**Draft Interregional Planning Council Report Outline**

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# Executive Summary

In 2019, the 86th Texas Legislature created the Interregional Planning Council (Council), composed of one member from each regional water planning group (RWPG), and charged the Council to

1. improve coordination among the regional water planning groups, and between each regional water planning group and the Board, in meeting the goals of the state water planning process and the water needs of the state as a whole;
2. facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and
3. share best practices regarding operation of the regional water planning process.[[1]](#footnote-1)

This second report to the Texas Water Development Board, summarizes the activities of the 2027 State Water Plan (SWP) Council’s activities in relation to their three statutory charges. The Council has put forward X recommendations, summarized below in no particular order. These recommendations represent the majority opinion of Council members, but do not necessarily reflect the views of each entity or interest group.

1. *Recommendation 1*

As relates to Legislative Charge X, the Council recommends that……

1. *Recommendation 2*

As relates to Legislative Charge X, the Council recommends that……

1. *Recommendation 3*

As relates to Legislative Charge X, the Council recommends that……

# Introduction

Texas Water Code Section 16.052 requires the Texas Water Development Board (TWDB) to appoint an Interregional Planning Council during each five-year state water planning cycle. This 2027 SWP Interregional Planning Council was appointed by the TWDB Board on July 7, 2022, with terms to expire upon adoption of the 2027 SWP. The Council, composed of one member from each RWPG (Appendix A), is charged by statute to

(1) improve coordination among the regional water planning groups, and between each regional water planning group and the Board, in meeting the goals of the state water planning process and the water needs of the state as a whole;

(2) facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and

(3) share best practices regarding operation of the regional water planning process.[[2]](#footnote-2)

The Council shall (1) hold at least one public meeting; and (2) prepare a report to the Board on the Council’s work.[[3]](#footnote-3) TWDB rules require that the Council’s report, at a minimum, include a summary of the dates the Council convened, the actions taken, minutes of the meetings, and any recommendations for the Board’s consideration, based on the Council’s work. [[4]](#footnote-4)

The Council’s report shall be delivered to the TWDB no later than one year prior to the draft regional water plan due date for the corresponding SWP cycle, as set in regional water planning contracts.[[5]](#footnote-5) For this cycle of regional water planning, that date is March 4, 2024.

## Council Meetings and Deliberations

The Council met five times between July 7, 2022, and March 4, 2024. All meetings were conducted in a hybrid format with options to attend in person at the Stephen F. Austin Building in Austin, TX, and virtually via Microsoft Teams. Meeting minutes are included in Appendix B, and specific policy recommendations are presented by statutory charge in subsequent sections of this report. A summary of actions taken by the Council is also provided below. Additional materials from Council meetings are available on the Council’s webpage at <http://www.twdb.texas.gov/waterplanning/rwp/ipc/2027IPC.asp>.

**November 9, 2022:** At its first meeting,the Council reviewed its responsibilities, agreed on operational procedures, reviewed the status of recommendations made by the previous Council, and appointed Mark Evans (Region H) as Council Chair and Gail Peek (Region G) as Council Vice-Chair.

The Council decided to prioritize recommendations made by the previous Council as a starting point for their work effort. The Council requested that the TWDB survey RWPGs to assess how they have implemented or plan to implement recommendations from the previous Council.

The Council agreed to the following operational provisions:

1. Quorum – A simple quorum (nine members) will be required to conduct business.
2. Regional representation - During the roll call at the start of each Council meeting, each region will designate the member or alternate who will represent that region during the meeting. Only one representative of each region will be allowed to speak for a region during the meeting.
3. Decision making – Decisions will be accomplished by a simple majority vote of at least nine members. Regions may have one vote by either the member or designated alternate.
4. Chair and Vice-Chair – Members elected that the Council have a chair and vice-chair position.
5. Use of committees – Members felt that committees were not necessary at this time, but the Council may establish committees later if needed.

