution.
- June 22, 2020 Mr. Ward noted the criteria are missing agreement between parties at the start of negotiations on how project impacts, benefits, and costs will be evaluated. Mr. Ward criteria should be that both regions enter into binding agreement of developing a process of evaluating the impacts.

Additional considerations provided to the facilitator via email include:

- April 20, 2020 Kevin Ward suggested the Council discuss the difference in the depth of detailed environmental, feasibility, etc. information that must be included in a regional plan for certain projects and the lack of guidance or rules or legislation to address it. And the information for evaluated alternatives to opposed interregional strategies should be vetted to the same standard as the strategy opposed. The Council can develop guidance to inform the TWDB and the Legislature on why, when, and where an interregional strategy requires a higher bar for detailed information and what state entities should be involved in the identification/decision process. The Council should evaluate the conflict definition and process that resulted from a court decision and why there is a requirement to do socio-economic studies on strategies that we anticipate may be opposed by a region, where no such requirement is applied for another interregional strategy for the same exact source of water, where there is different means for capture.
- May 27, 2020 Ray Buck noted that there seems to be the definition of “interregional conflict” as defined by TWDB. The definition should be broadened to include the potential impacts of water management strategies to include those planning areas outside the origin of need. The impacts, not just the water supply strategies are the driving factor behind real or perceived conflicts. Region J has not had and does not anticipate any conflicts with adjoining regions. Without obtaining a consensus on this issue from our regional board, I do believe that as a group we (Region J) feel strongly about private property rights and the right for self-governance. To that end, I don’t believe this council should make recommendations on specific water management strategies. Rather, this council should focus on a process to facilitate reconciliation of real or perceived water supply strategy conflicts to include the potential impacts of water management strategies. Equity in addressing concerns independent of population/water demand needs and consideration for all water supply needs, including the future supply needs of less developed areas and natural resource needs, are criteria that could be used to evaluate ideas for this topic.
- June 2, 2020 Thomas Rodriguez submitted an example of a conflict of a water line project from the Amistad Dam area to San Antonio. SAWS ultimately abandoned the V.V. Water Company and the Dimmit Utility Water Supply projects and selected the Abengoa project. Both projects affected Region M. Mr. Rodriguez noted that the problem might return if large landowners decide to finance the project themselves or get banks to finance the project. He noted this potential conflict will persist as long as the state of Texas maintains that landowners can sell the groundwater under their ranches.
- June 4, 2020 Mark Evans pointed out Chairman Larson’s April 27th letter asks the Council to “Review and make recommendations regarding any identified interregional conflicts.”
- June 5, 2020 Suzanne Scott noted some interregional conflicts that arise are “political” and really not about planning—they are related to project implementation. The Regional Planning process is not responsible for project implementation; that is the project sponsor. For Region L—SAWS has the Vista Ridge project that is moving groundwater from Region G—the project was very controversial with the residents there and here, but that was all about implementation (permitting/etc.) not planning. Region L’s role was to match supply to meet the demand and determine that there weren’t other demands in the region of origin already relying on that available supply and that a project could be formulated and costed per the TWDB rules. Region L did that while being neutral on all the stakeholder concerns about the project. If RWPGs start getting engaged in those issues, then that will change the dynamics of the planning groups (will make them more political). It is not a RWPGs role to determine the public support or permitting viability the planning group makes sure there is sufficient supply to meet the demand and

projects/strategies identified to meet that demand. TWDB should distinguish the planning role from the implementation role. Where this is now blurred is that a project must be in a regional plan to qualify for SWIFT funding (and some groundwater districts are saying a project must be in a regional plan for permitting). Some stakeholder believe if they can kill a project at planning, then that will impact the funding (and permitting) viability for the project's implementation.

IV. Best Practices for Future Planning

At their April 29, 2020 meeting, Council members shared the following best practices:

- Suzanne Scott 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 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 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 shared that more time was spent this cycle on ensuring projects in the plan are feasible to finance and implement.
- Steve Walthour 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 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 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 discussed how the region is being mindful of management supply in 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 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 highlighted Region G's new member orientation and efforts to increase public participation.
- Mark Evans 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 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 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 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.
- April 29, 2020 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.
- April 29, 2020 Suzanne Scott stated that continuing to have the rulemaking process be responsive to changing conditions is working; TWDB doing a good job.
- June 22, 2020 Ms. Scott agreed and asked how to develop a mechanism to share what other planning groups do and that in the first year of the planning cycle planning groups should have a "lessons-learned" session and TWDB can process all Chapter 8 recommendations from the regional water plans for planning group consideration.
- June 22, 2020 Mr. Walthour suggested a survey of planning groups of sharing their best practices.
- June 22, 2020 Members discussed chair's conference calls and past work sessions as mechanisms planning groups have used to share best practices in the past. It was noted that the Chair's conference calls often don't provide an opportunity for participants to brainstorm on process improvements.
- June 22, 2020 Ms. McKinnon noted that results from the past work sessions were used to update rules and guidance and develop a Best Management Practices guide. In 2016, a work session was held to review planning group bylaws and best practice matrix on membership and other items. Information on these work sessions are posted on the Council's webpage.
- June 29, 2020 Mr. Walthour noted that the simplified planning process has too many hurdles and does not offer cost savings. Region A receives funding from participating entities in addition to TWDB funds to develop the regional water plan. Simplified planning does not provide a cost savings to those entities. He proposed that reducing requirements to rerun models when there is no substantial change in data could provide cost savings.
- June 29, 2020 Jim Thompson added that in Region D it seems a lot of the same material is repeated in the 5-year plans. He suggested it may be beneficial to have a 5-year report and 10-year report that provide different levels of detail and analysis.
- June 29, 2020 Gail Peek shared a problem she has observed in Region G is that members and consultants have become comfortable with each other and the process and have difficulty assessing their approach in a critical way. Region G is trying to balance between collective history and new ideas. Region G has also been working on improving public involvement by once a cycle holding meetings in lower, middle, and upper basins to seek input from different groups across the region.
- June 29, 2020 Ms. Scott asked if regions have considered using term limits as a way to improve member engagement. Mr. Thompson noted that Region D bylaws include term limits that permit members to serve two consecutive 3-year terms. An individual can serve again after rotating off the RWPG for three years. This has given more people the opportunity to participate as members of the planning group. Ms. Peek added that Region G previously had a 10-year term

limit in place. Region G eliminated term limits requirements when groundwater management area representatives were added to RWPG membership with no term limits. Mr. Walthour noted that Region A has had problems filling voting member vacancies, which is why the region does not have term limits. Ms. Barnes added that Region O members have made an effort to bring in new people to fill vacancies.

- June 29, 2020 Ms. Barnes noted there was increased engagement in Region O when the region got involved in looking into new water sources and how to save water. She proposed that additional funds saved from pursuit of simplified planning could be used to fund special studies. Chair Scott added this could also support research for innovative technologies.
- June 29, 2020 Ms. Barnes then suggested that as the planning group develops policy recommendations for Chapter 8 at the end of each cycle, often ideas are put forward that the group would like to follow up on in the next cycle. It is difficult to fit addressing these items into the start of the next planning cycle. She noted this could just be an issue for the planning group but also a possible improvement needed in the planning process.
- June 29, 2020 Carl Crull (Region N) shared that funding amounts and requirements that funds be used to evaluate projects that address needs is a limitation on looking at big picture of providing water in the region. Region N has had to rely on project sponsors to provide project evaluation information to include in the plan. The planning group does not have the financial ability to adequately review these projects.
- June 29, 2020 Mr. Holcomb brought up the special studies that were funded in the third planning cycle and suggested it may be time to do additional studies. He added that at end of each planning cycle a lot of effort is put into developing the scope of the next planning cycle. He asked if there would be value in the Council participating in discussions on scope and allocation of funds.
- June 29, 2020 Ms. Scott suggested it could be beneficial for the Council to review all of the recommendations in Chapter 8 of regional water plans. The Council could then put forward recommendations or assist in prioritizing recommendations presented in Chapter 8. Ms. McKinnon informed the Council that TWDB is compiling Chapter 8 from the initially prepared plans to support the Council's work. This will be available in July.
- June 29, 2020 Mr. Holcomb questioned how the process does not encourage or allow participants to review the process? He noted that Region I has issues with engagement although he frequently asks for people to get engaged. Mr. Holcomb suggested that large complex processes, such as the regional water planning process, tend to have issues with engagement, and it shouldn't be put on consultants and volunteer planning group members to solve.
- June 29, 2020 Ms. Peek noted that Region G has had some natural turn over in membership. She added that when the region explored using a new consultant, the consultant that had worked for the region for many years reinvented themselves and broke out of business of usual. Mr. Holcomb suggested that shows the process is working. Ms. Peek asked more broadly how to encourage new ideas in planning?
- June 29, 2020 Mr. Evans suggested in regards to language on "no formalized process" that individual RWPG members may not be aware of what the chairs are doing on the regular chair's conference calls. He reminded members that the Uniform Standards Stakeholder Committee also provides a process for RWPGs to share best practices.
- June 29, 2020 Ms. Scott noted that the chair's conference calls often focus on what is occurring in the planning process not best practices. She suggested the work session on best practices that produced the best practices matrix was productive. It was productive to have a meeting outside of the usual planning process framework. Ms. Scott offered it is important for the review process to occur at a time that is productive and include the appropriate persons or representatives.

6. Interregional Planning Council Working Solutions Framework (Agenda Item #4)

Interregional Planning Council Working Solutions Framework

This is a working document of the Interregional Planning Council (Council). It represents the collective work of the council to determine the matters it will address, and how it will address them. It attempts to create a framework for discussing and evaluating the four general topics the Council is considering:

- 1. Planning Water Resources for the State as a Whole (pages 2-3)*
- 2. Enhancing Interregional Coordination (pages 4-5)*
- 3. Dealing with Interregional Conflict (pages 6-7)*
- 4. Best Practices for Future Planning (page 8)*

Actions taken by the Council through its June 29 meeting are noted.

