Region L
South Central Texas Regional Water Planning Group

c/o San Antonio River Authority
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San Antonio, Texas 78283-9980

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(210) 302-3692 Fax
www.RegionLTexas.org

DATE: July 29, 2016

TO: Members of the South Central Texas Regional Water Planning Group

FROM: Steven J. Raabe, P.E.

The schedule and location of the meeting of the South Central Texas Regional Water Planning Group is as follows:

TIME AND LOCATION

Thursday, August 4, 2016
9:30 a.m.
San Antonio Water System
Customer Service Building
Room CR C145
2800 US Highway 281 North
San Antonio, Bexar County, Texas 78212

Enclosed is a copy of the posted public meeting notice.

Steven J. Raabe, P.E.

Enclosure

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, August 4, 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. Additionally,

1. Comments from Texas Water Development Board (TWDB) Director Kathleen Jackson

2. Public Comment

3. Approval of the Minutes from the May 5, 2016, Meeting of the South Central Texas Regional Water Planning Group (Region L)

4. Elections to Fill Vacancies of South Central Texas Regional Water Planning Group (SCTRWPG) Voting Member Terms Expiring August 2016

5. Status of Edwards Aquifer Habitat Conservation Plan (HCP) – Nathan Pence, Executive Director EAHCP

6. 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)

7. Texas Water Development Board (TWDB) Communications

8. Chair's Report

9. Discussion and Appropriate Action Regarding Consultant's Work and Schedule

    a. Proposed Water User Groups (WUGs) for the 2021 Region L Regional Water Plan

    b. Black and Veatch Disclosure of Relationships

10. Discussion and Appropriate Action Regarding TWDB Proposed Rule Changes

11. Rainwater Harvesting Presentations – Brian Perkins, John Kight & Jack Holmgreen

12. Discussion and Appropriate Action Adopting Guiding Principles on the Following Issues Identified Through the 2021 Plan Enhancement Process

    a. Appropriateness and Adequacy of How Demand and Need are Determined

    b. Role of RWPs in Influencing Population Growth and Land Use

c. Conflicts of Interests With Respect to Planning Group Members

13. Discussion and Appropriate Action Regarding the Following Components of the 2021 Plan Enhancement Process

    a. The Role of the Planning Group in Influencing Water Development Plans of Water Suppliers

    b. The Role of the Planning Group in Influencing Permitting Entities

14. Administrator Update on Interlocal Agreement for Funding SCTRWPG Administrative Costs for the Fifth Cycle of Regional Water Planning

15. Possible Agenda Items for the Next Region L Meeting

    a. Review and Adoption of New Guiding Principles

    b. 2021 Plan Enhancement Discussion on 1) The Adequacy of Evaluating the Plan's Effects on Freshwater Inflows to San Antonio Bay, 2) The Adequacy of Environmental Assessments of Individual WMS's, and 3) A set of guiding principles to serve as blueprint for long-term sustainability.

    c. Texas A&M Institute for Renewable Natural Resources Land Trend/ Water Resources Study Presentation

    d. Authorization for Administrator to Provide Public Notice and Submit a Grant Application to TWDB for Fifth Cycle Funding, and to Negotiate and Execute the Amendment to the TWDB Contract

16. Public Comment

1. Comments from Texas Water Development Board (TWDB) Director Kathleen Jackson

WATER FOR TEXAS

2017 State Water Plan

Kathleen Jackson, Director

Texas Water Development Board

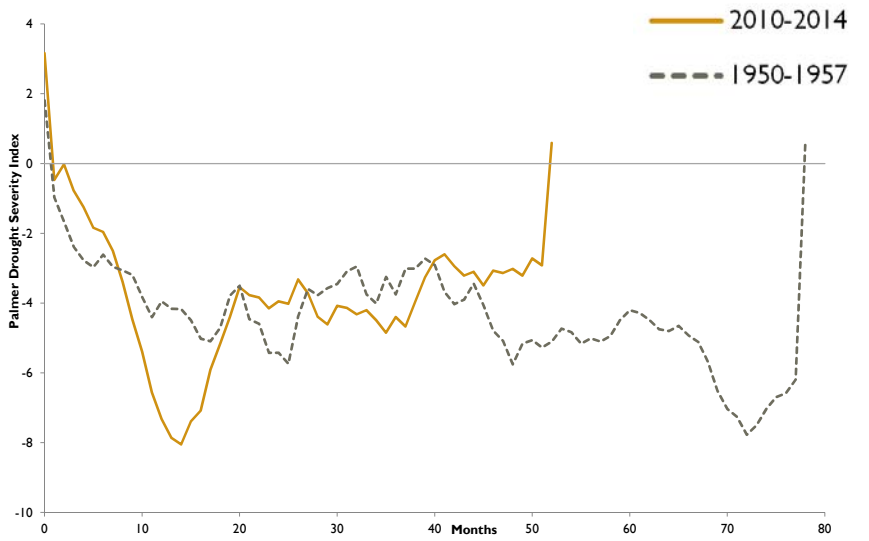
254 counties

23 river basins

16 water planning areas

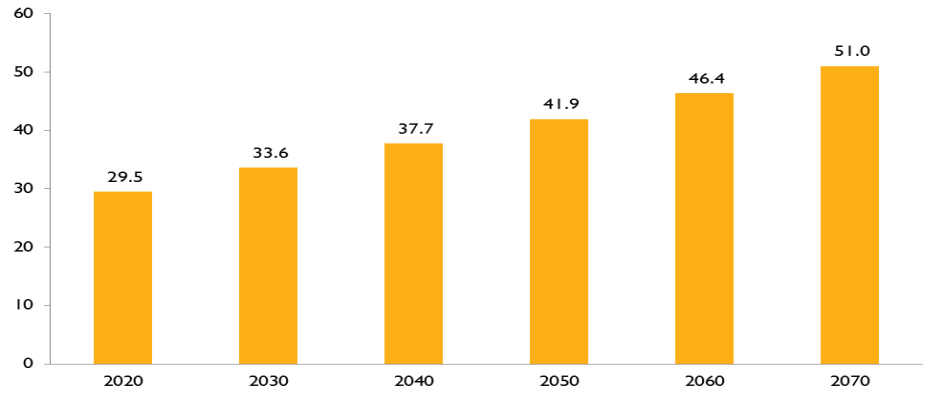
30 aquifers

WORST STATEWIDE TEXAS DROUGHTS

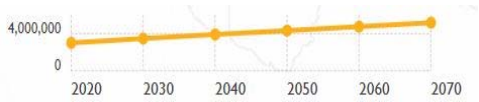


3

PROJECTED **TEXAS** POPULATION GROWTH



Region L: +73%



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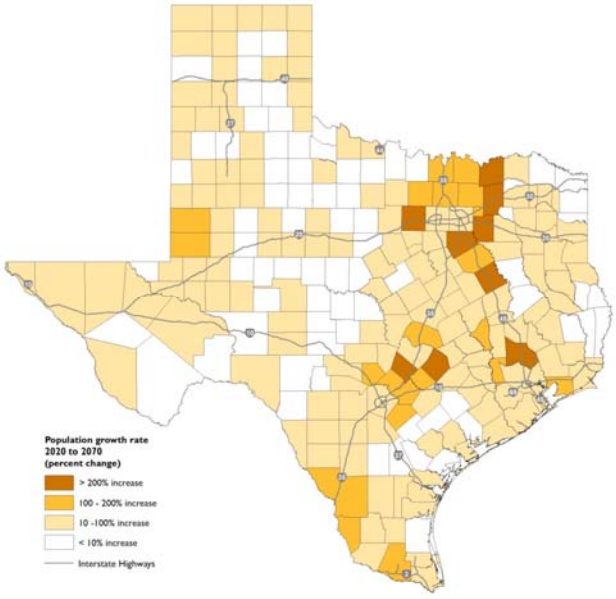
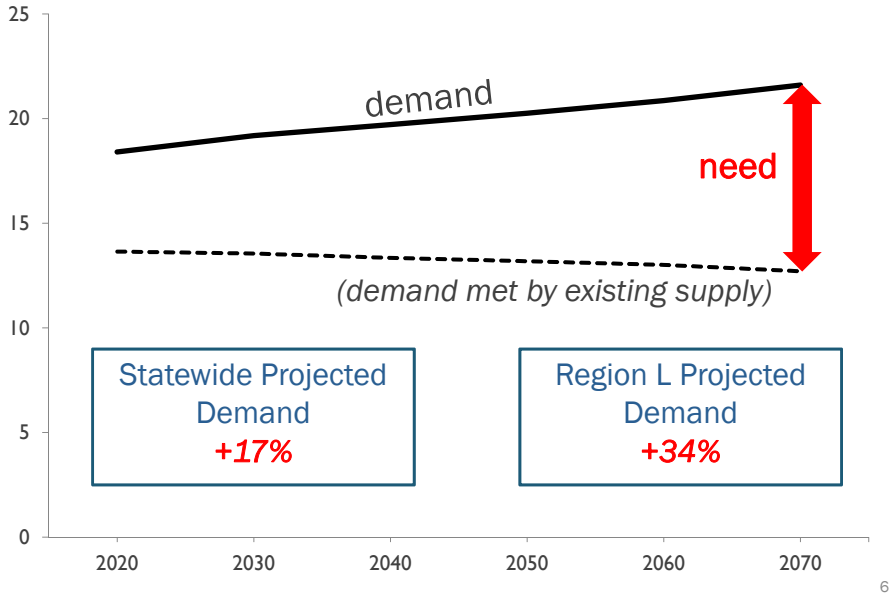
PROJECTED GROWTH RATE IN TEXAS COUNTIES