**March 9, 2023:** The Council reviewed supporting materials prepared by the TWDB, the Council’s prioritization of the previous Council’s recommendations, and the results of the survey to assess how RWPGs have implemented or plan to implement recommendations from the previous Council. The Council discussed logistics for report preparation.

**May 30, 2023:** The Council reviewed the implementation status of the previous Council’s recommendations, discussed a draft report outline, and considered recommendations.

**August 2023:**

**November 2023:**

## Status of Previous Council Recommendations

The 2022 SWP Council's [*Interregional Planning Council Report to TWDB (2020)*](http://www.twdb.texas.gov/waterplanning/rwp/ipc/docs/2020_09_30_mtg/IPC_FinalReport-Apps_091620.pdf) provides recommendations for future actions by the TWDB, legislature, RWPGs, and future Councils. As part of its work, the 2027 SWP Council reviewed recommendations made by the previous Council and assessed the implementation status of these recommendations.

To support the Council’s work, TWDB compiled the status of recommendations made to the TWDB and legislature into a summary document. At the Council’s request, TWDB conducted a survey of RWPG chairs, sponsors, and technical consultants to assess how the RWPGs had or planned to implement the recommendations made to RWPGs. RWPG survey results were added to the summary document for the Council’s consideration. A summary of the status of the 2022 SWP Council’s recommendations is included in Appendix C.

# Charge 1. Improve coordination among the regional water planning groups, and between each regional water planning group and the Board, in meeting the goals of the state water planning process and the water needs of the state as a whole

## Recommendations

1. Identifying Issues and Opportunities

In response to recommendations from the 2022 SWP Council, TWDB and RWPGs have taken steps to identify and coordinate on project development, including strategies that are proposed to develop or use water resources in another region and that would impact the region of origin, ***at the beginning*** of the planning cycle. This effort was intended to help expedite the identification of opportunities for coordination and collaboration, as well as potential interregional conflict concerns and 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.***

The Council makes the following recommendations in support of these enhanced efforts by RWPGs to facilitate interregional coordination.

1. **Legislature**

The Council recommends that the legislature appropriate additional funds to the planning process specifically to support a required task of the RWPG to identify and facilitate interregional coordination, to allow for the additional RWPG work recommended by this Council. (IPC priority: high)

1. **Future Interregional Planning Councils**

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination and review how best to utilize interregional liaisons in the development or use of shared water resources. (IPC priority: high/medium)

1. 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 collaboration, coordination, or conflict between or among regions.

1. **Legislature**

The Council recommends that the legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Council. (IPC priority: high)

1. **Future Interregional Planning Councils**

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination. (IPC priority: high/medium).

1. Documenting Coordination Between Planning Groups

Documenting the identification of feasible water management strategies, opportunities and issues, and the coordination between planning groups should occur ***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***.

1. **Legislature**

The Council recommends that the legislature should appropriate additional funds to the planning process to allow for the additional planning group work recommended by this Council. (IPC priority: high)

1. **Future Interregional Planning Councils**

Future Interregional Planning Councils should monitor the effectiveness of enhanced efforts to promote interregional coordination. (IPC priority: high/medium)

# Charge 2. Facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas

## Recommendations

1. Long Range and Visionary Planning

The Council makes the following recommendations on long range and visionary planning.

1. **Legislature**

The Council recommends that the legislature

1. return to providing initial sponsorship of projects by the State without guarantees from local sponsors; (IPC priority: medium)
2. provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects; (IPC priority: high)
3. provide additional funding for the regional water planning process to accommodate tasks associated with long range, visionary planning; (IPC priority: high)
4. establish a process for coordination amongst state agencies, at the state level, related to installation of infrastructure during planning and construction of large-scale projects. (IPC priority: medium)
5. **Future Interregional Planning Councils**

The Council recommends future Interregional Planning Councils

1. utilize state agencies’ expertise to assist regions in developing a vision of planning resources for the state as a whole; (IPC priority: high)
2. consider whether the Interregional Planning Council or RWPGs are the appropriate mechanism for planning for water resources for the state as a whole. (IPC priority: low)

# Charge 3. Share best practices regarding operation of the regional water planning process

## Recommendations

1. Simplified Planning

The Council makes the following recommendations on simplified planning. Implementing these recommendations would allow full updates of the state water plan following updated census data, better align the regional water plans with the groundwater management area process, and potentially redirect State resources to solving water planning issues through funding special studies or other water resource challenges in the region.

