

Senate Bill 1  
South Central Texas RWPG Staff Workgroup Meeting  
April 21, 2016 at 9:00 am  
San Antonio River Authority

1. Review and Discuss Executive Committee Actions
  - a. Response to TWDB proposed Rules Changes
  - b. Proposed Timeline for 2021 Plan Enhancement Process
2. Review and Discuss TWDB Rules Changes Timeline and Strategize a Comment Process for Region L Members
3. Review and Discuss the Region L Agenda for May 5, 2016
4. Any Additional Items for Consideration

**1. Review and Discuss Executive Committee Actions**

**a. Response to TWDB proposed Rules Changes**

**b. Proposed Timeline for 2021 Plan Enhancement Process**

February 22, 2016

Re: Preliminary Input on Revisions to TWDB Water Planning Rules

Dear Stakeholder,

Texas Water Development Board staff is preparing to propose revisions to 31 Texas Administrative Code (TAC) Chapters 357 and 358. The attached revision topics are being considered to comply with recent legislation, to clarify certain agency planning requirements, or to address stakeholder concerns. The scope of the potential rule revisions will not necessarily be limited to these topics.

Before determining the scope and specific content of the draft rulemaking, we would like your input. If interested, please provide comments related to the attached rule revision topics or any other potential revisions associated with 31 TAC Chapter 357 or Chapter 358.

One of the revision topics is amending 31 TAC §357.32(d) to implement Senate Bill 1101, 84<sup>th</sup> Legislative Session, related to the use of modeled available groundwater in regional water plans. Another revision topic is a potential change to 31 TAC §357.21 to incorporate House Bill 3357, 84<sup>th</sup> Legislative Session, related to posting of public notice. We are seeking feedback on whether and how HB 3357 should apply to notice of Regional Water Planning Group meetings.

We are also seeking input on ways to provide greater flexibility in the use of modeled available groundwater values in the regional water plans.

If there are other changes to 31 TAC Chapters 357 or 358 that you believe may be appropriate, please submit them as well. Please provide your comments and any additional suggested revisions to [RulesComments@twdb.texas.gov](mailto:RulesComments@twdb.texas.gov) by April 8, 2016. Please put the words “2016 Planning Rulemaking” in the subject line. If you have any questions about the revisions or the rulemaking process, you may contact Temple McKinnon at (512) 475-2057 or [temple.mckinnon@twdb.texas.gov](mailto:temple.mckinnon@twdb.texas.gov).

**Our Mission** : **Board Members**

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

:  
: Bech Bruun, Chairman | Kathleen Jackson, Member | Peter Lake, Member  
:  
: Kevin Patteson, Executive Administrator

February 22, 2016

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In parallel with this rule revision process and in accordance with Texas Water Code §16.051(d), we will review and update the planning guidance principles in §358.3, with input from the Texas Commission on Environmental Quality, Texas Department of Agriculture, and the Texas Parks and Wildlife Department.

Sincerely,



Jeff Walker  
Deputy Executive Administrator  
Water Supply & Infrastructure

Enclosure

## **TWDB Planning Rule Revisions under Consideration**

### **Legislatively-mandated changes**

- 1) 31 TAC §357.32(d) – Revise rule to incorporate the requirements of Senate Bill 1101, 84<sup>th</sup> Legislative Session, regarding the allowance of a regional water planning group (RWPG) to determine groundwater availability outside of the modeled available groundwater (MAG) for groundwater availability if no groundwater conservation districts exist with the regional water planning area.
- 2) 31 TAC §357.35 – Revise rule to require regional project prioritizations to accompany submittal of final adopted regional water plans and establish how and when they may be updated and resubmitted as required by House Bill (HB) 4, 83<sup>rd</sup> Legislative Session.

### **Process improvements under consideration**

- 1) 31 TAC 357.32(d) - Revise rule to provide greater flexibility in groundwater availability volumes as incorporated numerically in the regional water plans (RWPs) under drought of record conditions while in accordance with Texas Water Code (TWC) §16.053(2)(a).
- 2) 31 TAC §357.51 – Revise rule to add a procedure for RWPGs to make minor corrections to their approved RWPs or the state water planning database.
- 3) 31 TAC §357.21(d) – Revise rule to move application for Board regional planning grant funding to a new subsection within §357.21. The objective is to re-establish the notice requirement in place prior to the last rule revision by eliminating the requirement to post Board funding applications in the Texas Register or on the Secretary of State’s website.