5

PROJECTED WATER NEED

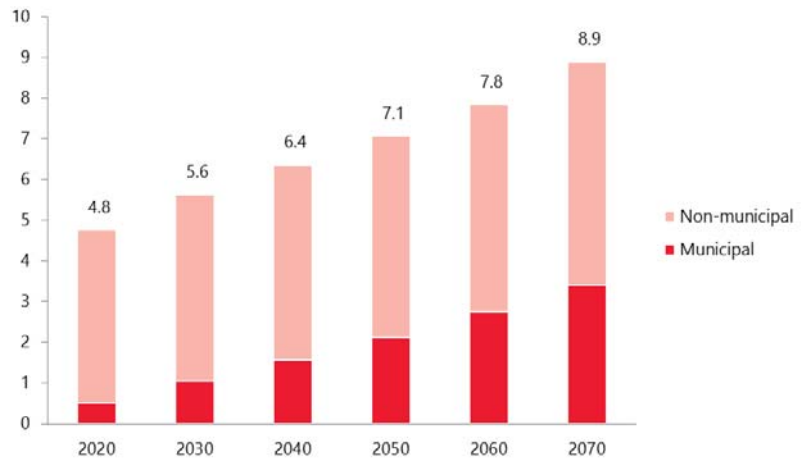


Statewide Projected Demand
+17%

Region L Projected Demand
+34%

6

PROJECTED ANNUAL WATER NEEDS IN TEXAS



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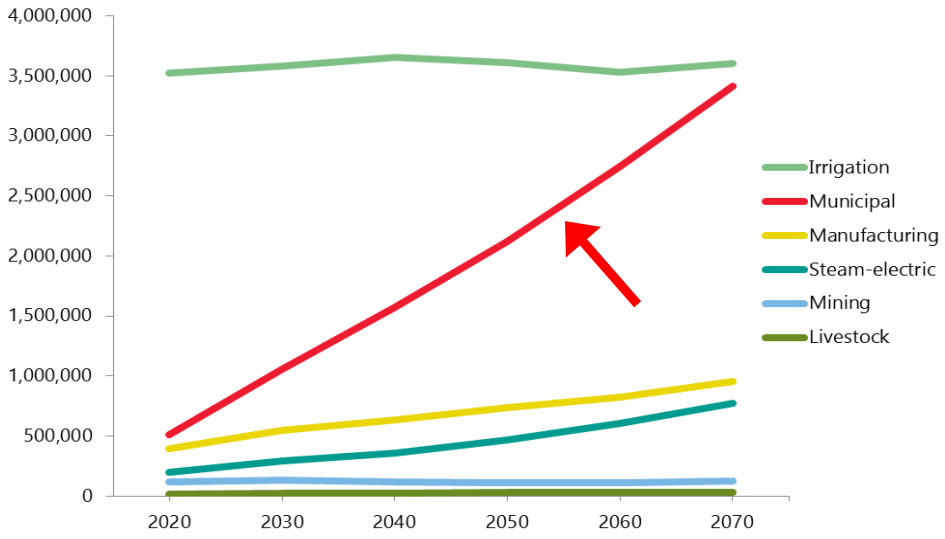
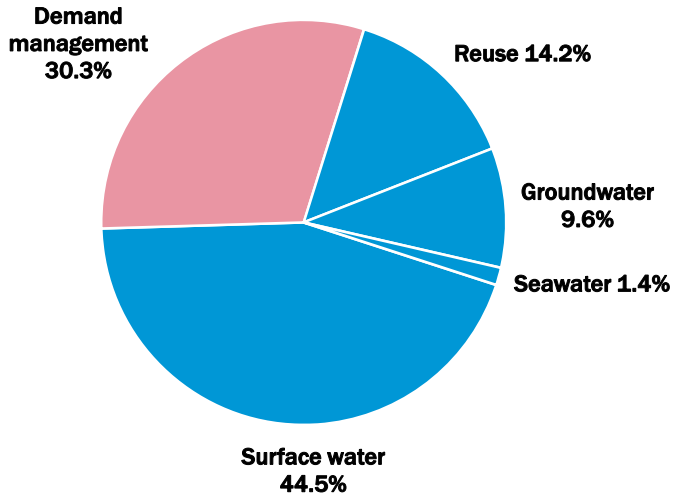
STATE-WIDE WATER NEEDS BY WATER USE CATEGORY



8

STRATEGIES BY WATER RESOURCE IN 2070



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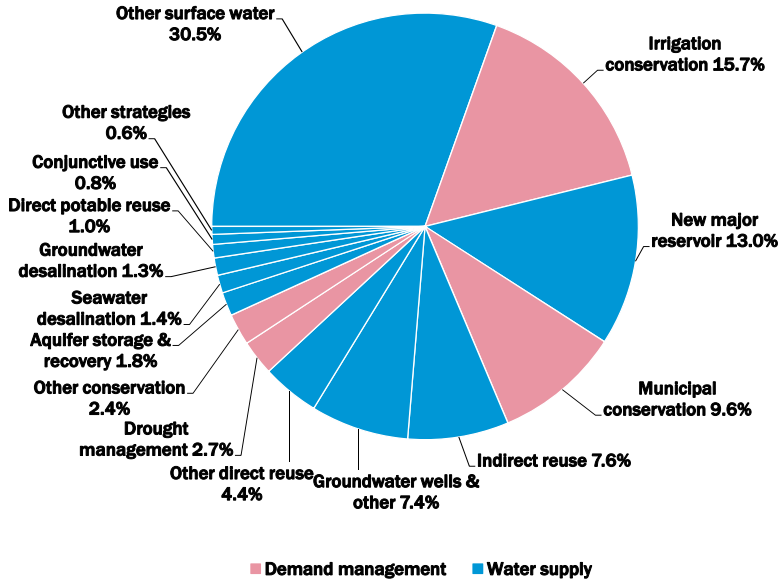
STRATEGIES BY TYPE IN 2070



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TOP THREE STRATEGIES

	2020	2070
Statewide	- *Other Surface Water* - *Irrigation Conservation* - Groundwater Wells & Other	- *Other Surface Water* - *Irrigation Conservation* - ***New Major Reservoir***
Region L	- Other Direct Reuse - Groundwater Wells & Other - Municipal Conservation	- Groundwater Wells & Other - Other Direct Reuse - ***New Major Reservoir***

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CONSERVATION - 2017 STATE WATER PLAN

- Conservation makes up over one quarter of strategy supplies in 2070
- Most frequently recommended strategy in the 2017 Plan
- Over $4 billion in capital costs
- Demand management (long-term conservation and temporary drought management restrictions) and reuse combined make up 45% of total strategy volumes.

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NOTABLE CHANGES IN STRATEGIES

Conservation

Over 25% of all strategies

Aquifer Storage and Recovery

350% Increase

Direct Potable Reuse

Recommended 7x as much!

13

Strategies, projects, and cost of the plan

5,500 strategies

2,500 projects

Capital cost of **$63** billion

14

PROGRAM YEAR 2015

- $900 million in financial assistance in 2015 (approximately)
- $3.9 billion in financial assistance over the next decade (approximately)
- 20 project sponsors
- 30 projects
- $106 million in projected savings
- AAA rating

Turns Planning into Projects

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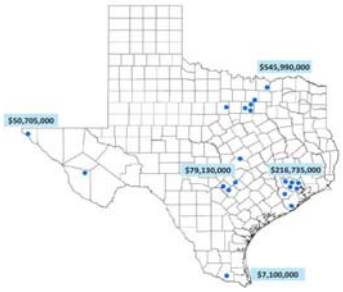
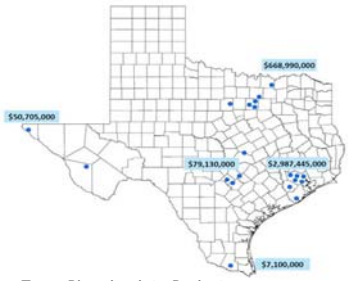
COMMUNITIES SERVED

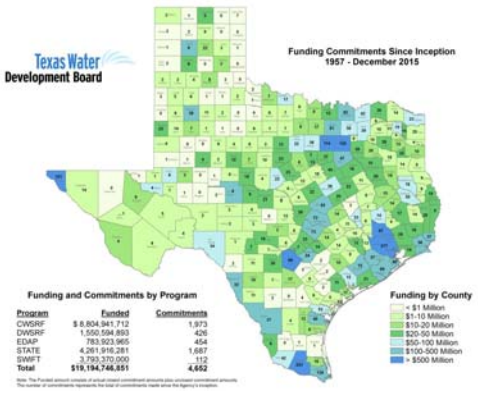
2015 SWIRFT Financial Assistance



Multi-Year Financial Assistance Request*



Total Funding Commitments*
(Loans and Grants)
Post-SWIRFT 1957 – December 2015



* Preliminary, subject to change
** Multi-year commitments include the 2015 financial assistance requests