1. **Legislature**

The Council recommends that the legislature amend the language in TWC Section 16.053(i) to either:

1. discontinue the requirement to update groundwater and surface water availability values in the regional water plan if those availability numbers have not changed significantly, or
2. strike simplified planning from the statute. (IPC priority: medium)
3. Enhancing Engagement of the RWPG Membership and the General Public

The Council makes the following recommendations on enhancing engagement. Implementing these recommendations will enable RWPG membership and the public to be more engaged and increase their understanding of the process.

1. **Legislature**

The Council recommends that the legislature

1. provide funding for better methods of disseminating information for the regional water planning process; (IPC priority: high)
2. authorize the use of one-way conferencing or webinars. (IPC priority: high)
3. **Future Interregional Planning Councils**

The Council recommends future Interregional Planning Councils

1. require RWPG Chairs to meet on an annual basis, at minimum, for the purposes of evaluating and documenting best practices. (IPC priority: high)
2. hold work sessions to “deep dive” into more complicated topics; (IPC priority: medium)
3. Communication Between the TWDB, RWPGs, and Members

The Council makes the following recommendations on communication between the TWDB, RWPGs, and members. Implementing these recommendations will enable RWPG membership to make informed decisions by increasing members’ understanding of the process and resources available.

1. **Legislature**

The Council recommends that the legislature provide funding to enhance communication between the TWDB, RWPGs, and members. (IPC priority: high)

1. **Future Interregional Planning Councils**

The Council recommends future Interregional Planning Councils review existing technology and recommend appropriate changes. (IPC priority: medium)

1. TCEQ as an Ex-Officio Member

The Council makes the following recommendations on TCEQ membership on the RWPGs. Implementing these recommendations would consistently provide RWPGs a subject matter expert and resource for water issues addressed by the TCEQ or other state agencies. In addition, this recommendation could increase coordination between the TWDB and the TCEQ on planning vs. regulation issues and requirements.

1. **Legislature**

The Council recommends that the legislature amend TWC Section 16.053(c) to add TCEQ has an ex-officio member of each RWPG. (IPC priority: medium)

1. Reimbursement of Labor Costs for Regional Water Planning Administrative Agents

The Council makes the following recommendations on reimbursement of administrative labor costs. Implementing these recommendations would encourage political subdivisions to take on the role of the administrative agency for regional water planning. The agencies would no longer be penalized for accepting the responsibility of administering the regional water planning process.

1. **Legislature**

The Council recommends the legislature provide additional funding for the regional water planning process to accommodate labor costs for administering RWPGs rather than permitting a reallocation of existing planning resources, as that would reduce the funding required to meet other required planning tasks. (IPC priority: high)

1. Open Meetings Act Modification of Video-Conference Restrictions

The Council makes the following recommendations on modification of TOMA video-conferencing restrictions related to regional water planning. Some regions are large and require traveling great distances. Implementing these recommendations would decrease regional water planning and lost opportunity costs to state and local governments and private stakeholders as well as create a more efficient process by allowing greater governmental transparency during consideration of items on an agenda and provide the public an avenue for increased meeting participation. Additionally, video conferencing can promote improved interregional coordination for liaisons to attend meetings. However, a digital divide does exist, and some regions might not have good internet access to ensure quality connectivity.

1. **Legislature**

The Council recommends that the legislature amend the Texas Open Meetings Act to allow virtual participation during the regional water planning process as an alternative or in addition to requiring the public to be physically present to make public comment or as an option for a RWPG member that cannot physically attend a meeting resulting from any issue the legislature believes appropriate. (IPC priority: high/medium)

1. Improving the Regional Water Planning Process

The Council makes the following recommendations on improving the regional water planning process. Implementing these recommendations would improve efficiency and effectiveness by eliminating waste in the planning process as well as improve productivity of the RWPG membership.