Planning Water Resources for the State as a Whole

1. Problem: What needs to be solved?

Brainstorming for the problem statement

- a. Planning for and coordinating an adequate statewide water supply as a whole is very difficult due to each regions working around unique characteristics.
- b. Who will pay for studies for interregional projects, innovative ideas?
- c. What projects are cost effective?
- d. How to safeguard small communities' access to reliable supplies, and funds for projects?
- e. How to navigate competing interests and state and local politics?
- f. How to address sustained access to water for economic, recreational, agricultural, environmental and other uses?

Problem statement: Planning Water Resources for the State as a Whole

(approved by Council at June 10 meeting)

Planning Water Resources for Texas as a whole is hindered by the varied and unique characteristics of different regions of the state, land use patterns and trends, the costs of such planning, the protective nature of regions and states over their natural resources, the ownership of water supplies and the impacts of water development, constraints of existing laws and rules, and the many competing needs for the water.

2. Goal: How will things look if we solve the problem?

Brainstorming for the goal statement

- a. RWPGs will coordinate on multi-benefit projects and an holistic view, including water quality, flood control, environmental etc.
- b. Effectiveness of projects will be promoted
- c. Long term sustainability

Goal statement: Planning Water Resources for the State as a Whole

(Approved by Council at June 22 meeting)

Texas' water needs will best be addressed through cooperative development of innovative and multi-benefit projects that benefit the state as a whole, while meeting the mandated requirements of regional water planning process, including protecting the agricultural and natural resources of the state.

3. Criteria: How to evaluate solutions you generate

(Approved by Council at June 22 meeting with statement that there is flexibility to add criteria as solutions are identified)

- a. Legislation/legislative mandate
- b. Council can accomplish by Fall 2020
- c. Council can accomplish into Spring 2021
- d. For next council to consider

4. Possible Solutions: These are the "issues" identified by the Council on April 29, May 28, June 22 and by Rep. Larson. This list may be expanded with new ideas and will be prioritized based on the criteria you generate.

DRAFT June 29, 2020

- a. Identify potential criteria to evaluate new multi-regional projects for consideration that serve the state as a whole, including recommendations for state involvement where appropriate. (April 29, June 22 & Larson)
- b. Identify criteria to evaluate large amounts of undeveloped/unappropriated water supplies and available developed water across the state (April 29, June 22)
- c. Review the criteria to evaluate viability and justification of projects included in the State Water Plan/ Make recommendations on how to encourage the inclusion of innovative strategies such as aquifer storage and recovery and desalination (Larson, June 22)
- d. Advise the TWDB with preliminary input on their statutorily-mandated planning guidelines review (June 22)
- e. Identify additional ways TWDB might assist in interregional coordination and planning at the statewide level (Larson, June 22)
- f. Methods to plan for the larger picture of water resource development (April 29)
- g. Increase emphasis on water quality and flood control in water supply planning process, acknowledging the new regional flood planning process (May 28)
- h. Legislative support for interstate water resources for the State of Texas as a whole and neighboring states that may benefit (May 28)

5. Evaluate and Select Best Solutions for Council Action

6. Action Plan for Implementing Best Solutions

Enhancing Interregional Coordination¹

1. Problem: What needs to be solved?

Brainstorming for problem statement

- a. Coordination between regions may not be occurring in all regions of the state. It appears to occur as technical touch-base between consultants. RWPGs need to be knowledgeable about what's occurring in adjacent planning areas, or areas where water may originate.
- b. Liaisons need guidance on what their role should be, and should be required to coordinate early.
- c. Few problems historically to guide the need to improve.
- d. Coordination doesn't occur early enough. Even when projects affect multiple regions, each region proceeds independently about the project's inclusion through the planning cycle and then completes the IPP. Need to identify early where potential coordination will be important and appoint/alert liaisons to coordinate, require consultants and administrative agencies to meet early.
- e. Too much burden on individual RWPG to identify potential conflicts from other regions.
- f. Regions differ in their needs; some have few shared resources.

Problem Statement: Enhancing Interregional Coordination

(approved by Council at June 22 meeting)

In creating regional water plans that comprise the state water plan, the expectations for the scale at which planning groups coordinate is not clear, throughout the state. Although there have been few interregional conflicts, Regions may not be coordinating effectively on issues related to shared water resources and the development of multi-regional projects. Coordination requirements are not fully formalized in statute or rule, coordination roles of consultants and liaisons are not fully specified, and regions are not always coordinating early enough in the process.

2. Goal: How will things look if we solve the problem?

Brainstorming for the goal statement

- a. Fulfill purpose of Texas Water Code 16.052(c) (Purposes of the council)
- b. Neighboring RWPGs share knowledge of areas of mutual interest (understand water supply, demands and projections in counties adjacent to their planning areas that are high growth or have projected shortages)
- c. Focus on process to facilitate reconciliation of real or perceived water supply strategy conflicts to include potential impacts of WMSs
- d. Identify interregional conflict
- e. Anticipate problems that may develop and head them off
- f. Make future water planning process better and be better prepared
- g. Earlier coordination
- h. Documented concurrence of water management strategy from applicable water providers and users

¹ This focuses on how regions can work better together, and not on the separate topic of formal interregional conflict, which will be discussed at a later meeting. TWDB considers interregional coordination to be efforts that occur during the normal development of the draft plans to utilize the consistent and best available information on shared sources or potential projects to address identified water supply needs and develop efficient and coordinated projects and strategies.

Goal Statement: Enhancing Interregional Coordination

(approved by Council at June 22 meeting)

Regions coordinate early and throughout the planning cycle to identify and share knowledge of areas of mutual interest, potential impacts, and cooperate to address water supply needs of their regions, and identify ways the TWDB can assist the planning groups in meeting these goals.

3. Criteria: How to evaluate solutions you generate

(Approved by Council at June 22 meeting with statement that there is flexibility to add criteria as solutions are identified)

- a. Equity in addressing concerns independent of population/water demand needs
- b. Consideration for all water supply needs including future supply needs of less developed areas
- c. Considers impacts of proposed projects
- d. Encourages earlier coordination by planning groups
- e. Ease of implementation
- f. Solution is expressed as (a best management practice/ a requirement for all regions)
- g. Maintains the current role of RWPGs as planners and not implementers: keep RWPGs in role of assessing supply and demand, not public support or permitting viability.
- h. *Legislation/legislative mandate**
- i. *Council can accomplish by fall 2020**
- j. *Council can accomplish into Spring 2021**
- k. *For next council to consider**

**These criteria were not explicitly included in the Council motion but it was the understanding that these criteria would apply to each topic.*

4. Possible Solutions: These are the “issues” identified by the Council on April 29, May 28, June 22, and by Rep. Larson. This list may be expanded with new ideas and will be prioritized based on the criteria you generate.

- a. Develop a formal and informal process to look at projects that cross regions (April 29).
- b. Formal Process for regions to coordinate on projects for shared resources from other regions (Regional Liaisons) (April 29)
- c. Develop ways for metropolitan areas to work within multiple planning processes (April 29)
- d. Any water supply projects for one region that originates from another region should be identified early in the planning process (add a date here) and the regional water planning groups should be promptly notified as to the size, the project scope and location to ensure early coordination and to allow sufficient time for reviewing impacts. (June 22)
- e. Identify additional ways TWDB might assist in interregional coordination (Larson, June 22)

5. Evaluate and Select Best Solutions for Council Action

6. Action Plan for Implementing Best Solutions

Dealing with Interregional Conflict

1. Problem: What needs to be solved?

Brainstorming for problem statement

- a. Who assesses 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?
- b. Should TWDB review projects in draft plans, see where a conflict could be, and help coordination between regions to resolve the conflict?
- c. Who assesses whether project protects agricultural or natural resources in event of a conflict – region proposing strategy or region where strategy is being implemented (or perhaps include in criteria?)
- d. High-growth population projections should be scrutinized when they are used to justify a proposed project with potential impacts.
- e. It is not a RWPG's role to determine the public support or permitting viability of a project. The RWPG makes sure there is sufficient supply to meet the demand and projects/strategies identified to meet that demand. TWDB should distinguish the planning role from the implementation role.

Problem Statement: Dealing with Interregional Conflict

(approved by Council at June 22 meeting)

The current roles (planning group, TWDB, Legislature, others), responsibilities, and timelines for identifying interregional conflicts, and the rules for addressing them, may not be appropriate. Clear criteria are needed to define what may constitute an interregional conflict, what is the planning group's role in defining and resolving conflict, and when should these actions occur in the planning process.

2. Goal: How will things look if we solve the problem?

Brainstorming for goal statement

- a. Proactively consider potential areas of conflict and ways to coordinate in advance of conflict.
- b. A system is developed where concerns (such as project impacts and protection of agricultural and natural resources) are properly addressed.
- c. A system is developed where conservation, per capita water usage rates and realistic population projections are a factor in determining the outcome of an interregional conflict.
- d. The requirement of the Regional Water Planning Groups to designate a conflict is removed—the professionals at TWDB have more expertise and access to the regional water plans than the volunteer members of the individual water planning groups.
- e. The viability and justification of projects included in State Water Plan has been reviewed and recommendations on how to encourage the inclusion of innovative strategies such as aquifer storage and recovery and desalination have been made.

Goal Statement: Dealing with Interregional Conflict

(approved by Council at June 22 meeting)

Clear guidance will exist early in plan development to address the many factors that may contribute to an interregional conflict. Planning groups, supported by the TWDB, will identify potential conflicts earlier in plan development and will have considered and consistently documented their alternative project evaluations.