Turns Planning into Projects

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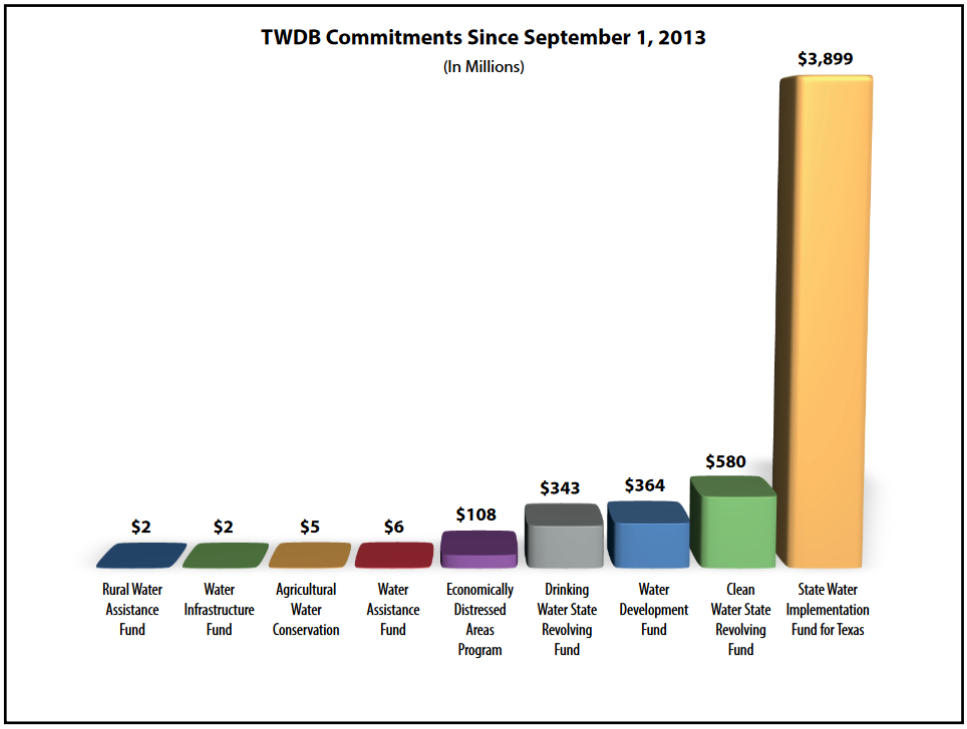
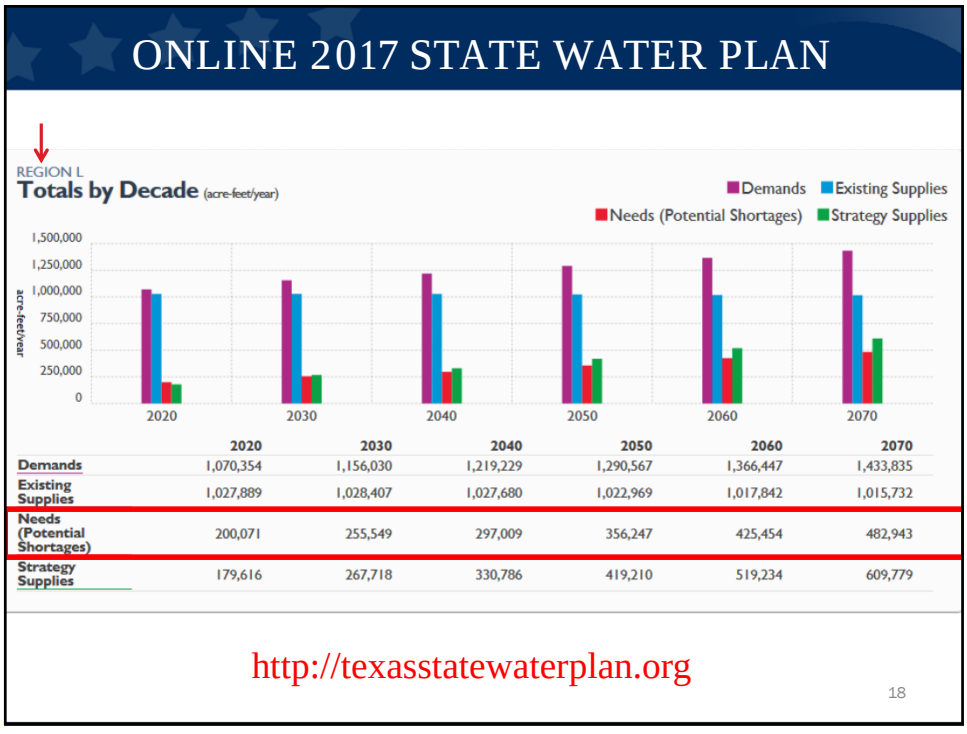

TWDB Commitments Since September 1, 2013
(In Millions)
$2
$2
$5
$6
$108
$343
$364
$580
$3,899
Rural Water Assistance Fund
Water Infrastructure Fund
Agricultural Water Conservation
Water Assistance Fund
Economically Distressed Areas Program
Drinking Water State Revolving Fund
Water Development Fund
Clean Water State Revolving Fund
State Water Implementation Fund for Texas


ONLINE 2017 STATE WATER PLAN
REGION L
Totals by Decade (acre-feet/year)
Demands
Existing Supplies
Needs (Potential Shortages)
Strategy Supplies
1,500,000
1,250,000
1,000,000
750,000
500,000
250,000
0
acre-feet/year
2020
2030
2040
2050
2060
2070
2020 2030 2040 2050 2060 2070
Demands 1,070,354 1,156,030 1,219,229 1,290,567 1,366,447 1,433,835
Existing Supplies 1,027,889 1,028,407 1,027,680 1,022,969 1,017,842 1,015,732
Needs (Potential Shortages) 200,071 255,549 297,009 356,247 425,454 482,943
Strategy Supplies 179,616 267,718 330,786 419,210 519,234 609,779
http://texasstatewaterplan.org
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EXAMPLES OF PROJECTS REGION L IDENTIFIED TO ADDRESS POTENTIAL NEEDS

REGION L
Recommended Projects

Total capital cost of recommended projects: **$8,076,371,531**

Type to filter table

Project▲	Decade Online	Sponsor	Capital Cost
BRACKISH WILCOX GROUNDWATER FOR CRWA	2030	CANYON REGIONAL WATER AUTHORITY	$62,787,000
BRACKISH WILCOX GROUNDWATER FOR SAWS	2020	SAN ANTONIO WATER SYSTEM	$53,162,000
BRACKISH WILCOX GROUNDWATER FOR SS WSC	2070	S S WSC	$16,864,000
BRACKISH WILCOX GROUNDWATER FOR SSLGC	2020	SCHERTZ-SEGUIN LOCAL GOVERNMENT CORPORATION	$54,133,000
CIBOLO VALLEY LCG CARRIZO PROJECT	2020	CIBOLO VALLEY LOCAL GOVERNMENT CORPORATION	$69,382,000
CPS DIRECT RECYCLE PIPELINE	2020	SAN ANTONIO WATER SYSTEM	$30,000,000
CRWA SIESTA PROJECT	2030	CANYON REGIONAL WATER AUTHORITY	$68,798,000
CRWA WELLS RANCH PROJECT PHASE II	2020	CANYON REGIONAL WATER AUTHORITY	$37,292,000
EXPANDED BRACKISH WILCOX PROJECT - SAWS	2020	SAN ANTONIO WATER SYSTEM	$723,175,000
EXPANDED LOCAL CARRIZO FOR SAWS	2020	SAN ANTONIO WATER SYSTEM	$19,332,000

1 2 3 4 5 Next

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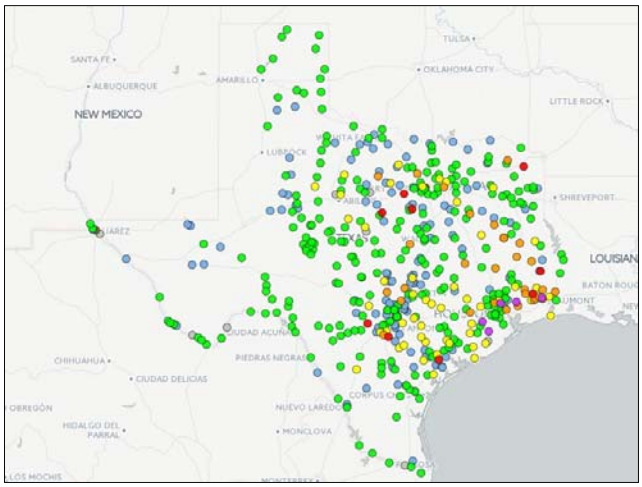
TEXASFLOOD.ORG



TEXASFLOOD.org
Tools for Texans to track flood conditions

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SAVE THE DATE!

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HOW TO CONTACT ME

Kathleen Jackson, P.E.
@twdb_kathleen
512.463.7847
Kathleen.Jackson@twdb.texas.gov

www.twdb.texas.gov

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2. Public Comment

3. Approval of the Minutes from the May 5, 2016, Meeting of the South Central Texas Regional Water Planning Group (Region L)

Minutes of the
South Central Texas Regional Water Planning Group
May 5, 2016

Chairwoman Suzanne Scott called the meeting to order at 9:30 a.m. in the San Antonio Water System's (SAWS) Customer Service Building, Room CR 145, 2800 US Highway 281 North, San Antonio, Bexar County, Texas.

29 of the 30 voting members, or their alternates, were present.