### **Clarifications under consideration**

- 1) 31 TAC §357.34 - Revise rule to clarify that state and regional water plans must only include water management strategies and water management strategy projects that will, when implemented, actually reduce water use, save water, increase the efficient use of water, or deliver or treat additional water volumes to wholesale water providers or water user groups in any planning decade. Projects, or portions of projects, that do not meet this requirement would not be recommended in the state water plan and thus would not be eligible for funding from the State Water Implementation Revenue Fund of Texas (SWIFT program).
- 2) 31 TAC §357.32(c) – Revise rule to include language clarifying how run-of-river surface water supplies for municipal water user groups must be evaluated, for example, as “minimum monthly diversions”.
- 3) 31 TAC §357.51(a)(2) – Revise the rule to more explicitly describe how the Board considers and acts upon a petition to amend a regional water plan, if the RWPG does not act upon the petition.

- 4) 31 TAC §357.50 – Revise rule to add subsection clarifying the Board’s authority to approve a regional water plan with unmet municipal needs, if the RWPG has provided adequate justification.
- 5) 31 TAC §357.21(d)(5) – Revise rule to clarify what alternative formats, other than hard copies, may be used to make Initially Prepared Regional Water Plans available for public review. An example of an alternative format, for example, might include an internet web link accessible by computer available at public libraries rather than a hard copy of the document.
- 6) 31 TAC §357.21(d)(5) – Revise rule to clarify that making copies available in public libraries and county courthouses does not apply to adopted RWPs and that the minimum statutory requirement for adopted regional water plans is submittal to TWDB.
- 7) 31 TAC §357.21(b)(4) and (b)(5) – Consider revising rule to allow RWPGs to provide notice to county clerks in regional water planning areas, consistent with the options in HB 3357, 84<sup>th</sup> Legislative Session or to post public notices related to regional water planning on the RWPG’s internet website.

**Definition revisions**

- 1) 31 TAC §357.10(29)(A) – Revise definition of *water user group* to formalize the Board’s existing authority to develop population and municipal water demand projections for a water user group (WUG) to coincide with utility service area boundaries.
- 2) 31 TAC §357.10(13) - Refine definition of *firm yield* to better reflect planning practice.
- 3) 31 TAC §357.10(2) and (12) – Revise rules to more clearly define *availability* and *existing water supply* to reflect actual planning practice including, for example, eliminating the word “available” from the definition of *existing water supply*.
- 4) 31 TAC §357.10(26) – Update rule to align the definition of *water conservation measures* with SWIFT conservation terminology.
- 5) 31 TAC §357.10(30) – Revise the definition of *wholesale water provider* to clarify the process for designating an entity as a wholesale water provider.
- 6) 31 TAC §357.10 – Revise rule to include additional definitions for terms: *unmet need*, *recommended water management strategy project* (for prioritization purposes), and *drought management water management strategy*.



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#### EXECUTIVE COMMITTEE

Suzanne Scott  
*Chair / River Authorities*  
Tim Andruss  
*Vice-Chair / Water Districts*  
Gary Middleton  
*Secretary / Municipalities*  
Donna Balin  
*At-Large / Environmental*  
Adam Yablonski  
*At-Large/ Agriculture*

#### MEMBERS

Gene Camargo  
*Water Utilities*  
Rey Chavez  
*Industries*  
Alan Cockerell  
*Agriculture*  
Will Conley  
*Counties*  
Don Dietzmann  
*GMA 9*  
Art Dohmann  
*GMA 15*  
Blair Fitzsimons  
*Agriculture*  
Vic Hilderbran  
*GMA 7*  
John Kight  
*Counties*  
Russell Labus  
*Water Districts*  
Glenn Lord  
*Industries*  
Doug McGookey  
*Small Business*  
Dan Meyer  
*GMA 10*  
Con Mims  
*River Authorities*  
Iliana Peña  
*Environmental*  
Robert Puente  
*Municipalities*  
Steve Ramsey  
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David Roberts  
*Small Business*  
Roland Ruiz  
*Water Districts*  
Diane Savage  
*GMA 13*  
Greg Sengelmann  
*Water Districts*  
Thomas Taggart  
*Municipalities*  
Dianne Wassenich  
*Public*  
Bill West  
*River Authorities*  
Kevin Janak  
*Electric Generating/Utilities*