3. Criteria

(Approved by Council at June 22 meeting with statement that there is flexibility to add criteria as solutions are identified)

- a. Consider the weight given to factors such as: conservation, water usage, first-come first-serve, or how many people a proposed project will serve in determining outcome of interregional conflict, without adversely impacting smaller communities.
- b. Equity in addressing concerns for all water supply needs, including the future supply needs of less developed areas and natural resource needs.
- c. Proposed project impacts to the regions involved for implementing, or not implementing, a project.
- d. Appropriate entities involved in identifying and resolving the conflict.
- e. Agreement from the regions involved on what they will look at for impacts, benefits and costs of the project.
- f. *Legislation/legislative mandate**
- g. *Council can accomplish by fall 2020**
- h. *Council can accomplish into Spring 2021**
- i. *For next council to consider**

**These criteria were not explicitly included in the Council motion but it was the understanding that these criteria would apply to each topic.*

4. Solutions

- a. Review and make recommendations regarding any identified interregional conflicts (Larson)
- b. Develop a formal process for regions to coordinate on projects that cross regions (April 29)
- c. Develop a formal process by which the IPC will improve coordination between regions in the event of an interregional conflict (April 29)
- d. Define basis for and pertinent facts in resolving conflict (email input, April 29, May 28)
- e. Develop guidance for resolving interregional conflict (April 29, May 28)
- f. Define roles of entities in the interregional conflict process: RWPGs, TWDB, the Council (email input, April 29, May 28)
- g. Resolve interregional disputes, which deal with state water, at a state level higher than TWDB (email input)
- h. Consistent standards for details of information in plans and guidance for why, when, and where an interregional strategy requires more detailed information (email input, April 29)
- i. Identify additional ways TWDB might assist in dealing with interregional conflict (June 22)
- j. Agreement from the regions involved on what they will look at for impacts, benefits and costs of the project and how that would be funded (June 22)

5. Evaluate and Select Best Solutions for Council Actions

6. Action Plan for Implementing Best Solutions

Best Practices for Future Planning

1. Problem: What needs to be solved?

Brainstorming for problem statement

- a. Chairs' conference calls are scheduled but cover so much information that Chairs don't have the opportunity to brainstorm
- b. Prior work sessions held by TWDB are no longer held or results aren't formally documented.
- c. Simplified planning process has too many hurdles to be of use or to be a cost savings.
- d. Every five years there is the same information in each regional plan; is there a difference in a 5-year and 10-year report (more detailed every 10 years perhaps.)
- e. Is familiarity with technical support preventing new ideas or critical review by RWPG members?
- f. Work to involve general public in the process by holding meetings in different geographic areas of regional water planning area.
- g. Term limits may be a way to allow more people to serve on the RWPG and bring new ideas.
- h. When groundwater management area members with no term limits joined RWPGs, one region did away with term limits for other members.
- i. Planning group members can recruit new members regardless of term limits.
- j. Alternate cycles to use funding to conduct deeper research on topics.
- k. Ideas present at the end of the planning cycle on how to improve the process but there isn't the time to implement those ideas before starting the planning requirements all over again.
- l. Lack of funding to look at broader picture in region rather than just project evaluations.
- m. Third planning cycle specific topics studied – may be a good thing to do again.
- n. Scoping process evaluations – IPC should inform how to go about Task 5A scoping process.
- o. Compile Chapter 8 recommendations for consideration by IPC – IPC can be sounding board for how TWDB can consider the Chapter 8 recommendations.

Problem Statement

(approved by Council at June 29 meeting)

Formal requirements may stymie the use of best practices. Formalized sharing of information between RWPGs is not always facilitated timely in the planning cycle by TWDB, including group processing of Chapter 8 recommendations. Funding may be inadequate to devote time and effort for reviewing best practices.

2. Goal

Brainstorming for Goal

- a. There is a mechanism that best practices are shared with planning groups.
- b. This mechanism is documented for future use (update based upon review of meeting recording)

Goal Statement

(approved by Council at June 29 meeting)

The regions will review processes for improvement in sharing and solving best practices among and between regions. A formalized process will occur early in the planning process so that best practices are shared between regional water planning groups.

3. Criteria

Brainstorming for Criteria

4. Solutions

Brainstorming for Solutions

- a. Survey planning groups for their best practices to share (June 22)
- b. In the first year of each planning cycle, download what was learned and share Chapter 8 recommendations. (June 22)
- c. Identify additional ways TWDB might assist in identifying best practices for future planning (June 22)

5. Evaluate and Select Best Solutions for Council Actions

6. Action Plan for Implementing Best Solutions

7. Interregional Conflict Workgroup Report (Agenda Item #4)

DRAFT

Interregional Conflict Working Group of the Interregional Planning Council Facilitator's Report

The Council tasked Kevin Ward (Region C) and Jim Thompson (Region D) with discussing issues related to interregional conflict and with bringing issues back to the Council for further discussion. Mr. Thompson and Mr. Ward held a teleconference on July 20, in which Council Chair Suzanne Scott, TWDB staff Temple McKinnon and Matt Nelson, and facilitator Suzanne Schwartz participated. The following represents their input to the Council, with the thought that these recommendations might be considered first by the Enhancing Interregional Coordination Committee.

While the planning process has not experienced widespread problems related to interregional conflicts, extenuating situations have occurred -- and may continue to occur -- in which conflicts over shared resources or impacts that occur in the region of origin warrant consideration of an earlier and possibly more enhanced process.

- A mechanism is needed earlier in the planning cycle to identify when a proposed strategy involves use of a water resource in another region or otherwise impacts another region, and when coordination and the opportunity for joint planning should occur early between the regions to determine if the regions are in agreement over the strategy.

If a conflict exists, or is likely to develop, concerning the proposed strategy, and it appears unlikely that the conflict would be resolved through the current planning process, an alternate process could be initiated that assures those impacted by the proposed strategy are able to work together to craft a solution. Alternative processes might include elements such as:

- Including stakeholders representing all major interests from both regions;
- Developing joint studies and fact finding that all stakeholders would trust;
- Placing all parties on an equal footing related to access to information and discussion;
- Allotting sufficient time and funding to provide for its success. The Council might consider recommendations for sources of potential funding.

Any process that is recommended should be evaluated to confirm it does not undermine what is currently a generally effective process.

8. RWPG Committees and Roles (Agenda Item #4)

RWPG Committees and Roles - 8/25/2020

Color Key: Committees with WMS-related role
Committees with Liaison or Interregional Coordination Role (or WMS and liaison roles)

Region	Committee Name	Function	WMS-related role?	Liaison or Coordination (w/other Regions) role?
A	PWPG Agricultural Committee	Agricultural supplies, projected needs, and development of agriculture strategies.	Yes	No
A	Executive Committee	Administrative reviews for member nominations and other assignend tasks as requested by the RWPG	Yes	No
A	Modeling Committee	Advise on surface and groundwater water availability.	Yes	No
B	Groundwater Technical Committee		Yes	No
B	Technical Advisory Committee		Yes	No
B	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
C	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
C	Inter-regional Committee	Special committee may joint with adjacent regions to coordinate inter-regional issues	No	Yes. In by-laws.
D	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
D	C/D Coordination	Special committee appointed to negotiate regarding Sulphur Basin projects proposed by Region C and located in Region D.	No	Yes. Specifically formed to avoid potential conflict.
E	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
F	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
G	Scope of Work	Special committee to discuss the Scope of Work for Region G	Yes	No
G	Water Policy Committee	Special committee appointed to discuss water policies specific to Region G, including but not limited to reviewing and scoring water management strategies, and evaluating unique reservoir sites and stream segments	Yes	No
G	Groundwater Committee	Special committee to discuss groundwater issues within Region G	Yes	No
G	Nominating Committee	Special committee in charge of nominating new members to Region G	No	No
G	By-Law Committee	Special committee in charge of reviewing the by-laws of Region G	No	No
G	RWPG Liaisons	Special committee that acts as a liaison between Region G and other Regions (B, C, F, H, K, L, and O).	No	Yes. Specifically formed to act as a liaison between Region G and other Planning Groups
G	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
G	Finance & Cost Committee	Special committee in charge of reviewing financial statements and costs associated with Region G's planning process	No	No
H	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
H	Water Management Strategies	Elected Chair, group serves to discuss and develop WMS and technical issues related to existing supply, modeling and hydrologic variances in modeling.	Yes	Yes if coordination required on shared water resources in modeling
H	Non-population demands Committee	Elected Chair discusses and suggests changes to non pop based demands in region.	No	No
H	Population demands Committee	Elected Chair discusses and suggests changes to pop based demands in region.	No	No
H	Groundwater Committee	Special committee to discuss groundwater issues within Region H. May pass recommendations to WMS committee.	Yes	No
H	Surfacewater Committee	Special committee to discuss surface water issues within Region H. May pass recommendatiosn to WMS committee.	Yes	No
I	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting relating to agenda topics that may be controversial.	No	No

I	Technical Committee	Elected Chair, group serves to develop WMS and the technical considerations involved in the development (overlaps with Water Availability Committee sometimes). Has designated sub-committee to discuss WMS related to irrigation.	Yes - modeling the yields for WMS	Yes if coordination required on shared water resources in modeling
I	Nominating Committee	Special committee appointed to nominate new members to Region I	No	No
J	Executive Committee	Administrative reviews for member nominations and other assignend tasks as requested by the RWPG	Yes	No
K	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting relating to agenda topics that may be controversial.	No	No
K	Water Availability Committee	Elected Chair, group serves to discuss technical issues related to existing supply, modeling and hydrologic variances in modeling. Has designated sub committees to discuss reuse or irrigation related specifics.	Yes - for modeling WMS firm yields	Yes if coordination required on shared water resources in modeling
K	Water Management Strategies Committee	Elected Chair, group serves to develop WMS and the technical considerations involved in the development (overlaps with Water Availability Committee sometimes). Has designated sub-committee to discuss WMS related to irrigation.	Yes - modeling the yields for WMS	Yes if coordination required on shared water resources in modeling
K	Nominating Committee	Special committee appointed to nominate new members to Region K	No	No
K	Policy Recommendations Committee	Meets once or twice per planning cycle to adress policy recommendations	No	No
L	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations	No	No
L	Staff Workgroup	Working group that pre-meets to organize meetings	No	No
M	Executive Committee	Administrative reviews for member nominations and other assignend tasks as requested by the RWPG	Yes	No
M	Policy Recommendations Committee	Meets once per planning cycle to adress policy recommendations	Yes	No
N	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
O	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No
O	Technical Consultant RFQ Review Committee	Special committee appointed to review the Technical Consultant RFQs for Region O	No	No
O	LERRWPG By-Laws Committee	Special committee in charge of reviewing the by-laws of Region O	No	No
O	Drought Contingency Planning / Water Conservation	Special committee in charge of reviewing and developing drought contingency plans and water conservation strategies for Region O	Yes	No
O	Initially Prepared Plan Review Committee	Special committee appointed to review the Initially Prepared Plan for Region O	Yes	No
O	Irrigation	Special committee appointed to represent Irrigation within Region O	Yes	No
O	Livestock and Dairy	Special committee appointed to represent Livestock and Dairy within Region O	Yes	No
O	Nominating Committee	Special committee appointed to nominate new members to Region O	No	No
O	Political Subdivision	Special committee in charge of representing the Political Subdivision for Region O	No	No
O	Water Management Strategies	Special committee in charge of reviewing and developing water management strategies for Region O	Yes	No
P	Executive Committee	Each member serves individual officer roles; Vets new member nominations and makes recommendations; Pre-meets to organize meeting.	No	No