Voting Members Present:

Tim Andruss
Donna Balin
Gene Camargo
Rey Chavez
Alan Cockerell
Will Conley
Don Dietzmann
Barbara Smith for Art Dohman
Blair Fitzsimons
Vic Hilderbran
Kevin Janak
Curt Campbell for John Kight
Russell Labus
Glenn Lord
Tony Wood for Doug McGooky
Dan Meyer
Gary Middleton
Con Mims
Robert Puente
Annalisa Peace for Iliana Pena
Steve Ramsey
Marc Friberg for Roland Ruiz
Dianne Savage
Suzanne Scott
Greg Sengelmann
Thomas Taggart
Dianne Wassenich
Bill West
Adam Yablonski

Voting Members Absent
David Roberts

Non-Voting Members Present:
Ron Ellis, Texas Water Development Board (TWDB)
Marty Kelley, Texas Department of Parks and Wildlife

Non-Voting Members Absent:
Dan Hunter, Texas Department of Agriculture
Ronald Fieseler, Region K Liaison
Charles Wiedenfeld, Region J Liaison
Steve Ramos, TCEQ – South Texas Watermaster Specialists
Don McGhee, Region M Liason

Beginning with the February 11, 2016, meeting of the South Central Texas Regional Water Planning Group, all recordings will be available for the public at www.regionltexas.org.

All PowerPoint presentations and meeting materials referenced in the minutes are available in the meeting Agenda Packet at www.regionaltexas.org.

Prior to Agenda Item No. 1, Suzanne Scott Recognized former Region L Chair, Con Mims, for his dedication as Chair of the South Central Texas Regional Water Planning Group (SCTRWPG) , and the many milestones achieved under his leadership.

AGENDA ITEM NO. 1: PUBLIC COMMENT

No comments were made.

AGENDA ITEM NO. 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 AND IS INCLUDED BELOW)

Chairwoman Suzanne Scott recessed the regular meeting of the South Central Texas Regional Water Planning Group, and convened the Pre-Planning Public Meeting. Those with oral comments were limited to three minutes each.

Full comments are accessible via the recording at www.regionltexas.org.

Jim McMeans provided comments on a proposal to incentivize the installation and expansion of rainwater collection systems, called, "Texas Rainwater Initiative Fund."

Rachel Cywinski, made comments affirming those made by the Texas Impact/ Interfaith Center for Public Policy in regard to the 2016 Regional Water Plan, and asked that those be considered for the 2021 Regional Water Plan. Additionally, Ms. Cywinski, in honor of National Prayer Day, provided a "Water Prayer," which she wrote for the Planning Group.

Ellen Burke, a San Antonio Resident, expressed some general concerns about the Vista Ridge Project.

Dr. Meredith McGuire, representing the Lone Star Chapter of the Sierra Club, made some comments on the importance of drought resilience.

AGENDA ITEM NO. 3: APPROVAL OF THE MINUTES FROM THE FEBRUARY 11, 2016, MEETING OF THE SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP (SCTRWPG)

Chairwoman Scott ask for a motion to approve the minutes from the February 11, 2016, meeting of the SCTRWPG. Dianne Wassenich motioned to approve the minutes. Thomas Taggart seconded the motion. The motion passed by consensus.

AGENDA ITEM NO. 4: ELECTION OF OFFICER TO FILL VACANT EXECUTIVE COMMITTEE AT-LARGE SEAT FOR CALENDAR YEAR 2016

Chairwoman Scott asked for nomination to fill the vacant At-large position on the SCTRWPG Executive Committee. Bill West nominated Kevin Janak. Robert Puente seconded Mr. West's nomination for Kevin Janak. Dianne Savage nominated Dianne Wassenich. Thomas Taggart seconded Mrs. Savage's nomination of Mrs. Wassenich. Chairwoman Scott called for a vote where each voting member present chooses one of the aforesaid candidates. Voting was conducted by ballot. Per the Bylaws, a candidate must achieve a majority of votes of total voting members (at least16 votes) (*see South Central Texas Regional Water Planning Group Bylaws, Article VIII Section 2*). After all ballots were collected, Kevin Janak was confirmed by affirmative vote.

AGENDA ITEM NO. 5: STATUS OF EDWARDS AQUIFER HABITAT CONSERVATION PLAN (HCP) – NATHAN PENCE, EXECUTIVE DIRECTOR EAHCP

Nathan Pence notified the planning group that a tour of the habitat restoration that has progressed in line with the Edwards Aquifer Habitat Conservation Plan was being planned for the fall of 2016. The tour would focus on San Marcos system, with a follow up tour to the Comal system in 2017. Dianne Wassenich requested that the group visit the Meadow Center. Bill West suggested a brief session on the archeological report recently released with regard to Spring Lake. Mr. Pence agreed to incorporate those requests in the tour.

AGENDA ITEM NO. 6: 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)

Chairwoman Scott briefed the Planning Group on recent developments with respect to the BBASC, noting that the BBASC, having selected three studies to conduct with the biennial funding provided by the Texas Water Development Board (TWDB) to validate environmental flows standards, was waiting for one final contract to be executed with the science team conducting the *focal species, blue crab and shrimp additional modeling*. The other two contracts had already been executed. A complete list of the proposed studies follows below:

1. Focal species, blue crab and shrimp additional modeling ($99,968) (continuation)
2. Instream flow studies, continued (TWDB $215,000 / SARA contribution $60,000 (continuation)
3. USGS flow and sediment loads at estuarine gauge ($62,500) (new study)

AGENDA ITEM NO. 7: TEXAS WATER DEVELOPMENT BOARD (TWDB) COMMUNICATIONS

Ron Ellis (TWDB) presented on the 2017 State Water Plan (Plan), noting that the Plan was in draft form and would go before the TWDB for adoption late summer 2016. Mr. Ellis stated the purpose of the Plan, which was to provide for the orderly development, management, and conservation of water resources, prepare for and respond to drought conditions, and make sufficient water available at a reasonable cost to ensure public health, safety, and welfare and further economic development while protecting the agricultural and natural resources of the entire state. Mr. Ellis's presentation included a general overview of water planning in Texas and Region L, and the processes related to water planning. The presentation touched on demands and existing supplies, strategies included in the Plan, costs of implementation, and policy recommendations. Mr. Ellis also introduced the Planning Group to the online Interactive State Water Plan, available at http://www.twdb.texas.gov/waterplanning/swp/2017/index.asp. The next steps require TWDB adoption and delivery to the Governor and Legislature.

There was general concern about the total costs published in the 2017 State Water Plan, which includes the cumulative costs of all potentially feasible water management strategies in the Plan. Con Mims noted that the cumulative cost figure was misleading since, while each water management strategy may be potentially feasible, it is not feasible to implement each strategy. This is because, in many cases, multiple strategies serve the same service area due to the nature of planning.

Additionally, discussion of the use of rainwater harvesting as a potential water management strategy prompted Chairwoman Scott to ask whether the Planning Group would like to hear a presentation at a future meeting to that effect. Brian Perkins (Black & Veatch) offered assisting with such a presentation. Donna Balin and Dianne Savage suggested asking John Kight to present on the topic.

AGENDA ITEM NO. 8: CHAIR'S REPORT

Chairwoman Scott briefed the Planning Group on a Technical Meeting she attended at the TWDB weeks before, noting that attendees included chairs, technical consultants, and administrators from each region throughout the state. The meeting provided a venue for the stakeholders around the state to gather and discuss best management practices in water planning from a technical perspective. Discussion at the Technical Meeting involved a range of topics including quantifying environmental impacts on agriculture, updating water availability models (WAM), and updating the WAMs to include environmental flow standards.

AGENDA ITEM NO. 9: DISCUSSION AND APPROPRIATE ACTION REGARDING ACTIONS TAKEN BY REGION L EXECUTIVE COMMITTEE ON MARCH 23, 2016.

A. REVIEWED AND RESPONDED TO TWDB PROPOSED RULES CHANGES

Brian Perkins, Black & Veatch, briefed the Planning Group on a letter submitted by the Executive Committee (designated to do so at the February 2016 meeting) supporting several proposed TWDB planning rule revisions. The Executive Committee, acting on behalf of the full Planning Group, supported the following rule proposals:

- 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.
- 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, 84th 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.
- 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, 84th 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.

Ron Ellis provided information to the Planning Group on the rough timeline involved with the rulemaking process, but noted that he would provide updates as they become available. Mr. Ellis noted that there was a possibility that the newly proposed rules would go before the TWDB prior to the August meeting, in which case the public comment period on the proposed rule revisions would open up prior to the August 2016 Region L meeting.

Chairwoman Scott proposed that, if the proposed rule revisions were adopted by the TWDB prior to the August Region L meeting, the Executive Committee be called together to formulate comments on the new rule proposals, noting that the meeting would be open to all who wish to participate in the process.

B. PROPOSED SCHEDULE FOR 2021 PLAN ENHANCEMENT PROCESS

Chairwoman Scott presented the Planning Group with a schedule, developed by the Executive Committee, which provided a timeline with respect to the 2021 Plan Enhancement Process. Additionally, Chairwoman Scott also proposed a process, consistent with the 2021 Plan Enhancement Schedule, by which the Planning Group develops a guiding principle for each of the issues outlined by discussing the topic scheduled for that particular meeting. Between meetings, the Administrator/ Technical Consultant will draft the guiding principles based on the discussion from the previous meeting. At the following meeting, those guiding principles will be presented to the Planning Group, who will have the opportunity to critique, edit and comment on the guiding principle with the intent to garner a consensus agreement to adopt the principle as an official position of the Planning Group. These principles will then be compiled into a "Guiding Principles" document which will serve as a continuous reminder of the Planning Group's positions on the issues identified in the 2021 Plan Enhancement Process. At each meeting, a standing item on the agenda will remind the Planning Group what guiding principles have been adopted.