1. **Future Interregional Planning Councils**

The Council recommends future Interregional Planning Councils

1. Review progress on all of the recommendations in the 2022 SWP Council's report and submit its assessment to the TWDB. (IPC priority: high)
2. Review materials and meeting notes from the TWDB’s lessons learned technical meetings with RWPG consultants. (IPC priority: medium)

# Additional Observations

In the course of its work, the Council made the following observations on topics not directly related to its statutory charge but that it felt are important to acknowledge in this report.

1. Water Loss

Consider actions to decrease water loss through improved infrastructure, better management of water resources, awareness, appropriate and thorough water loss studies, and other measures. Water is a valuable and vital commodity. Having water losses reported of X% or more is unacceptable. This is particularly true for entities showing unmet future water demands that are proposing new projects to meet those demands.

Possible recommendations for consideration:

1) making funds more readily available for infrastructure improvements;

2) having the regional water planning process place more emphasis on the reporting of water losses and efforts to reduce those losses;

3) requiring entities with unmet future water demands report water loss rates, efforts to reduce those rates, and consider reducing future water demands of those entities to reflect a reduction in water losses.

1. Rural water use

At the March 9, 2023 meeting of the Interregional Planning Council, questions and concerns were raised around the topics of transient populations in rural areas and their associated water use. This is placeholder information on a rural water use observation by council member Jonathan Letz. Region J has put forth the following three policy recommendations in their 2021 Regional Water Plan

***Transient Population Impact on Water Demand***. Municipal water use reports capture the total amount of water produced and distributed by the city. In concept, this volume includes water consumed by both permanent and transient populations within the community. However, the counties of the Plateau Region have a high transient influx of vacationers and hunters that frequent the more remote areas and are not likely included in the water demand estimates. Likewise, there are a high percentage of second-home owners in the rural counties that is also not accounted. Officials in the most rural counties in the Region estimate that as much as 70 percent of landowners are not permanent residents. This transient water demand likely has a significant impact on water demand estimates used by the planning group. The PWPG encourages the TWDB to consider this water-use category and develop a method for estimating its impact. **Status:** If the transient residents are part of a utility, the water use is captured in the system’s annual water use reported and the water use would be captured in municipal demand projections through the baseline gpcd. If the transient residents are on their own wells, then water use is captured in the demand projections through the ‘County-Other’ water user group gpcds.

***County-Other Demand Distribution***. In the regional water planning process, water supply demand is determined on a county and river basin basis and is then evenly distributed over the designated area. In some cases, this results in a misrepresentation of the actual rural density within segments of the county-river basin area. The primary disadvantage of this is that a high-density rural area may have a legitimate need of water supply management even though the county-river basin statistical numbers do not indicate a supply shortage. A recommended water management strategy in an area such as this does not register as high of a priority as it realistically should. The PWPG therefore recommends that the TWDB develop a planning process that will justifiably recognize the high-priority needs of such County-Other areas. **Status:** The TWDB drafts projections by water user group using statewide methodologies and every water user group is split by region, county, and river basin. The projections as well as the region, county, basin split percentages are reviewed and potentially revised by the RWPG. RWPGs may develop projects and strategies for County-Other water user groups even if no water supply need is identified as a result of the current demand projection methodologies.

***Impact of Transient Water Demand in Rural Counties***. The concern pertaining to transient population water demand in rural counties was expressed in Section 8.1.8. A study is needed to quantify this impact that is not based solely on the resident population but rather considers the total count of individuals within the respective area. **Status:** No TWDB-funded research on this topic as of December 2022.

To assess water use and demand, the TWDB annually estimates population of water user groups based upon the permanent (e.g., non-transient) residents within utility service boundaries and those outside of utility service boundaries. Unlike the U.S. Census estimates for cities, there is no one data source that can be solely relied upon for estimating the permanent population served by water utilities because each data source has its limitations. Additionally, due to the nature of the self-reported WUS data and small systems, historical estimates can fluctuate considerably for some PWSs even though considerable efforts are made to correct any inconsistencies in reported population and net use data.