9. Draft Working Round 6 Scope of Work (Agenda Item #4)

WORKING DRAFT – Please note that this SOW was utilized for the Fifth Cycle of Regional Water Planning and has not yet been updated to reflect tasks for the Sixth Cycle, with the exception of tasks 4B and 10, to support the Enhancing Interregional Coordination Committee of the Interregional Planning Council

Exhibit A
Fifth Cycle of Regional Water Planning
Scope of Work

Contents

Task 1- Planning Area Description	2
Task 2A - Non-Population Related Water Demand Projections	2
Task 2B - Population and Population-Related Water Demand Projections.....	4
Task 3 - Water Supply Analyses	6
Task 4A – Identification of Water Needs (Water User Group analysis to be performed by the TWDB)	11
Task 4B - Identification of Potentially Feasible Water Management Strategies	12
Task 4C - Prepare and Submit Technical Memorandum and Regional Water Planning Group Analysis of Water User Group and Major Water Provider Needs	13
Task 5A - Evaluation and Recommendation of Water Management Strategies and Associated Water Management Strategy Projects	13
Task 5B - Water Conservation Recommendations	16
Task 6 - Impacts of Regional Water Plan and Consistency with Protection of Resources.....	17
Task 7 – Drought Response Information, Activities and Recommendations.....	17
Task 8 - Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues	19
Task 9 - Water Infrastructure Funding Recommendations.....	20
Task 10 - Public Participation and Plan Adoption	21
Task 11 – Implementation and Comparison to the Previous Regional Water Plan.....	24
Task 12 - Prepare and submit prioritization of projects in the 2021 Regional Water Plan	25

Task 1- Planning Area Description¹

The objective of this task is to prepare a standalone chapter² to be included in the 2021 Regional Water Plan (RWP) that describes the Regional Water Planning Area (RWPA).

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 Texas Administrative Code (TAC) Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.30, including the new requirement of describing major water providers in the RWPA.³
- 2) Review and summary of relevant existing planning documents in the region including those that have been developed since adoption of the previous RWP. Documents to be summarized include those referenced under 31 TAC §357.22.
- 3) Incorporation of all required Texas Water Development Board (TWDB) Regional Water Planning Application/State Water Planning Database (DB22) reports into document. Note that all DB22 reports are required to be physically located immediately following the RWP Executive Summary. However, Regional Water Planning Groups (RWPGs) may include these reports elsewhere in the document as they deem appropriate.
- 4) Review of the chapter document by RWPG members.
- 5) Modifications to the chapter document based on RWPG, public, and/or agency comments.
- 6) Submittal of chapter document to TWDB for review and approval; and
- 7) All effort required to obtain final approval of the RWP chapter by TWDB.

Deliverables: A completed Chapter 1 describing the RWPA shall be delivered in the 2021 RWP as a work product.

Task 2A - Non-Population Related Water Demand Projections⁴

TWDB staff will provide draft water demand projections for 2020-2070 for all water demands unrelated to population (e.g. mining, manufacturing, irrigation, steam-electric power, and livestock) based on the projections from the 2017 State Water Plan updated in some cases based on updated methodologies or the most recent TWDB historical water use estimates.

¹ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

² This shall be a separate chapter as required by 31 TAC §357.22(b).

³ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

⁴ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

TWDB staff will update water demand projections for all associated Water User Groups (WUGs) and provide draft estimates to RWPGs for their review and input.

Each RWPG will then review the draft projections and may provide input to TWDB or request specific changes to the projections from TWDB.⁵ The emphasis of this effort will be on identifying appropriate modifications based on relevant changed conditions that have occurred since the development of the projections used in the 2017 State Water Plan.

If adequate justification is provided by the RWPG to TWDB, water demand projections may be adjusted by the TWDB in consultation with Texas Department of Agriculture (TDA), Texas Commission on Environmental Quality (TCEQ), and Texas Parks and Wildlife Department (TPWD). Once RWPG input and requested changes are considered, final water demand projections will be adopted by the TWDB's governing Board (Board). The adopted projections will then be provided to each RWPG. RWPGs must use the Board-adopted projections when preparing their regional water plans.

TWDB will directly populate DB22 with all WUG-level projections and make related changes to DB22 based on Board-adopted projections.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.31.⁶
- 2) Prepare a stand-alone chapter⁷ (including work from both Tasks 2A & 2B) to be included in the 2021 RWP that also incorporates all required TWDB DB22 reports into the document.
- 3) Receive and make publicly available the draft water demand projections provided by TWDB.
- 4) Evaluate draft water demand projections provided by TWDB.
- 5) Review comments received from local entities and the public for compliance with TWDB requirements.
- 6) Provide detailed feedback to TWDB on water demand projections, as necessary, including justification and documentation supporting suggested changes with a focus on relevant changed conditions that have occurred since the development of the projections used in the 2017 State Water Plan

⁵ All requests to adjust draft population or water demand projections must be submitted along with associated data in an electronic format determined by TWDB (e.g., fixed format spreadsheets)

⁶ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

⁷ This shall be a separate chapter as required by 31 TAC §357.22(b).

- 7) Prepare and submit numerical requests for revisions, in tabular format in accordance with TWDB guidance, of draft water demand projections and process such requests based on, for example, requests from local entities within the region. The RWPG and/or local entities should provide required documentation and justification of requested revisions.
- 8) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 9) Assist TWDB, as necessary, in resolving final allocations of water demands to WUGs to conform with any control totals defined by TWDB, for example, by county and/or region.
- 10) Prepare water demand projection summaries for WUGs using final, Board-adopted projections to be provided by the TWDB, as necessary.
- 11) Modify any associated water demand projections for Major Water Providers (MWP), as necessary based on final, Board-adopted projections.
- 12) Review the *TWDB DB22 Non-Population Related⁸ Water Demand* report from the DB22 and incorporate this planning database report into any Technical Memoranda, Initially Prepared Plan (IPP), and adopted RWP (labeled as such and with source reference).
- 13) Modify any aggregated water demand summaries, for example, for MWPs or irrigation districts, accordingly incorporate this planning database report into any Technical Memoranda, IPP, and adopted RWP (labeled as such and with source reference).
- 14) Update Wholesale Water Provider (WWP) contractual obligations to supply water to other entities and report this information along with projected demands including within the DB22 and within any planning memorandums or reports, as appropriate.

Task 2B - Population and Population-Related Water Demand Projections⁹

TWDB staff will prepare draft population and associated water demand projections for 2020-2070 for all population-related WUGs using data based on the population projections in the 2017 State Water Plan as reassembled by utility service areas.

TWDB staff will develop population projections and associated water demand projections for all WUGs based on utility service areas and provide them to RWPGs for their review and input.

Because there won't be new U.S. Census data available in time to incorporate into the 2021 RWPs, the emphasis of this work will be on the transition of the 2017 State Water Plan population projections and the associated water demand projections from political boundaries to utility service area boundaries and to making limited modifications based on relevant changed conditions that have occurred since the development of the projections used in the 2017 State Water Plan.

⁸ All 'TWDB DB22...' reports will be provided by TWDB through the online planning database web interface as a customizable report that can be downloaded by RWPGs and must be included as part of any Technical Memoranda and water plan.

⁹ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

RWPGs shall then review the draft projections and may provide input to TWDB or request specific changes to the projections from TWDB. If adequate justification is provided by the RWPGs to TWDB, population and/or water demand projections may be adjusted by the TWDB in consultation with TDA, TCEQ, and TPWD. Once RWPG input and requested changes are considered, final population and associated water demand projections will be adopted by the Board. The adopted projections, based on utility service areas, will then be provided to RWPGs. RWPGs must use the Board-adopted projections when preparing their regional water plans and identify WUGs with associated utility service areas.

TWDB will directly populate the DB22 with all WUG-level projections and make related changes to the DB22 if revisions are made.

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.31.¹⁰
- 2) Prepare a stand-alone chapter¹¹ (including work from both Tasks 2A & 2B) to be included in the 2021 RWP that also incorporates all of required TWDB DB22 reports into the document.
- 3) Receive and make publicly available the draft population and associated water demand projections provided by TWDB and that are based on utility service areas rather than political boundaries.
- 4) Evaluate draft population and associated water demand projections provided by TWDB.
- 5) Review comments received from local entities and the public for compliance with TWDB requirements.
- 6) Provide detailed feedback to TWDB on both population and associated water demand projections, as necessary, including justification and documentation supporting suggested changes with a focus on the transition to utility service areas and, more generally, relevant changed conditions that have occurred since the development of the projections used in the 2017 State Water Plan.
- 7) Prepare and submit numerical requests, in tabular format in accordance with TWDB guidance, for revisions of draft population and/or water demand projections and process such requests based on, for example, requests from local entities within the region. The RWPG and/or local entities should provide required documentation and justification of requested revisions.
- 8) Communicate and/or meet with TWDB staff and/or local entities requesting revisions, as necessary.
- 9) Assist TWDB, as necessary, in resolving final allocations of population and water demands to WUGs to conform with any control totals defined by TWDB, for example, by county and/or region.