Chairwoman Scott asked the Planning Group if there were any objections to the aforesaid process. There were none. The Planning Group agreed to proceed this way during the fifth cycle of regional water planning.

AGENDA ITEM NO. 10: TEXAS WATER DEVELOPMENT BOARD PRESENTATION ON UTILITY-BASED PLANNING

Kevin Kluge, TWDB, presented on Population and Water Demand Projections for 2021 Regional Water Plans. Specifically, Mr. Kluge briefed the Planning Group on how TWDB was switching from a population based planning operation – which leaned on municipal boundaries – a utility-based planning operation – which is not limited by municipal boundaries. The reason for the change is that utility service areas do not follow city boundaries. This item did not require action by the Planning Group. All PowerPoint slides, and the recording are available at www.regionltexas.org.

The Planning Group broke for lunch at 11:45 AM. The meeting resumed at 12:30 PM.

AGENDA ITEM NO. 11: DISCUSSION AND APPROPRIATE ACTION REGARDING CONSULTANT'S WORK AND SCHEDULE

Brian Perkins, Black and Veatch, briefed the Planning Group on the new schedule, which

outlined the planning process through 2020. A copy of the schedule is accessible in the agenda packet on www.regionltexas.org. Mr. Perkins covered all of the predetermined deadlines as set by TWDB.

Pursuant to Black and Veatch's Agreement for Professional Services with the SCTRWPG, Mr. Perkins disclosed contractual relationships with the San Antonio Water System (SAWS), Baker Botts/ Guadalupe-Blanco River Authority (GBRA), CPS Energy, the State Comptroller/ UT-Bureau of Economic Geology, and the Rio Grande RWPG (Region M).

There was some discussion regarding what type of relationships that should be included for disclosure purposes in the future. Chairwoman Scott asked Mr. Perkins to develop a description of the type of projects/ relationships that Black and Veatch might have with other stakeholders, which have a significant nexus to the use or supply of water (water-related projects/ relationships). Mr. Perkins agreed to bring an item to August meeting, which defines the types of relationships that would require disclosure. The Planning Group will discuss and adopt that description to guide the disclosure process throughout its contractual agreement with Black and Veatch.

AGENDA ITEM NO. 12: 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

Brian Perkins summarized the public comments received during the public comment period following the adoption of the 2016 Initially Prepared Plan (April 2015) with regard to the appropriateness and adequacy of how demand and need are determined. Chairwoman Scott opened the discussion up to Planning Group members, asking them to recall any concerns related to demand and need. After some discussion, the Planning Group came to a consensus that the process should be transparent. As a guiding principle, the Planning Group should define TWDB's process regarding population and water demand projections to ensure Planning Group members understand it. Ultimately, the Planning Group would receive population and water demand projections recommendations from TWDB. Having the opportunity to review, the Planning Group would maintain the duty to request changes on a case by case basis as early in the process as possible.

Brian Perkins summarized the public comments received during the public comment period following the adoption of the 2016 Initially Prepared Plan (April 2015) with regard to the role of regional water Planning Groups in influencing population growth and land use. After some discussion the Planning Group directed the guiding principle to reflect Chapter 8 of the 2016 Regional Water Plan. Moreover, the Planning Group agreed that their role is not to influence population growth and land use. However, it's the Planning Group's duty to be cognizant of the sensitive relationship between the plan, population growth and land use.

Additionally, Blair Fitzsimmons suggested that the Texas A&M Institute for Renewable Natural Resources present on a land trends study focused on water resources at a future meeting. The Planning Group agreed that such a presentation would be useful.

Brian Perkins summarized the public comments received during the public comment period following the adoption of the 2016 Initially Prepared Plan (April 2015) regarding conflicts of interests with respect to Planning Group members. After some discussion the Planning Group agreed to update the nomination form to require information concerning a nominees "employer," as opposed to "occupation," and clarifications concerning "interest group." Additionally, future nominees would be asked to abide by the Code of Conduct (outlined in the SCTWPG Bylaws). A copy of the SCTRWPG Bylaws will be given to nominees prior to the standard nominee interview with the Executive Committee. During the interview, the Executive Committee will ask, as a standard interview question, whether nominees agree to abide by the Code of Conduct.

AGENDA ITEM NO. 13: 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

Chairwoman Scott indicated that, as per the SCTRWPG Bylaws, Planning Group action was needed to authorize the Administrator to solicit nominations to fill vacancies, which were imminent for voting member terms ending August 2016. Dianne Wassenich asked if the Planning Group would be notified of those members, whose terms were expiring and who were not planning to be considered for additional term in their current position. Chairwoman Scott went through the list of Planning Group members, whose terms were expiring, and asked each if they planned on being considered for a new term. The following voting Planning Group members indicated that they were not planning to be considered for a new term in their current position: Donna Balin, John Kight, and Alan Cockerell.

Mrs. Wassenich made a motion to authorize the Administrator to solicit nominations to fill vacancies for the SCTRWPG voting member terms expiring August 2016. Glen Lord seconded the motion. There were no objections. The motion passed by consensus.

AGENDA ITEM NO. 14: DISCUSSION AND APPROPRIATE ACTION AUTHORIZING ADMINISTRATOR TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENT FOR FUNDING REGION L ADMINISTRATIVE COSTS FOR CALENDAR YEARS 2017 – 2021

Cole Ruiz briefed the Planning Group on the draft Interlocal Agreement for Funding the Region L Administrative Costs for calendar years 2017-2020. Mr. Ruiz encouraged Planning Groups members to commit their organizations to contributing to the fund. Mr. Ruiz also explained the timeline for adopting the Interlocal Agreement.

AGENDA ITEM NO. 15: POSSIBLE AGENDA ITEMS FOR THE NEXT REGION L MEETING

- **A. FILL SEATS OF MEMBERS WHOSE TERMS ARE EXPIRING AUGUST 2016**
- **B. 2021 PLAN ENHANCEMENT PROCESS**
  - **i. THE ROLE OF THE PLANNING GROUP IN INFLUENCING WATER DEVELOPMENT PLANS OF WATER SUPPLIERS**
  - **ii. THE ROLE OF THE PLANNING GROUP IN INFLUENCING PERMITTING ENTITIES**

Chairwoman Scott discussed the items that would be presented at the August Region L meeting, which included filling term vacancies, TWDB rule making, a review of the list of municipal water user groups pursuant to the new utility-based planning format, rain water harvesting discussion

and presentation, and the 2021 Plan Enhancement Process.

AGENDA ITEM NO. 16: PUBLIC COMMENT
No comments were made.

Chairwoman Scott adjourned the meeting.

_____
GARY MIDDLETON, SECRETARY

Approved by the South Central Texas Regional Water Planning Group at a meeting held on August 4, 2016.

_____
SUZZANE SCOTT, CHAIR

4. Elections to Fill Vacancies of South Central Texas Regional Water Planning Group (SCTRWPG) Voting Member Terms Expiring August 2016

5. Status of Edwards Aquifer Habitat Conservation Plan (HCP) – Nathan Pence, Executive Director EAHCP

6. 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)

7. Texas Water Development Board (TWDB) Communications

Texas Water Development Board

Regional Financial Assistance Workshops

Opportunities for Helpful One-on-One Discussions

The Texas Water Development Board (TWDB) is pleased to invite you to a new style of workshop that provides valuable information while allowing for more one-on-one opportunities to discuss your project needs. Your Regional Project Team, along with TWDB Program Coordinators, will be at the workshops to discuss specific projects and answer any questions you may have.

Overview of Workshop

- Brief but informative overview of the TWDB and the types of financing available
- Handout of program updates for those already familiar with the TWDB
- One-on-One meetings with TWDB staff to explore funding options for your projects

Location *	Date	Building Name	Address
Bryan	July 13, 2016 - 10 a.m.	Bryan Municipal Building, Council Chambers	300 South Texas Avenue, Bryan, TX
Uvalde	August 16, 2016 - 10 a.m.	Texas Agri-Life Research & Extension Auditorium, Room 121	1619 Garner Field Road, Uvalde, TX
Conroe	September 13, 2016 - 9 a.m.	San Jacinto River Authority, G & A Building, Board Room	1577 Dam Site Road, Conroe, TX
Corsicana	October 11, 2016 - 9 a.m.	Corsicana Public Library, Nancy Roberts Room	100 North 12th Street, Corsicana, TX
Amarillo	November 9, 2016 - 9 a.m.	Panhandle Regional Planning Commission	415 West 8th Street, Amarillo, TX
McAllen	December 6, 2016 - 9 a.m.	McAllen City Hall Commission Chambers – 3rd Floor	1300 Houston Avenue, McAllen, TX

* The monthly regional workshops will be ongoing. The schedule for 2017 will be released later in 2016.

If you desire to hold a pre-application meeting at the conference being held in your region, please contact your Regional Project Team Manager: Their contact information may be found at: http://www.twdb.texas.gov/financial/programs/swift/regional_project_teams.asp

To register, please email your name, title, entity, email, telephone contact information and the workshop location you are planning to attend to srfworkshops@twdb.texas.gov. General questions may be directed to your Regional Project Team Manager.