*Transmitted Via Electronic Mail: [Temple.McKinnon@twdb.texas.gov](mailto:Temple.McKinnon@twdb.texas.gov)*

April 4, 2016

Temple McKinnon  
Texas Water Development Board  
P.O. Box 13231  
Austin, TX 78711

#### RE: 2016 Planning Rulemaking

Dear Mrs. McKinnon,

The South Central Texas Regional Water Planning Group (Region L) Executive Committee met on March 23, 2016, to discuss and respond to a letter from the Texas Water Development Board (TWDB) dated February 22, 2016, concerning preliminary input on revisions to 31 Texas Administrative Code (TAC) Chapters 357 and 358.

The Executive Committee, on behalf of the full Region L Planning Group, supports the following measures as they relate to TWDB planning rule revisions currently under consideration.

- 31 TAC §357.21 (d)(5) – Revise rule to clarify what alternative formats, other than hard copies, may be used to make Initially Prepared Regional Water Plans (IPP) available for public review. Region L's experience with distributing IPP hardcopies (two per county) across 21 counties in South Central Texas involves exorbitant printing costs under a constrained budget, and at least two full days of staff time for delivery. Other costs incurred by the designated political subdivision (San Antonio River Authority) include the price of fuel for traveling across 21 counties, which is still significantly cheaper than commissioning a delivery service or US mail. Where such costs and staff time could be reduced, Region L supports a TWDB rule revision to that effect.
- 31 TAC §357.21 (b)(4) and (b)(5) – Revise rule to allow RWPGs to provide notice to county clerks within the regional water planning area, consistent with the options in HB 3357, 84<sup>th</sup> Legislature, or to post public notices related to regional water planning on the RWPG's internet website. Region L currently mails notices to 21 county clerks. Each clerk maintains different operating procedures, posting costs, and nuanced preferences. It costs over \$1,000 per planning cycle to post four notices per year for regular RWPG meetings. This does not include postage for mailing or staff time. By allowing designated political subdivisions to simply post public notices to an entity's website, whether it be of the political subdivision or the RWPG (or both), the RWPG would save significant time and money. Moreover, a TWDB rule revision would make notices, which include a copy of the meeting

agenda, more visible to stakeholders and the general public, thereby encouraging public participation in state and regional water planning. Region L also supports the continued practice of posting notices and agendas for RWPG meetings to the Texas Secretary of State Website, as currently required under 31 TAC §357.21(b)(5).

In addition to the aforesaid support for TWDB planning rule revisions currently under consideration, Region L supports the following recommendations.

- 31 TAC §357.10 – Consider adding a definition for “reservoir.” During the fourth cycle of regional water planning, Region L designated several stream segments as being of unique ecological value, and recommended the Legislature recognize those designations (see Chapter 8 Policy Recommendations & Unique Sites; Region L – 2016 Regional Water Plan: Volume 1). The former Region L Chair, Con Mims spearheaded an effort to pass HB 1016, 84<sup>th</sup> Legislature, which followed the Region L recommendation. HB 1016 proscribes state or political subdivisions of the state from financing the construction of “reservoirs” within the designated stream segment. Region L supports a revision to the TWDB rule definitions, which defines “reservoir” such that it excludes low water crossing or flood control structures from the proscribed infrastructure financed by an arm of the State.

Region L appreciates TWDB’s continued efforts to solicit stakeholder input to improve the water planning process. With each nuanced planning cycle, the evolving process unveils new areas for improvements in the rules and guidance. Region L is confident in TWDB’s leadership within the state water planning arena, and its efforts to remain cognizant of regional and state water planning issues. Should you or the Board have any questions or need clarification on the information herein, please feel free to contact Cole Ruiz at (210) 302-3293 or [cruiz@sara-tx.org](mailto:cruiz@sara-tx.org).