¹⁰ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

¹¹ This shall be a separate chapter as required by 31 TAC §357.22(b).

- 10) Prepare population and water demand projection summaries for WUGs using final, adopted projections to be provided by the TWDB, as necessary for presentation in documents.
- 11) Consider and include in all appropriate planning documents the projections of population and associated water demands for any new WUGs to be provided by the TWDB.
- 12) Modify any associated water demand projections for MWPs, as necessary based on final, adopted projections.
- 13) Review the *TWDB DB22 Population* and associated *TWDB DB22 Population-Related Water Demand* reports from the DB22¹² and incorporate these planning database reports into any Technical Memoranda, the IPP, and final RWP (labeled as such and with source reference).
- 14) Modify any aggregated water demand summaries, for example, for MWPs, accordingly and present in planning documents.
- 15) Update WWP contractual obligations to supply water to other entities and report this information along with projected demands including within DB22 and within any planning memorandums or reports, as appropriate.

Task 3 - Water Supply Analyses¹³

This Task involves updating or adding groundwater, surface water, reuse, and other water source availability estimates, and existing WUG and WWP water supplies that were included in the 2021 Regional Water Plan, in accordance with methodology described in Section 3 of the *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development* for estimating surface water, groundwater, systems, reuse, and other supplies during drought of record conditions. All water availability and water supply estimates will be extended through 2070.

This Task includes performing all work in accordance with TWDB rules and guidance required to:

Meet all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.32.¹⁴

Prepare a standalone chapter¹⁵ to be included in the 2021 RWP that also incorporates all required DB22 reports into the document.

¹² RWPG technical consultants must attend mandatory training on DB22.

¹³ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

¹⁴ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

¹⁵ This shall be a separate chapter as required by 31 TAC §357.22(b).

A) Estimate Surface Water Availability and Existing WUG and WWP Surface Water Supplies:

- 1) Select hydrologic assumptions, models, and operational procedures for modeling the region's river basins and reservoirs using the most current TCEQ Water Availability Models (WAMs) in a manner appropriate for assessment of existing surface water supply and regional water planning purposes. Reservoir systems¹⁶ and their yields shall be modeled in accordance with the *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.
- 2) Obtain TWDB Executive Administrator approval of hydrologic assumptions or models and for any variations from modeling requirements in the *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.
- 3) As necessary and appropriate, modify or update associated WAMs or other models to reflect recent changes to permits, transfers, legal requirements, new water rights, and/or specified operational requirements. Note that incorporating anticipated sedimentation into firm yield analyses is a required consideration that does not require a hydrologic variance approval from the Executive Administrator.
- 4) Assign available water supplies, as appropriate, to WUGs and WWPs including conducting supply analyses for WWPs.
- 5) Apply the TCEQ WAMs, as modified and approved by TWDB, and/or other appropriate models to quantify firm yield for major reservoirs, reservoir systems, and firm diversion for run-of-river water rights, as determined on at least a monthly time-step basis. Reservoir firm yield shall be quantified based on the most recent measured capacity and estimated capacity in year 2070.
- 6) Evaluate TCEQ Water System Data Reports¹⁷ from the Drinking Water Watch or Safe Drinking Water Information System (SDWIS) website for municipal WUGs that use surface water and identify any physical constraints limiting existing water supplies to WUGs and/or WWPs. Limitations to be considered based on delivering treated water to WUGs. Other information that the RWPGs collect, for example, survey results, may be included in the evaluation of infrastructure capacity or limitations in delivering treated water to WUGs.
- 7) Update information on WWP contractual obligations to supply water to other entities including within DB22. Unless the RWPG considers it unlikely that a specific contract will be renewed, water supplies based on contractual agreements shall be assumed to renew at the contract termination date, for example, if the contract provides for renewal or extensions. Report this information within any planning memorandums or reports, as appropriate.
- 8) Based on the water availability, existing infrastructure, and associated physical and legal limitations, determine the existing surface water supply available from each surface water source to each WUG and WWP (including newly identified WUGs and WWPs) during a drought of record based on source water availability, infrastructure capacity, legal constraints, and/or operational limitations.

¹⁶ Reservoir systems must be approved by TWDB and identified as such in DB22.

¹⁷ Available from TCEQ at <http://dww2.tceq.texas.gov/DWW/>.

- 9) Complete and update all required data elements for DB22 through the web interface.¹⁸
- 10) Compile firm yield and diversion information by Source, WUG, WWP, county, river basin, and planning region as necessary to obtain decadal estimates of existing surface water supply throughout the planning period. This will be facilitated by *TWDB DB22 Water Source Availability* and associated *TWDB DB22 WUG and WWP Existing Water Supply* reports using data provided by RWPGs and made available to all RWPGs through the DB22 interface.
- 11) Review, confirm the accuracy of, and incorporate the required associated planning database reports directly into the Technical Memorandum, IPP, and adopted RWP under Task 4C (labeled as such and with source reference).

B) Estimate Groundwater Availability and Existing WUG and WWP Groundwater Supplies:

Obtain and review the Modeled Available Groundwater (MAG)¹⁹ volumes that are developed by TWDB based on the Desired Future Conditions (DFCs) adopted by Groundwater Management Areas (GMAs). MAG volumes for each aquifer will be available from TWDB through the DB22 interface, split into discrete geographic-aquifer units by: Aquifer; County; River Basin; and Region.

- 1) In RWPGs in which no Groundwater Conservation District (GCD) exists²⁰, develop RWPG-estimated groundwater availability for Board review and approval prior to inclusion in the IPP²¹ and in accordance with the *Second Amended General Guidelines for Regional Water Plan Development*.
- 2) Consider the impacts of the available MAG annual volumes on the regional water plan including how it impacts existing water supplies.
- 3) In areas with GCDs, obtain GCD Management Plans and GCD information to be considered when estimating existing supplies and water management strategies under future tasks.
- 4) Assign available water supplies, as appropriate, to WUGs and WWPs including conducting supply analyses for WWPs.
- 5) Select hydrologic and other assumptions for distribution of available groundwater for potential future use by WUGs (e.g. via a pro-rationing policy) as existing supply based on models and operational procedures appropriate for assessment of water supply and regional water planning purposes. A specific hydrologic variance request is required to utilize a MAG Peak Factor to accommodate temporary increases in existing annual availability for planning purposes²².

¹⁸ In accordance with the Guidelines for Regional Water Plan Data Deliverables. RWPG technical consultants must attend mandatory training on the Regional Water Planning Application (DB22).

¹⁹ The estimated total pumping from the aquifer that achieves the DFC adopted by members of the associated GMA. MAG data to be entered into DB22 by TWDB (see guidance document).

²⁰ Related to 84(R) SB 1101 requirements. As of March 2018 these requirements only apply to the North East Texas (Region D) RWPG, as it is the only region currently in the state with no GCDs in its RWPA.

²¹ 31 TAC §357.32(d)(2).

²² Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

- 6) Evaluate TCEQ Water System Data Reports²³ from the Drinking Water Watch or SDWIS website for municipal WUGs using groundwater and identify any physical constraints limiting existing water supplies to WUGs and/or WWPs. Limitations to be considered based on delivering treated water to WUGs. Other information that the RWPGs collect, for example, survey results, may be included in the evaluation of infrastructure capacity or limitations in delivering treated water to WUGs.
- 7) Update information on WWP contractual obligations to supply water to other entities including within DB22. Unless the RWPG considers it unlikely that a specific contract will be renewed, water supplies based on contractual agreements shall be assumed to renew at the contract termination date, for example, if the contract provides for renewal or extensions. Report this information within any planning memorandums or reports, as appropriate.
- 8) Compile and/or update information regarding acquisitions of groundwater rights, for example, for transfer to municipal use, and account for same in the assessment of both availability and existing groundwater supplies.
- 9) Based on the water availability, existing infrastructure, and associated physical and legal limitations, determines the existing groundwater supply available from each water source to each WUG and WWP (including newly identified WUGs and WWPs) during a drought of record based on water availability, infrastructure capacity, legal constraints, and/or operational limitations.
- 10) Complete and update all required data elements for DB22 through the web interface.²⁴
- 11) Compile groundwater availability information by Source, WUG, Wholesale Water Provider, county, river basin, and planning region as necessary to obtain decadal estimates of supply throughout the planning period. This will be facilitated by *TWDB DB22 Water Source Availability* and associated *TWDB DB22 WUG and WWP Existing Water Supply* reports using data provided by RWPGs and made available to all RWPGs.

C) Estimate System, Reuse, and Other Types of Existing Supplies:

- 1) Integrate firm water supplies for WUGs using a system of supply sources (e.g., surface water, storage, and groundwater).
- 2) Research and quantify existing supplies and commitments of treated effluent through direct and indirect reuse.
- 3) Compile systems, reuse, and other availability information by source, WUGs, wholesale water provider, county, river basin, and planning region as necessary to obtain decadal estimates of supply throughout the planning period.

²³ Available from TCEQ at <http://dww2.tceq.texas.gov/DWW/>.

²⁴ In accordance with the *Guidelines for Regional Water Plan Data Deliverables*. RWPG technical consultants must attend mandatory training on DB22.