Please register as soon as possible as venues are subject to capacity limitations.

8. Chair’s Report

9. Discussion and Appropriate Action Regarding Consultant's Work and Schedule

    a. Proposed Water User Groups (WUGs) for the 2021 Region L Regional Water Plan

    b. Black and Veatch Disclosure of Relationships

2021 South Central Texas Regional Water Plan

Estimated Schedule

August 2016 RWPG Meeting

Task/ Chapter	Description	2016 J	A	S	O	N	D	2017 J	F	M	A	M	J	J	A	S	O	N	D	2018 J	F	M	A	M	J	J	A	S	O	N	D	2019 J	F	M	A	M	J	J	A	S	O	N	D	2020 J	F	M	A	M	J	J	A	S	O	N	D
1	Planning Area Description																																																					
2	Population/Water Demands ★				MUN/MIN/L								IRR/SE/IND, and Revision Requests																																																
3	Existing Supply Analyses																																																					
4	Identification of Needs																																																					
5	Identification & Evaluation of Potential WMSs																																																				
6	Impacts of Regional Water Plan; Cumulative Effects																																																				
7	Drought Response Information, Activities, & Recommendations																																																				
8	Policy Recommendations & Unique Sites																																																				
9	Infrastructure Financing Analysis																																																				
10	Public Participation & Plan Adoption ★																																																				
11	Implementation & Comparison to Previous Plan																																																				
TBD	Prioritization																																																				
NA	Texas Legislative Sessions																																																				
NA	GMA DFC Revisions																																																				

Anticipated Funding

Tech Memo Sep 10, 2018

Anticipated Funding

2021 IPP Due Mar 3, 2020

2021 RWP Due Sep 2, 2020

KEY:

- *Scheduled Region L Meetings*
- *Anticipated Region L Meetings*
- *Currently Funded Tasks*
- *Public Hearing(s) on 2021 IPP*
- *Anticipated Activity*
- *Activity Uncertainty*

BUILDING A WORLD OF DIFFERENCE

August 4, 2016

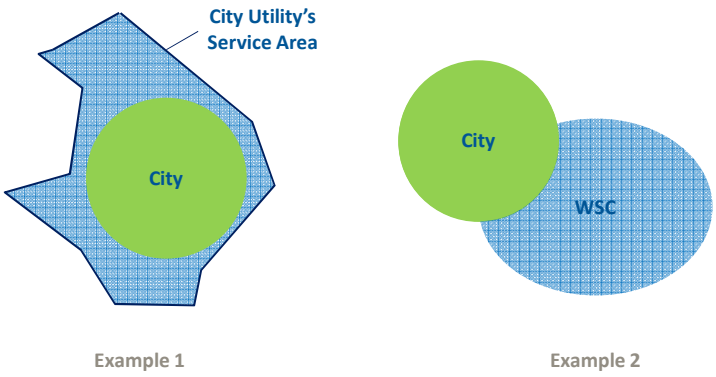
PROPOSED WATER USER GROUPS (WUGS) FOR THE 2021 REGION L WATER PLAN

INITIAL DRAFT INFORMATION FROM TWDB

BLACK & VEATCH
Building a world of difference.

UTILITY-BASED PLANNING

- 2016 RWPs



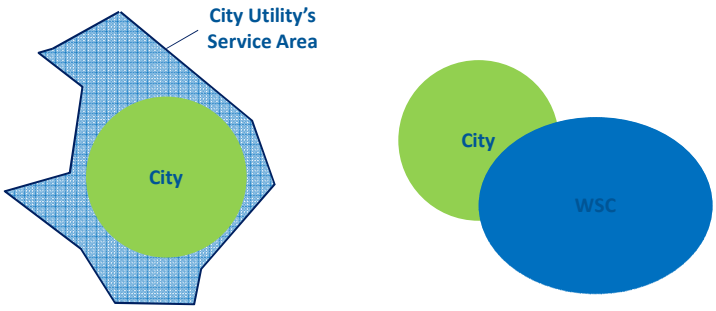
Example 1

Example 2

2

UTILITY-BASED PLANNING

- **2021 RWPs**



Example 1 Example 2

3

WUGS FOR 2021 RWP

- **109 Public WUGs**
  - 16 New
  - 93 Existing
  - 27 Reassigned
- **4 Facilities for Consideration**
- **5 Private Utilities for Consideration**

4

16 NEW WUGS

- BATESVILLE WSC
- BEXAR COUNTY WCID 10
- CARRIZO HILL WSC
- FAYETTE WSC
- GUADALUPE-BLANCO RIVER AUTHORITY
- HAYS COUNTY WCID 1
- HAYS COUNTY WCID 2
- KNIPPA WSC
- LOMA ALTA CHULA VISTA WATER SYSTEM
- MEDINA COUNTY WCID 2
- MEDINA RIVER WEST WSC
- MOORE WSC
- PICOSA WSC
- QUAIL CREEK MUD
- VICTORIA COUNTY WCID 1
- WINDMILL WSC

5

27 REASSIGNED WUGS

Previous WUG	New WUG
BALCONES HEIGHTS	SAN ANTONIO WATER SYSTEM
BULVERDE	COUNTY-OTHER
CANYON LAKE WATER SERVICE COMPANY	COUNTY-OTHER
CASTLE HILLS	SAN ANTONIO WATER SYSTEM
CHINA GROVE	SAN ANTONIO WATER SYSTEM
ENCINAL	ENCINAL WSC
HELOTES	SAN ANTONIO WATER SYSTEM
HILL COUNTRY VILLAGE	SAN ANTONIO WATER SYSTEM
HOLLYWOOD PARK	SAN ANTONIO WATER SYSTEM
MARTINDALE	MARTINDALE WSC
MOUNTAIN CITY	COUNTY-OTHER
MUSTANG RIDGE	CREEDMOOR-MAHA WSC
NEW BERLIN	EAST CENTRAL SUD / GREEN VALLEY SUD
NIEDERWALD	GOFORTH SUD
OLMOS PARK	SAN ANTONIO WATER SYSTEM
PLUM CREEK WATER COMPANY	COUNTY-OTHER
SAN ANTONIO	SAN ANTONIO WATER SYSTEM
SANTA CLARA	MARION / GREEN VALLEY SUD
SOMERSET	SAN ANTONIO WATER SYSTEM
ST. HEDWIG	EAST CENTRAL SUD / GREEN VALLEY SUD
TERRELL HILLS	SAN ANTONIO WATER SYSTEM
UHLAND	COUNTY LINE WSC
VON ORMY	~~ATASCOSA RURAL WSC~~ SAN ANTONIO WATER SYSTEM
WATER SERVICES INC	COUNTY-OTHER
WIMBERLEY	WIMBERLEY WSC
WINDCREST	BEXAR COUNTY WCID 10
WOODCREEK	COUNTY-OTHER

6

BLACK & VEATCH
Building a world of difference.

4 FACILITIES TO CONSIDER

- FORT SAM HOUSTON
- TEXAS STATE UNIVERSITY
- LACKLAND AIR FORCE BASE
- RANDOLPH AIR FORCE BASE

NOTE: Per the Joint Base San Antonio agreement, Camp Bullis is served by SAWS in full. Ft Sam Houston, Lackland, Medina, and Security Hill have own supply and have SAWS as backup. Randolph is self-supplied with back-up from others.

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5 PRIVATE UTILITIES TO CONSIDER

- AIR FORCE VILLAGE II INC
- CLEAR WATER ESTATES WATER SYSTEM
- KENDALL WEST UTILITY
- KT WATER DEVELOPMENT
- WINGERT WATER SYSTEMS

8

PROCEDURE

- Develop list of suggestions/corrections
- Develop list of Facilities and Private Utilities that SCTRWPG recommends for inclusion
- Submit lists to TWDB by September 30, 2016

9

10. Discussion and Appropriate Action Regarding TWDB Proposed Rule Changes

DEFINITIONS

- Revisions appear to be in line with current state of planning
- Clarify terminology
- Better define requirements

**"Reservoir" was not defined*

2

NOTICE REQUIREMENTS

- **HB 3357 (84th Legislature)**
  - Allows a political subdivision or district to post notice of its meetings on its website as an alternative to providing notice to the county clerk
  - Political subdivisions with services in 4 or more counties
- **Overall, will save the state money**
- **Electronic Media**

3

MAJOR WATER PROVIDERS (MWPs)

- **Gives RWPGs more flexibility in deciding on which large water providers they want to report information in their RWPs**
- **Wholesale Water Providers (WWPs) & Water User Groups (WUGs) still exist**
- **Requirements for WWPs become less stringent**
  - Threshold to be WWP
  - Reporting requirements
- **MWPs can be WWPs OR WUGs**
  - Significant water providers to use for reporting in the RWP

4

MAG PEAKING FACTORS

- **Allows additional groundwater pumpage during drought years, acknowledging less pumpage in wet years**
  - Previously MAG was held constant every year
- **Must be greater than or equal to 100%**
- **Must have written concurrence from the GCD (or GMA if no GCD exists)**

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MAG PEAKING FACTORS (EXAMPLE #1)

- **Gonzales County – YR 2030**
  - In 2030 (only), existing permits, grandfathered permits, exempt use, and future WMSs exceeded the MAG.
  - While several existing and future projects would be baseloaded, local municipal and irrigation use are variable based on weather
  - Use of the MAG Peaking Factor could remedy the "planning shortage" in 2030 by acknowledging that pumpage will be greater than the MAG in 2030 and less than the MAG in non-drought years
  - Because of baseloaded projects, MAG Peaking Factor not expected to be large