Sincerely,



Suzanne Scott,  
Region L Chair



## 2021 Plan Enhancement Process Schedule

<b>May 2016</b>	The appropriateness and adequacy of how demand and need are determined.
	The role of regional water planning groups in influencing population growth and land use.
	Defining conflicts of interests of planning group members
<b>August 2016</b>	The role of regional water planning groups in influencing water development plans of water suppliers.
	The role of regional water planning groups in influencing permitting entities.
<b>November 2016</b>	The adequacy of evaluating the Plan's effects on freshwater inflows to San Antonio Bay.
	The adequacy of environmental assessments of individual WMS's.
	A set of guiding principles to serve as a blueprint for long-term water sustainability.
<b>February 2017</b>	How Water Management Strategies are categorized; e.g. Recommended, Alternate, Needing Further Study.
	The extent to which innovative strategies should be used.
	Maintaining management supplies while avoiding "over planning".
<b>Other</b>	Identifying special studies or evaluations deemed important to enhance the 2021 Plan and identification of outside funding sources.
	Any other subjects that the planning group agrees to address.

**2. Review and Discuss TWDB Rules Changes Timeline and Strategize a Comment Process for Region L Members**

**3. Review and Discuss the Region L Agenda for May 5, 2016**

**DRAFT**  
**NOTICE OF OPEN MEETING OF THE  
SOUTH CENTRAL TEXAS REGIONAL  
WATER PLANNING GROUP**

TAKE NOTICE that a meeting of the South Central Texas Regional Water Planning Group as established by the Texas Water Development Board will be held on Thursday, May 5, 2016, at 9:30 a.m. at San Antonio Water System (SAWS), Customer Service Building, Room CR 145, 2800 US Highway 281 North, San Antonio, Bexar County, Texas. The following subjects will be considered for discussion and/or action at said meeting.

1. Public Comment
2. CONVENE PRE-PLANNING PUBLIC MEETING to Receive Public Input on Issues that Should be Addressed or Provisions that Should be Included in the Regional Water Plan for the Fifth Cycle of Regional Water Planning (Public Meeting Notice Published Separately on March 30, 2016 per 31 Tex. Admin. Code § 357.21)
3. Election of Officer to Fill Vacant Executive Committee At-Large Seat for Calendar Year 2016
4. Status of Edwards Aquifer Habitat Conservation Plan (HCP) – Nathan Pence, Executive Director EAHCP
5. Status of Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays Basin and Bay Stakeholder Committee (BBASC) and Expert Science Team (BBEST)
6. Texas Water Development Board (TWDB) Communications
7. Chair’s Report
8. Discussion and Appropriate Action Regarding Actions Taken by Region L Executive Committee on March 23, 2016.
  - a. Review and Response to TWDB Proposed Rules Changes
  - b. 2021 Plan Enhancement Process Proposed Schedule
9. Discussion and Appropriate Action Regarding Consultant’s Work and Schedule
10. Discussion and Appropriate Action Regarding the Following Components of the 2021 Plan Enhancement Process
  - a. Appropriateness and Adequacy of How Demand and Need are Determined
  - b. Role of Regional Water Planning Groups in Influencing Population Growth and Land Use
  - c. Conflicts of Interests With Respect to Planning Group Members and Consultants

11. Discussion and Appropriate Action Authorizing the Administrator to Solicit Nominations to Fill Vacancies of South Central Texas Regional Water Planning Group (SCTRWPG) Voting Member Terms Expiring August 2016
12. Discussion and Appropriate Action Authorizing Administrator to Negotiate and Execute Interlocal Agreement for Funding Region L Administrative Costs for calendar years 2017 – 2021
13. Possible Agenda Items for the Next Region L Meeting
14. Public Comment

The South Central Texas Regional Water Planning Area consists of Atascosa, Bexar, Caldwell, Calhoun, Comal, Dewitt, Dimmit, Frio, Goliad, Gonzales, Guadalupe, Karnes, Kendall, La Salle, Medina, Refugio, Uvalde, Victoria, Wilson, Zavala and part of Hays Counties.

#### **4. Any Additional Items for Consideration**