- 4) Assign available water supplies, as appropriate, to WUGs and WWPs including conducting demand analyses for WWPs.
- 5) Identify and sub-categorize existing sources in DB22 to extract unique sources. In addition to surface water, groundwater, and reuse, for example, further clarify the source types in DB22 to subcategorize other specific water sources such as desalinated groundwater or desalinated surface water, and seawater desalination, and any other supply types that are connected supplies.
- 6) Review and confirm the accuracy of the *TWDB DB22 Availability* and associated *TWDB DB22 Existing Water Supply* reports from DB22 and incorporate these planning database reports directly into the Technical Memorandum and other planning documents (labeled as such and with source reference).
- 7) Identify any physical constraints limiting these existing water supplies to WUGs and/or WWPs including based on TCEQ Water System Data Reports²⁵. Limitations to be considered based on delivering treated water to WUGs. Other information that the RWPGs collect, for example, survey results, may be included in the evaluation of infrastructure capacity or limitations in delivering treated water to WUGs.
- 8) Update information on WWP contractual obligations to supply water to other entities including within DB22. Unless the RWPG considers it unlikely that a specific contract will be renewed, water supplies based on contractual agreements shall be assumed to renew at the contract termination date, for example, if the contract provides for renewal or extensions. Report this information within any planning memorandums or reports, as appropriate.
- 9) Based on the water availability, existing infrastructure, and associated physical and legal limitations, determines the existing system, reuse, and other water supplies available from each water source to each WUG and WWP (including newly identified WUGs and WWPs) during a drought of record based on source water availability, infrastructure capacity, legal constraints, and/or operational limitations.
- 10) Complete and update all required data elements for DB22 through the web interface.
- 11) Compile these supplies by source, WUG, wholesale water provider, county, river basin, and planning region as necessary to obtain decadal estimates of existing surface water supply throughout the planning period. This will be facilitated by *TWDB DB22 Water Source Availability* and associated *TWDB DB22 WUG and WWP Existing Water Supply* reports using data provided by RWPGs and made available to all RWPGs through the DB22 interface.
- 12) Review, confirm the accuracy of, and incorporate the required associated planning database reports directly into the Technical Memorandum, IPP, and adopted RWP under Task 4C.
- 13) In addition to submitting the electronic model files necessary to replicate results, the Technical Memo, IPP, and adopted RWP shall include a written summary of all WAMs and Groundwater

²⁵ Available from TCEQ at <http://dww2.tceq.texas.gov/DWW/>.

Availability Models (GAMs) on which the surface and groundwater availability in the RWP is based (except for availability associated with MAGs), to include:

- the named/labeled version (incl. date) of each model used;
- a summary of any modifications to each model and the date these modifications were approved by the EA;
- name of the entity/firm that performed the model run; and
- the dates of the model runs.²⁶

Includes all work required to coordinate with other planning regions to develop and allocate estimates of water availability and existing water supplies.

Task 4A – Identification of Water Needs (Water User Group analysis to be performed by the TWDB)²⁷

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.33.²⁸
- 2) Prepare a standalone chapter²⁹ to be included in the 2021 RWP that also incorporates all required DB22 reports into the document.
- 3) Based upon updated projections of existing water supply and projected water demands under Tasks 2 and 3, and the associated data entered into DB22, TWDB will update computations of identified water needs (potential shortages) by WUGs and WUG customers of WWPs. As decadal estimates of needs (potential shortages) as well as by county, river basin, and planning region.
- 4) The results of this computation will be provided by TWDB via DB22 to RWPGs in a customizable format that is in accordance with TWDB rules as the *TWDB DB22 Identified Water Needs* report
- 5) Regions may also request additional, unique needs analysis (e.g., for a WWP) that the RWPG considers warranted. Such reports will be provided by TWDB, if feasible based on the DB22 constraints and TWDB resources. The RWPG will need to enter or provide any additional data into DB22 that may be necessary to develop these evaluations.
- 6) The DB22 needs reports and RWPG-identified water needs for MWPs shall be incorporated by the RWPG into the Technical Memorandum, IPP, and adopted RWP (labeled as such and with source reference).
- 7) Upon request, TWDB will perform a socioeconomic analysis of the economic effects of not meeting the identified water needs and update and summarize potential social and economic

²⁶ All input files of WAM models shall be included as an electronic appendix in the IPP and RWP.

²⁷ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

²⁸ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

²⁹ This shall be a separate chapter as required by 31 TAC §357.22(b).

effects under this Task. This report will be provided to RWPGs as part of this Task and incorporated into the adopted regional water plans.

- 8) If the RWPG chooses to develop its own socioeconomic analysis the resulting socioeconomic report, with documented methodology, shall be incorporated into the IPP and adopted regional water plan by the RWPG.
- 9) A secondary needs analysis will be calculated by TWDB based on DB22 for all WUGs and WWPs for which conservation or direct reuse water management strategies are recommended. The results of this computation will be provided to RWPGs in accordance with TWDB rules and shall be incorporated by the RWPG into the regional water plan as *TWDB DB22 Second-Tier Identified Water Need* report.

Task 4B - Identification of Potentially Feasible Water Management Strategies³⁰

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.34(a)(b)(c).³¹
- 2) Receive public comment on a proposed process to be used by the RWPG to identify and select water management strategies for the 2021 regional water plan . Revise and update documentation of the process by which water management strategies that are potentially feasible for meeting a need were identified and selected for evaluation in the 2021 regional water plan. **The process must also include consideration of the identified strategies with opportunities for coordination and collaboration or issues which could lead to potential conflict with other RWPGs planning regions.** Include a description of the process selected by the RWPG in the Technical Memorandum and the IPP and adopted regional water plans.
- 3) Consider the TWDB Water Loss Audit Report, conservation best management practices, and drought management when considering potentially feasible water management strategies as required by rules.
- 4) Update relevant portions of the regional water plan summary of existing water supply plans for local and regional entities. This Task requires obtaining and considering existing water supply plans. Updated summary to be included in the IPP and adopted regional water plans.
- 5) Plans to be considered in developing water management strategies include those referenced under 31 TAC §357.22.
- 6) If no potentially feasible strategy can be identified for a WUG or WWP with a need, document the reason for this in the Technical Memorandum and the IPP and adopted regional water plans.

³⁰ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

³¹ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

- 7) Consider recent studies and describe any significant changes in water management strategies described as being in the implementation phase in the 2021 RWP as well as any new projects in the implementation phase prior to adoption of the Initially Prepared 2021 Regional Water Plan.
- 8) Identify potential water management strategies to meet needs for all WUGs and WWPs with identified needs, including any new retail utility WUGs and WWPs that may have been previously aggregated under County-other in the 2016 regional water plan but which are being treated as unique entities for the 2021 regional water plan.
- 9) Consider whether identified potential water management strategies present opportunities for coordination and collaboration or issues which could lead to potential conflict with other planning regions. If issues or opportunities are identified, notify the impacted affected regional water planning group or groups in writing before the due date of the Technical Memorandum.
- 10) Present a list of the potentially feasible water management strategies, in table format, within the Technical Memorandum and the IPP and adopted regional water plans. The list should indicate which strategies, if any, present issues or opportunities from the evaluation in subtask 9.

Commented [RE1]: This notification could also be required to be in the tech memo.

Task 4C - Prepare and Submit Technical Memorandum and Regional Water Planning Group Analysis of Water User Group and Major Water Provider Needs³²

This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:

- 1) Prepare a concise Technical Memorandum in accordance with 31 TAC §357.12(c) and Section 13.1.1 of the *Second Amended General Guidelines for Regional Water Plan Development*.
- 2) Approve submittal of the Technical Memorandum to TWDB at a RWPG meeting subject to a 14 day notice in accordance with 31 TAC §357.21(c). The Technical Memorandum must be submitted to TWDB in accordance with Section I Article I of the contract.
- 3) To the extent necessary, this Task budget may also be applied toward effort required to:
 - a) Develop preliminary water needs analyses outside of DB22 that may be necessary due to DB22 not yet being available; and
 - b) Prepare, organize, enter, and/or update required data elements for DB22 including data related to existing water supplies or water management strategies.

Task 5A - Evaluation and Recommendation of Water Management Strategies and Associated Water Management Strategy Projects

The objective of this task is to evaluate and recommend Water Management Strategies (WMSs) and their associated Water Management Strategy Projects (WMSPs), including preparing a separate chapter and subchapter (on conservation recommendations see - Task 5B) to be included in the 2021 RWP that describes the work completed, presents the potentially feasible WMSs, recommended and alternative

³² Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

WMSs and WMSPs, including all the technical evaluations, and presents which water user entities will rely on the recommended WMSs and WMSPs.

Work associated with any 5A subtasks shall be contingent upon a written notice-to-proceed. Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.34 and §357.35 that is not already included under Tasks 4B, 5A, or 5B.³³
- 2) Plans to be considered in developing WMSs include those referenced under 31 TAC §357.22.
- 3) Inclusion of a list of the potentially feasible WMSs that were identified by the RWPG. Information to include what past evaluations have been performed for each potentially feasible WMS listed.
- 4) Technical evaluations of all categories of potentially feasible WMSs including previously identified or recommended WMSs and newly identified WMSs including drought management and conservation WMSs; WMS and WMSP documentation shall include a strategy description, discussion of associated facilities, project map, and technical evaluation addressing all considerations and factors required under 31 TAC §357.34(d)-(h) and §357.35.
- 5) Process documentation of selecting all recommended WMSs and associated WMSPs including development of WMS evaluations matrices and other tools required to assist the RWPG in comparing and selecting recommended WMSs and WMSPs.
- 6) Consideration of water conservation and drought contingency plans from each WUG, as necessary, to inform WMS evaluations and recommendations.
- 7) Communication, coordination, and facilitation required within the RWPA and with other RWPGs to develop recommendations.
- 8) Updates to descriptions and associated technical analyses and documentation of any WMSs and WMSPs that are carried forward from the previous RWP to address:
 - a) Changed conditions or project configuration.
 - b) Changes to sponsor of WMS and WMSP(s).
 - c) Updated costs (based on use of required costing tool³⁴).
 - d) Other changes that must be addressed to meet requirements of 31 TAC §357.34 and §357.35.
- 9) Assignment of all recommended WMS water supplies to meet projected needs of specific WUGs.