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MAG PEAKING FACTORS (EXAMPLE #2)

- **Wilson County**
  - In all decades, existing permits and exempt use exceeded the MAG → No room for WMSs
    - Irrigation permits
  - Use of the MAG Peaking Factor could remedy the "planning shortage" in all decades by acknowledging that pumpage will be greater than the MAG during drought and less than the MAG in non-drought years
  - Because of the variability associated with irrigation, MAG Peaking Factor could be large

7

OTHER ITEMS

- **RWPGs must consider desalination projects**
- **Only projects that create or increase water supply are eligible for SWIFT funds**
- **Prioritization officially part of the Regional Water Planning; still separate document**
- **RWPGs cannot "block" an amendment**

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Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Les Trobman, General Counsel
Jessica Zuba, Deputy Executive Administrator, Water Supply & Infrastructure

FROM: Temple McKinnon, Manager, Regional Water Planning

DATE: July 1, 2016

SUBJECT: Proposed Rulemaking – 31 Texas Administrative Code Chapter 357 relating to Regional Water Planning Guidelines

ACTION REQUESTED

Authorize publication of the proposed amendments to 31 Texas Administrative Code (TAC) Chapter 357 relating to Regional Water Planning Guidelines.

BACKGROUND

The purpose of the proposed amendments is to implement legislative changes from Senate Bill (SB) 1101, House Bill (HB) 3357 and HB 30, 84th Legislative Session, and HB 4, 83rd Legislative Session; improve the planning process and increase flexibility in planning; reduce certain unessential reporting requirements; address stakeholder concerns raised during the previous planning cycle; and clarify rules and refine definitions to make them more understandable and user-friendly.

In October 2015, a stakeholder process was initiated to review, revise, adopt, and repeal the associated state and regional water planning rules contained in 31 TAC Chapters 357 and 358. Texas Water Code 16.051(d) requires the Board to coordinate with the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Agriculture (TDA), and the Texas Parks and Wildlife Department (TPWD) to review its administrative rules for regional and state water planning at least every five years. A meeting with these agencies was held March 7, 2016 and comments received have been considered during the development of the proposed amendments.

On February 22, 2016, the Deputy Executive Administrator sent a letter soliciting input to all voting members of regional water planning groups, representatives of RWPG-designated political subdivisions, consultants involved in regional water planning, and representatives of organizations with interests in water, including environmental organizations and the Texas Alliance of Groundwater Districts. Comments were received through May 23, 2016. The

proposed amendments to Chapter 357 were developed with consideration given to comments received.

KEY ISSUES

31 TAC Chapter 357:
Significant proposed changes to this chapter include the following topics:

- Definitions were added and revised to clarify existing regional water planning terminology and requirements including:
    - A revision to the definition of "Water User Group" to clarify the term for utility-based planning as delineated by water provider service areas to be utilized during the development of the 2021 Regional Water Plans.
    - A revision to the definition of "Water Management Strategy" and an addition of the definition "Water Management Strategy Project" to clarify what regional water planning groups are to prioritize after the development of their regional water plan and for SWIFT eligibility purposes.
- Notice requirements are revised to implement changes consistent with House Bill 3357, 84th Legislative Session.
- Impacts on public health, safety, or welfare were added as factors for consideration by a regional water planning group in the development of its plan to implement changes consistent with Senate Bill 1101, 84th Legislative Session.
- Certain reporting requirements in the regional water plan are clarified or reduced and the term "Major Water Provider" is defined as part of this change.
- Evaluation of surface water availability and existing supply are clarified.
- Evaluation of groundwater availability is revised for regional water planning areas without groundwater conservation districts to implement changes consistent with Senate Bill 1101, 84th Legislative Session.
- Evaluation of groundwater availability is revised for regional water planning areas with groundwater conservation districts to allow for temporary increases in annual availability, for planning purposes, above the modeled available groundwater values by application of a MAG peak factor.
- A new section for prioritization of water management strategy projects to implement changes consistent with House Bill 4, 83rd Legislative Session.

31 TAC Chapter 358:
Based upon results from coordination with TCEQ, TDA, and TPWD, as well as preliminary stakeholder comments received, no changes to Chapter 358 are proposed at this time.

RECOMMENDATION

The Executive Administrator recommends approval of this item.

Attachment: Preamble and Proposed Amendments to 31 TAC Chapter 357.

The Texas Water Development Board ("TWDB" or "board") proposes amendments to §§357.10 – 357.12, 357.20 - 357.22, 357.30 - 357.35, 357.40, 357.42 - 357.45, 357.50, 357.51, 357.60, 357.62, and 357.64, relating to the regional water planning process. New §357.46 is proposed.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED AMENDMENT.

The purpose of the amendments is to implement legislative changes from Senate Bill (SB) 1101, 84th Legislative Session, House Bill (HB) 4, 83rd Legislative Session, and HB 3357 and HB 30, 84th Legislative Session; improve the planning process and increase flexibility in planning; reduce certain unessential reporting requirements; address stakeholder concerns raised during the previous planning cycle; standardize language; and clarify rules and refine definitions to make them more understandable and user-friendly. The specific provisions being amended or added and the reasons for the amendments are addressed in more detail below.

SECTION BY SECTION DISCUSSION OF PROPOSED AMENDMENTS.

Subchapter A. General Definitions.

Section 357.10. Definitions and Acronyms

The proposed amendments to 31 Texas Administrative Code (TAC) §357.10 (relating to Definitions and Acronyms) proposes multiple changes to existing definitions and definitions for multiple new terms, as well as capitalization of defined terms as reflected throughout the proposed chapter revision. The amended and new definitions are intended to clarify the meanings of terms commonly used in the regional and state water planning process. The section has been re-numbered to reflect the addition of new definitions.

The definition of "Agricultural Water Conservation" is added to clarify this commonly-used water management strategy (WMS) in the state and regional water plans. Title 31 TAC §363.1302 defines agricultural water conservation, and the proposed amendment references that definition.

The definition of "Availability" is revised to clarify its meaning and distinguish "Availability" from "Existing Water Supply". The distinction being that availability is the total amount of raw water that could be produced from a source during drought of record conditions, while existing water supply is the amount of that water that is physically and legally available for use by a water user group (WUG).

The discussion of "consistency between a regional water plan (RWP) and a desired future condition" is relocated to 31 TAC §357.32(d)(1) and adds references to a modeled available groundwater (MAG) peak factor. The current definition requires an existing water supply or a recommended WMS to not exceed modeled available groundwater to be consistent. The proposed amendment modifies the measure of consistency to include a MAG peak factor greater than the modeled available groundwater value or to allow for other availability

estimates where there is no modeled available groundwater value or where 31 TAC §357.32(d)(2) applies.

The definition of “County-Other” is revised to accommodate the revised definition of “Water User Group” under the approach of utility-based planning as delineated by water provider service areas.

The definition of "Drought Management Water Management Strategy" is added to clarify the term as used in practice since regional water planning groups (RWPGs) evaluate and recommend drought management measures as quantified strategies in RWPs.

The definition of "Drought of Record" is revised to add the words "historical records indicate that" and "would have" to clarify that a drought of record is based on historical records and modeling that indicate a period of least amount of water supply.

The definition of "Existing Water Supply" is revised to clarify its meaning and more clearly distinguish it from "Availability". The distinction being that availability is the total amount of raw water that could be produced from a source during drought of record conditions, while existing water supply is the amount of that water that is physically and legally available for use by a WUG.

The definition of "Firm Yield" is revised to specify that a firm yield calculation must assume that applicable permit conditions are met. Adding this requirement is consistent with the firm yield definition in Texas Commission on Environmental Quality rules, 30 TAC §297.1(20). The definition is also amended to replace the word "reasonable" with "anticipated" before "sedimentation rates" because "anticipated" more accurately describes the use of sedimentation rates in the planning process due to its predictive nature.

The definition of "Major Water Provider", or "MWP", is added to define this category of water supplier. A MWP is a significant public or private WUG or wholesale water provider (WWP), whose significance is determined by the RWPG, and provides water for any water use category in a regional water planning area (RWPA). Major water provider is defined because it is a category of water provider that is proposed to be used for reporting purposes in regional and state water planning instead of previous WWP-based reporting requirements. Wholesale water providers were previously defined based upon a static volumetric threshold of water supplied that resulted in fluctuations in categories during each planning cycle due to changes in reported annual water use. The revision gives RWPGs more flexibility in deciding on which large water provider they want to report information in their RWPs and facilitates the use of a single, stable list of entities.

The definition "Modeled Available Groundwater (MAG) Peak Factor" is added, along with an amendment to §357.32(d), to provide flexibility in planning for groundwater availability while ensuring consistency with long-term desired future conditions and integrity of the planning process. The definition specifies that a MAG peak factor would be expressed as a percentage of modeled available groundwater (e.g., greater than 100 percent) and would represent the quantified annual groundwater availability temporarily available, for planning purposes. The

MAG peak factor may accommodate anticipated fluctuations in pumping between wet and dry periods or may account for other shifts in the timing of pumping while remaining consistent with desired future conditions. This is a quantified groundwater availability for pumping, not permitting, to be utilized for planning purposes only and is not intended as a limit to permits.

