

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.