³³ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

³⁴ See Section 5.5.1 under 'Financial Costs' in *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

- 10) Documentation of the evaluation and selection of all recommended WMS and WMSPs, including an explanation for why certain types of strategies (e.g., aquifer storage and recovery, seawater desalination, brackish groundwater desalination) may not have been recommended.
- 11) Coordination with sponsoring WUGs, wholesale water providers, and/or other resource agencies regarding any changed conditions in terms of projected needs, strategy modifications, planned facilities, market costs of water supply, endangered or threatened species, etc.
- 12) If TWC §11.085 applies to the proposed inter-basin transfer (IBT), determination of the “highest practicable level” of water conservation and efficiency achievable (as existing conservation or proposed within a water management strategy) for each WUG or WWP WUG customer recommended to rely on a WMS involving the IBT. Recommended conservation WMSs associated with this analysis shall be presented by WUG.
- 13) Presentation of the water supply plans in the RWP for each WUG and WWP relying on the recommended WMSs and WMSPs.
- 14) Consideration of alternative WMSs and WMSPs for inclusion in the plan. Alternative water management strategies must be fully evaluated in accordance with 31 TAC §357.34(d)-(h).
- 15) Incorporation of all required DB22 reports into document.
- 16) Submission of data through DB22 to include the following work:
 - a) Review of the data.
 - b) Confirmation that data is accurate.
 - c) Incorporation of the required DB22 reports into the draft and final regional water planning chapter document.
- 17) Review of the chapter document and related information by RWPG members.
- 18) Modifications to the chapter document based on RWPG, public, and or agency comments.
- 19) Submittal of chapter document to TWDB for review and approval; and
- 20) All effort required to obtain final approval of the regional water plan chapter and associated DB22 data by TWDB.
- 21) *[SCOPE OF WORK TO BE DETERMINED]*

Scope of Work to be amended based on specific Task 5A scope of work to be developed and negotiated with TWDB. Work under Task 5A to be performed only after approval and incorporation of Task 5A scope of work and written notice-to-proceed. NOTE: Work effort associated with preparing and submitting a proposed Task 5A scope of work for the purpose of obtaining a written ‘notice-to-proceed’ from TWDB is not included in Task 5A and shall not be reimbursed under the Contract.

Deliverables: A completed Chapter 5 shall be delivered in the 2021 RWP as a work product to include technical analyses of all evaluated WMSs and WMSPs. Data shall be submitted and finalized through DB22 in accordance with the *Guidelines for Regional Water Planning Data Deliverables*.

Task 5B - Water Conservation Recommendations

The objective of this task is to prepare a separate subchapter³⁵ of Chapter 5 to be included in the 2021 RWP that consolidates conservation-related recommendations and provide model water conservation plans.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.34(g).³⁶
- 2) Consider water conservation plans from each WUG, as necessary, to inform conservation WMSs and other recommendations.
- 3) If applicable, explanation of the RWPG's basis for not recommending conservation for WUGs that had identified water needs but did not have a recommended conservation WMS.
- 4) If applicable, present what level of water conservation (as existing conservation or proposed within a water management strategy) is considered by the RWPG as the "highest practicable level" of water conservation for each WUG and WWP WUG customer that are dependent upon water management strategies involving inter-basin transfers to which TWC 11.085 applies.
- 5) Provision of model water conservation plans that may be referenced, instead of included in hard copy, in this subchapter, for example, by using internet links.
- 6) Review of the subchapter document and related information by RWPG members.
- 7) Modifications to the subchapter document based on RWPG, public, and or agency comments.
- 8) Submittal of subchapter document to TWDB for review and approval; and
- 9) All effort required to obtain final approval of the regional water plan by TWDB.

Deliverables: A completed Subchapter of Chapter 5 shall be delivered in the 2021 RWP as a work product.

³⁵ This shall be a separate subchapter as required by 31 TAC §357.34(h).

³⁶ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

Task 6 - Impacts of Regional Water Plan and Consistency with Protection of Resources

The objective of this task is to prepare a separate chapter³⁷ to be included in the 2021 Regional Water Plan (RWP) that describes the potential impacts of the regional water plan and how the plan is consistent with long-term protection of water resources, agricultural resources, and natural resources.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.40, §357.43(b)(2), and §357.41.³⁸
- 2) Evaluation of the estimated cumulative impacts of the regional water plan, for example on groundwater levels, spring discharges, bay and estuary inflows, and instream flows.
- 3) Assessment of the impact of the RWP on designated unique river or stream segments by the legislature.
- 4) Review of the chapter document by RWPG members.
- 5) Modifications to the chapter document based on RWPG, public, and or agency comments.
- 6) Submittal of chapter document to TWDB for review and approval; and
- 7) All effort required to obtain final approval of the regional water plan chapter by TWDB.

Deliverables: A completed Chapter 6 shall be delivered in the 2021 RWP as a work product.

Task 7 – Drought Response Information, Activities and Recommendations

The objective of this task is to prepare a separate chapter³⁹ to be included in the 2021 RWP that: presents information regarding historical droughts and preparations for drought in the region; develops recommendations for triggers and responses to the onset of drought conditions; evaluates potential emergency responses to local drought conditions; and includes various other drought-related evaluations and recommendations.

Work shall include but not be limited to the following:

³⁷ This shall be a separate chapter as required by 31 TAC §357.22(b).

³⁸ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

³⁹ This shall be a separate chapter as required by 31 TAC §357.22(b).

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.42.⁴⁰
- 2) Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §357.22.
- 3) Collecting information on previous and current responses to drought in the region including reviewing drought contingency plans received from each WUG and determining what measures are most commonly used and whether these measures have been recently implemented in response to drought conditions.
- 4) Determining whether there is any reliable information on the reduction in demands on individual WUGs caused by their implementation of drought contingency measures.
- 5) Process of selecting recommended triggers and actions including any tools required to assist the RWPG in comparing options and making recommendations.
- 6) Consideration of drought contingency plans from each WUG, as necessary, to inform WMS evaluations and recommendations.
- 7) Coordination and communication, as necessary, with entities in the region to gather information required to develop recommendations.
- 8) Summarization of potentially feasible drought management WMS, recommended drought management WMS, and or alternative drought management WMSs, if any, associated with work performed under Task 5A.
- 9) If applicable, explanation of the RWPG's basis for not recommending drought management strategies for WUGs that had identified water needs but did not have a recommended drought management WMS.
- 10) Development by the RWPG of region-specific model drought contingency plans consistent with TCEQ requirements that, at a minimum, identify triggers for and responses to the most severe drought response stages commonly referred as 'severe', 'critical' and 'emergency' drought conditions.
- 11) Summary of any other drought management measures recommended by the RWPG.
- 12) Preparation of tabular data for inclusion in chapter.
- 13) Review of the chapter document and related information by RWPG members.
- 14) Modifications to the chapter document based on RWPG, public, and or agency comments.

⁴⁰ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

- 15) Submittal of chapter document to TWDB for review and approval; and
- 16) All effort required to obtain final approval of the regional water plan chapter and associated data by TWDB.

Deliverables: A completed Chapter 7 shall be delivered in the 2021 RWP as a work product. Data shall be submitted in the form of tables included in the chapter.

Task 8 - Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues

The objective of this task is to prepare a separate chapter⁴¹ to be included in the 2021 RWP that presents the RWPG's unique stream segment, unique reservoir site, legislative, administrative, and regulatory recommendations.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.43 and §358.2.⁴²
- 2) Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §357.22.
- 3) RWPG consideration and discussion of potential recommendations for designation of ecologically unique stream segments within the RWPA, based on criteria in 31 TAC §358.2.
- 4) If applicable, prepare a draft memorandum recommending which stream segments in the region, if any, should be recommended for designation as ecologically unique stream segments. Evaluate and incorporate comments from the RWPG. Upon approval by the group, submit the draft memorandum to TWDB and TPWD for comments.
- 5) RWPG consideration and discussion of potential recommendations for designation of unique reservoir sites within the RWPA.
- 6) If applicable, prepare a draft memorandum recommending designation of unique sites for reservoir development. Evaluate and incorporate comments from the RWPG. Upon approval by the group, submit the draft memorandum to TWDB for comments.
- 7) RWPG consideration and discussion of potential regional policy issues; identification and articulation of recommendations for legislative, administrative, and regulatory rule changes; and negotiations toward RWPG consensus.

⁴¹ This shall be a separate chapter as required by 31 TAC §357.22(b).

⁴² Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

8) In the final adopted plan, a listing of RWPG-identified recommended, alternative, or considered strategies that present issues or opportunities for other impacted regions and that merit further direct interregional coordination in the early portion of the following regional and administrative planning cycles.

- 9) Review of the chapter document and related information by RWPG members.
- 10) Modifications to the chapter document based on RWPG, public, and or agency comments.
- 11) Submittal of chapter document to TWDB for review and approval; and
- 12) All effort required to obtain final approval of the regional water plan chapter by TWDB.

Deliverables: A completed Chapter 8 shall be delivered in the 2021 RWP as a work product.

Task 9 - Water Infrastructure Funding Recommendations

The objective of this task is to report on how sponsors of recommended WMSPs propose to finance projects as a separate chapter⁴³ to be included in the 2021 RWP.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.44.⁴⁴
- 2) Coordination and communication with sponsoring WUGs, wholesale water providers, and/or other water agencies.
- 3) Perform a survey, including the following work:
 - a) Contacting WMSP sponsors/WUGs.
 - b) Collection and collation of data.
 - c) Documentation of the effectiveness of survey methodology, providing percent survey completions, and whether an acceptable minimum percent survey completion was achieved.
 - d) Submission of data into the online survey tool.
- 4) Coordination with WUGs and WWPs as necessary to ensure detailed needs and costs associated with their anticipated projects are sufficiently represented in the RWP for future funding determinations.
- 5) Assisting the RWPG with the development of recommendations regarding the proposed role of the State in financing water infrastructure projects identified in the RWP.

⁴³ This shall be a separate chapter as required by 31 TAC §357.22(b).

⁴⁴ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

- 6) Summarizing the survey results.
- 7) Review chapter document and related information by RWPG members.
- 8) Submittal of chapter document to TWDB for review and approval; and
- 9) All effort required to obtain final approval of the regional water plan chapter and associated DB22 data by TWDB.