1. **Transient populations in areas served by PWS and associated water use** (e.g., tourism, commerce / commuting populations, etc.)
   1. **Population estimation –** TWDB does not estimate transient populations in any part of the state due to data limitations. TWDB annually estimates population of permanent (e.g., non-transient) residents based upon utility service boundaries. These estimates are developed using a combination of sources, including WUS reported population and residential connections, Census county growth, Census Place, and historical PWS growth.
   2. **Water use estimation**
      1. Transient population water use is considered captured in the self-reported water use from community PWSs that TWDB collects in the annual WUS (e.g., hotels and other commercial facilities served by PWSs).
      2. For systems that do not respond to the annual WUS, TWDB estimates the system water use by carrying forward historical WUS data or using relevant data from other sources, such as groundwater conservation districts or water right use data reported to the TCEQ.
2. **Rural area permanent populations in areas NOT served by a community PWS and associated water use** (e.g., primary residence not serviced by a water system / on private exempt well)
   1. **Population estimation –** No WUS or other data is available for rural domestic-use areas of the state. TWDB estimates rural area permanent population using PWS population and Census county total population estimates. The annual rural area permanent population outside of PWS service boundaries is calculated by subtracting the sum of all PWS populations by county from the Census county total population of each county. County-Other population estimates include this rural area population.
   2. **Water use estimation** – Estimated county-level rural population is multiplied by the statewide average rural gallons per capita per day (GPCD) to estimate county-level rural water use. The statewide average per-person water use for rural households and rural transient populations has historically been between 95-105 GPCD[[6]](#footnote-6).
3. **Rural area transient populations in areas NOT served by a community PWS and associated water use** (e.g., second home or Airbnb properties on exempt wells)
   1. **Population estimation** – Transient populations are not estimated by the TWDB. To estimate transient populations that are relying on non-system / private wells only is difficult due to the lack of data to support the estimations, as no WUS or other data is available for rural domestic-use areas of the state. The methodologies described above rely on permanent population data reported by water systems and the Census.
   2. **Water use estimation** – It is difficult to estimate the per capita water use of rural transient populations because the number of people coming and going is unknown and the total water use is not metered and reported. Water use for transient population is captured through a statewide GPCD estimation described above in 2b. TWDB County-Other water use estimates include both water use for small system served populations and rural domestic areas, including assumed rural area transient population use. It is possible that a groundwater conservation district could have pumping data of each subdivision (with private wells) and rural water user, but the TWDB is not aware of any data collected by a district at that level of detail.
4. Population projections

# Conclusions

The members of the Council dedicated a significant number of hours in Council meetings to deliberate, develop, and present this second report to the TWDB….

# Appendices

1. List of Council Members and Designated Alternates
2. Minutes from Council Meetings
3. Status of the 2022 State Water Plan Interregional Planning Council Report (2020) Recommendations

1. Texas Water Code Section 16.052(c) [↑](#footnote-ref-1)
2. Texas Water Code Section 16.052(c) [↑](#footnote-ref-2)
3. Texas Water Code Section 16.052(d) [↑](#footnote-ref-3)
4. 31 Texas Administrative Code §357.11(k)(4) [↑](#footnote-ref-4)
5. 31 Texas Administrative Code §357.11(k)(5) [↑](#footnote-ref-5)
6. The historic statewide average of 95-105 GPCD was determined from the TWDB WUS and includes average per-person water use (as available) for Water Supply Corporations, mobile home parks, and investor-owned utilities to represent what rural households and rural transient populations might use, including RV parks or other commercial water use activities. This statewide average is higher than the 77 GPCD suggested by USGS for national rural domestic use estimation. The USGS figure may only include rural domestic wells for residential populations but no other types of commercial uses for transient population. It is assumed that the higher state average rural GPCD includes commercial activities for transient population even though transient populations are not included in the population estimates. [↑](#footnote-ref-6)