Deliverables: A completed Chapter 9 shall be delivered in the 2021 RWP as a work product to include summary of reported financing approaches for all recommended WMSPs. Data shall be submitted and finalized through the online survey tool in accordance with the *Guidelines for Regional Water Planning Data Deliverables*.

Task 10 - Public Participation and Plan Adoption⁴⁵

The objective of this task is to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement and necessary to declare simplified planning if applicable, complete and submit an IPP and final RWP, and obtain TWDB approval of the RWP.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable statute requirements governing regional and state water planning this portion of work shall, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 355, 357, and 358 that are not already addressed under the scope of work associated with other contract Tasks but that are necessary and or required to complete and deliver an IPP and final, adopted RWP to TWDB and obtain approval of the adopted RWP by TWDB.⁴⁶
- 2) Organization, support, facilitation, and documentation of all meetings/hearings associated with: preplanning meeting; meetings associated with revision of projections; **consideration of the process for identifying potentially feasible water management strategies**; consideration of a substitution of alternative water management strategies; public hearing for a declaration of simplified planning; public hearing after adoption of the IPP and prior to adoption of the final RWP; and consideration of Regional Water Plan Amendments, alternative WMS substitutions, or Board-directed revisions.
- 3) **Both the preplanning meeting required under 31 TAC §357.12(a)(1) and meeting to consider process for identifying potentially feasible water management strategies required under 31 TAC §357.12(b) shall expressly consider the identified strategies with opportunities for coordination**

⁴⁵ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Fifth Cycle of Regional Water Plan Development*.

⁴⁶ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

and collaboration or issues which could lead to potential conflict with other RWPGs planning regions.

Technical Support and Administrative Activities

- 4) Attendance and participation of technical consultants at RWPG, subgroup, subcommittees, special and or other meetings and hearings including preparation and follow-up activities.
- 5) Developing technical and other presentations and handout materials for regular and special meetings to provide technical and explanatory data to the RWPG and its subcommittees, including follow-up activities.
- 6) Collecting and evaluating information, including any information gathering surveys from water suppliers or WUGs, (e.g., on existing infrastructure; existing water supplies; potentially feasible WMSs and accompanying opportunities or issues) and or maintenance of contact lists for regional planning information in the region.
- 7) Administrative and technical support and participation in RWPG activities, and documentation of any RWPG workshops, work groups, subgroup and/or subcommittee activities.
- 8) Technical support and administrative activities associated with periodic and special meetings of the RWPG including developing agendas and coordinating activities for the RWPG.
- 9) Provision of status reports to TWDB for work performed under this Contract.
- 10) Development of draft and final responses for RWPG approval to public questions or comments as well as approval of the final responses to comments on RWP documents.
- 11) Intraregional and interregional coordination and communication, and or facilitation required within the RWPA and with other RWPGs to develop a RWP including with water suppliers or other relevant entities such as groundwater conservation districts, WUGs, and or WWPs.
- 12) Incorporation of all required DB22 reports into RWP document.
- 13) Modifications to the RWP documents based on RWPG, public, and or agency comments.
- 14) Preparation of a RWP chapter summarizing Task 10 activities including review by RWPG and modification of document as necessary.
- 15) Development and inclusion of Executive Summaries in both IPP and final RWP.
- 16) Production, distribution, and submittal of all draft and final RWP-related planning documents for RWPG, public and agency review, including in hard-copy format when required.
- 17) Assembling, compiling, and production of the completed IPP and Final Regional Water Plan document(s) that meet all requirements of statute, 31 TAC Chapters 355, 357 and 358, Contract and associated guidance documents.

- 18) Submittal of the RWP documents in both hard copy and electronic formats to TWDB for review and approval; and all effort required to obtain final approval of the RWP by TWDB.

Other Activities

- 19) Review of all RWP-related documents by RWPG members.
- 20) Development and maintenance of a RWPG website or RWPG-dedicated webpage on the RWPG administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
- 21) Limited non-labor, direct costs associated with maintenance of the RWPG website.
- 22) Development of agendas, presentations, and handout materials for the public meetings and hearings to provide to the general public.
- 23) Documentation of meetings and hearings to include recorded minutes and or audio recordings as required by the RWPG bylaws and archiving and provision of minutes to public.
- 24) Preparation and transmission of correspondence, for example, directly related to public comments on RWP documents.
- 25) Promoting consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among RWPG members and stakeholders in the event that issues arise during the process of developing the RWP, including mediation between RWPG members, if necessary.
- 26) RWPG membership solicitation activities.
- 27) Meeting all posting, meeting, hearing and other public notice requirements in accordance with the open meetings act, statute, and 31 TAC §357.21 and any other applicable public notice requirements.
- 28) Solicitation, review, and dissemination of public input, as necessary.
- 29) Any efforts required, but not otherwise addressed in other SOW tasks that may be required to complete a RWP in accordance with all statute and rule requirements.

Deliverables: Complete IPP and final, adopted RWP documents shall be delivered as work products. This includes a completed Chapter 10 summarizing public participation activities and appendices with public comments and RWPG responses to comments.

Task 11 – Implementation and Comparison to the Previous Regional Water Plan

The objective of this task is to evaluate and recommend water management strategies (WMS) including preparing a separate chapter⁴⁷ to be included in the 2021 RWP that reports on the degree of implementation of WMSs from the previous RWP and summarizes how the new RWP compares to the previous RWP.

Work shall include but not be limited to the following:

- 1) In addition to generally meeting all applicable rules and statute requirements governing regional and state water planning under 31 TAC Chapters 357 and 358, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §357.45.⁴⁸
- 2) Implementation (31 TAC §357.45(a)):
 - a) Coordination and communication with RWPG representatives and sponsors of WMSs, including WUGs and WWPs.
 - b) Documentation of the level of implementation of each WMS that was recommend in the previous regional water plan and impediments to implementation.
 - c) Submission of implementation results data in the online survey tool and in spreadsheet format.
 - d) To the extent feasible, identify other projects implemented by these entities that are not included in the previous RWP.
- 3) Comparison to the Previous Regional Water Plan (31 TAC §357.45(b)):
 - a) Compare the RWP to the previous RWP by chapter in the new RWP.
 - b) Summarize differences quantitatively and qualitatively.
 - c) Present information in graphical, tabular, and written format.
- 4) Review of the chapter document and related information by RWPG members.
- 5) Modifications to the chapter document based on RWPG, public, and or agency comments.
- 6) Submittal of chapter document to TWDB for review and approval; and
- 7) All effort required to obtain final approval of the regional water plan chapter and associated DB22 data by TWDB.

Deliverables: A completed Chapter 11 shall be delivered in the 2021 RWP as a work product. Survey data shall be submitted and finalized through the online survey tool in accordance with the *Guidelines for Regional Water Planning Data Deliverables*.

⁴⁷ This shall be a separate chapter as required by 31 TAC §357.22(b).

⁴⁸ Requirements are further explained in the guidance document *Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development*.

Task 12 - Prepare and submit prioritization of projects in the 2021 Regional Water Plan

The objective of this task is to prioritize the projects in the 2021 regional water plan and include all work necessary to meet all requirements of 31 TAC §357.46.

TWDB will provide to the RWPGs an alphabetized region-sponsor-project prioritization template that contains projects that the region must prioritize under this Task. The alphabetized region-sponsor-project prioritization template is based upon the recommended WMSP in the 2021 regional water plan, as provided by the RWPG to TWDB through DB22.

Work shall include but not limited to the following:

- 1) Applying all of the uniform standards to each project and filling in the prioritization template provided by TWDB.
- 2) Approval of submittal to TWDB of the final prioritization template at regular RWPG meetings.
- 3) Submission to TWDB of the final prioritization templates in the same format as provided by TWDB and that displays each uniform standard score, for each project.

Deliverables: A completed prioritization of projects submitted in the form of a filled-in region-sponsor-project prioritization template to TWDB by the submittal date of the final adopted RWP⁴⁹.

⁴⁹ The prioritized projects shall be submitted separately with the adopted RWP as required by 31 TAC §357.46.

10. Draft Sixth Planning Cycle Timeline (Agenda Item #4)

**VERY DRAFT ESTIMATED TIMELINE FOR DEVELOPMENT OF 2026 REGIONAL WATER PLANS
DRAFT PROPOSED COORDINATION POINTS - ENHANCING INTERREGIONAL COORDINATION COMMITTEE**

ACTIVITY	2021												2022												2023												2024												2025											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Estimated Draft non-municipal demand projections prepared and made available by the TWDB																																																												
Pre-planning public meeting for input (31 TAC §357.12(a)(1))																																																												
Public meeting for process to identify potential feasible WMS (31 TAC §357.12(b))																																																												
Evaluate water availability and existing water supplies																																																												
Identify water needs																																																												
Identify potentially feasible WMSs																																																												
Review and negotiate SOW submittals for WMS evaluations and issue notice-to-proceeds																																																												
Period of RWPG Coordination and Collaboration																																																												
Prepare and submit Technical Memorandums																																																												
Complete the 2026 regional water plans																																																												

NON-MUNICIPAL DATA RELEASED

MUNICIPAL PROJECTIONS DATA RELEASED

PRE-PLANNING PUBLIC INPUT MEETING

PUBLIC MTG TO IDENTIFY POTENTIALLY FEASIBLE WMS

EVALUATE WATER SOURCE AVAILABILITY & EXISTING SUPPLIES

IDENTIFY WATER NEEDS

IDENTIFY POTENTIALLY FEASIBLE WMSs

REVIEW AND NEGOTIATE SOWs FOR ALL WMS EVALUATIONS (UPON SUBMITTAL BY RWPG)

COORDINATION AND COLLABORATION ON REGIONAL PROJECTS

TECH MEMO DUE: Feb-Mar 2024

CHALLENGING COORDINATION

IPP DUE MARCH 2025 ----->

SUBMITTAL TO TWDB OF FINAL ADOPTED PLAN BY OCTOBER 2025 ----->