The definition of "Planning Decades" is added to clarify the significance of demands, supplies, needs, and strategy volumes as reported in regional and state water plans (2020, 2030, 2040, etc.). The new definition clarifies that data associated with a particular year represent conditions occurring in that single year. A WMS associated with a particular decade year “snapshot” (e.g. 2030) in a regional or state water plan would come online before or in that year.

The definition of “RWPG-Estimated Groundwater Availability” is added along with an amendment to §357.32(d) to implement changes required by Senate Bill (SB) 1101, 84th Legislative Session (relating to the Authority to Determine the Supply of Groundwater in and Potential Impacts on Public Health of Certain Regional Water Plans) and to reflect the planning practice of groundwater availability estimation for areas where no desired future condition has been adopted. Senate Bill 1101 amended Texas Water Code (TWC), §16.053(e)(2-a) to require an RWPG with no groundwater conservation districts (GCDs) within its regional water planning area (RWPA) to determine the supply of groundwater for regional planning purposes.

The definition of "Reuse" is added to clarify this commonly-used WMS in the state and regional water plans. Board rule, 31 TAC §363.1302(14), defines reuse, and the proposed amendment references that definition to make it consistent with the Board's State Water Implementation Fund for Texas (SWIFT) rules.

The definition of "State Water Planning Database" is added to explain that the database, maintained by TWDB, is used to collect, store, and disseminate regional and state water planning data such as population, water demand projections, existing water supplies, WMSs, and capital projects.

The definition of "Unmet Water Need" is added to clarify the portion of a water need that is not met by recommended WMSs in a regional or state water plan. The new definition of "Unmet Water Need", along with the new definition for "Water Need", are intended to clarify the use of these terms in the water planning process.

The definition of "Water Conservation Measures" is revised to add language from the definition of "Water Conservation" in 31 TAC §363.1302(18) to make it more consistent with the Board's State Water Implementation Fund for Texas rules. The amendment also adds new language to clarify that, for planning purposes, water conservation measures do not include projects that develop new supplies, such as new reservoirs or aquifer storage and recovery projects. This clarification is proposed to reduce confusion regarding the delineation between strategies or projects which conserve existing supplies and strategies or projects that develop new supplies, for example, by storing water for later use.

The definition of "Water Conservation Plan" is revised to remove the words "more than" from the first sentence because those words are redundant and inconsistent with the language in TWC, §11.1271. The revised definition also adds a period at the end of the first sentence.

The definition of "Water Conservation Strategy" is added to discuss a WMS that saves quantified volumes of water using water conservation measures.

The definition of "Water Demand" is added to discuss the volume of water that a WUG would require during drought of record conditions for its anticipated domestic, public, and/or economic activities.

The definition of "Water Management Strategy", or "WMS", is revised to remove the words "or specific project" to distinguish between a "Water Management Strategy" and a "Water Management Strategy Project", which is defined in proposed §357.10(39). The revision is intended to clarify that a strategy is a plan to meet a water need of a WUG, which may or may not require capital projects to be implemented.

The definition of "Water Management Strategy Project", or "WMSP", is added to distinguish between a "Water Management Strategy Project" and a "Water Management Strategy". As discussed above, a water management strategy is a plan to meet a water need; however, a water management strategy project is an infrastructure project that may be required to implement a water management strategy. The proposed definition specifies that water management strategy projects have non-zero capital costs and would develop, deliver, or treat additional water supply volumes, or conserve water for water user groups or wholesale water suppliers. The proposed definition also clarifies that one water management strategy project may be associated with multiple WMSs. For example, the construction of a single reservoir project may support multiple water user group strategies that use that new supply.

The definition of "Water Need" is added to explain the difference between projected water demands and existing water supplies. When existing water supply is less than the projected demand, there is the potential for a water shortage, or water need. The new definition for water need is intended to clarify the use of the term in the water planning process.

The definition of "Water User Group", or "WUG", is revised to be more consistent across all municipal water users and to reflect a utility-based planning approach. The current definition qualifies municipal water user groups on both a population threshold (500) for cities and a different, volumetric threshold (280 acre-feet) for non-city water utilities, creating a significant disparity between the size thresholds of the included entities. The revision would create a single, standard, volume-based criterion of 100 acre-feet per year for all municipal retail water utilities owned by a public or non-profit organization (not including private investor-owned utilities). The proposed 100-acre-foot threshold is designed to put rural and urban municipal use on an even footing regarding who is planned for and to increase the rural population that is planned for in discreet water user groups, as opposed to being classified as county-other. The 100-acre-foot threshold will result in what is considered a manageable increase in the number of WUGs for which population and water demands must be projected for by the agency and planned for by RWPGs using existing resources.

The proposed rule also adds the 100 acre-feet per year criteria for privately-owned utilities that request inclusion as a water user group. Under this proposed revision, the 100 acre-feet per year requirement is for each owned water system and must be for municipal use. Additionally, the associated RWPG must concur with the request for inclusion. This change is proposed as §357.10(41)(B).

The proposed rule also adds the 100 acre-feet per year criteria for institutions or facilities that request inclusion as a municipal water user group, with the associated RWPG required to concur with the request for inclusion. This change is proposed as §357.10(41)(C).

The proposed rule also amends the definition of WUG to require that the inclusion of a collective reporting unit as water user group must be requested by the RWPG. This change is proposed as §357.10(41)(D).

The definition of "Wholesale Water Provider", or "WWP", is revised to eliminate the annual 1,000 acre-foot delivery or sales threshold and stipulate that the RWPG will determine the wholesale water providers in its region. The definition also inserts language to specify that a wholesale water provider may deliver or sell treated or raw wholesale water to water user groups or other wholesale water providers. The intent of this proposed revision is to provide flexibility to RWPGs and to clarify how wholesale water providers are designated.

Subchapter B. Guidance Principles and Notice Requirements

Section 357.21. Notice and Public Participation

Section 357.21 is revised to implement changes consistent with HB 3357, 84th Legislative Session. HB 3357 (relating to Permitted Methods for Certain Political Subdivisions to Post Notice of a Meeting) amended Texas Government Code, §551.053(a) and (c), allowing a political subdivision or district to post notice of its meetings on its website as an alternative to providing notice to the county clerk of the county in which its administrative offices are located, which was the previous statutory requirement. While an RWPG is not a political subdivision or district, the administrators for the planning groups are, and a number of them had asked for flexibility in notice requirements.

Subsection 357.21(b)(4) is revised to add the words “in writing” to clarify that notice to RWPG members, and to people and entities who have requested notice, must be made in writing, which includes by email notification. As a result of this change, the words "either in writing or email as requested by the person or entity" are removed from §357.21(b)(4)(B) because they are no longer necessary. Subsection 357.21(b)(4) is also amended to remove Subsection (C), which requires the RWPG to provide notice to each county clerk in the regional water planning area (RWPA). The removal of Subsection (C) is proposed to make the rule consistent with HB 3357, which gives a political subdivision or district the option to give notice to the county clerk in the county where its administrative offices are located, or post the notice on its website.

Subsection 357.21(b)(5)(A) is revised to add language allowing an RWPG to post its meeting notice and agenda on its website or the website of the host political subdivision - or to provide the notice and agenda in writing to the county clerk of the county in which the administrative offices of the political subdivision are located and to remove the option for an RWPG to post its meeting notice and agenda on the board's website instead of its own.

Subsection 357.21(c)(4) is revised to add the words “in writing” to clarify that notice to RWPG members, and to people and entities who have requested notice, must be made in writing. As a result of this change, the words "either in writing or email as requested by the person or entity" are removed from §357.21(c)(4)(B) because they are no longer necessary. Subsection 357.21(c)(4) is also amended to remove Subsection (C), which requires the RWPG to provide notice to each county clerk in the RWPA. The removal of Subsection (C) is proposed to make the rule consistent with HB 3357, which gives a political subdivision or district the option to give notice to the county clerk in the county where its administrative offices are located, or post the notice on its website.

Subsection 357.21(c)(5)(A) is revised to add language allowing an RWPG to post its meeting notice and agenda on its website or the website of the host political subdivision - or to provide the notice and agenda in writing to the county clerk of the county in which the administrative offices of the political subdivision is located and to remove the option for an RWPG to post its meeting notice and agenda on the board's website instead of its own.

Subsection 357.21(d)(1) is revised to remove the words "requesting research and planning funds from the board" so the notice requirements in §357.21(d) would no longer apply to that action. Subsections 357.21(d)(2)(B) and 357.21(d)(4) are also proposed to be removed for the same reason. The words "as follows:" are proposed to be removed and §357.21(d)(2)(A) is consolidated into §357.21(d)(2), since the proposed deletion of §357.21(d)(2)(B) would eliminate the need for a list. Subsection 357.21(d) is proposed to be re-numbered to accommodate the deletions. Before rule amendments were made in August 2012, requesting research and planning funds did not require that notice be posted on the Secretary of State's website or in the *Texas Register*. The 2012 rule amendments inadvertently added those posting requirements, and this proposed amendment would remove them. To specify the notice requirements for requesting research and planning funds from the board, the board proposes to add new §357.21(e), which will be discussed below.

Subsection 357.21(d)(5) is revised by renumbering it to §357.21(d)(4) and by substituting the words "electronic media" for the words "an electronic disc, or drive" in the list of acceptable formats. The term electronic media is proposed to be inserted because it is a catch-all term for future formats that may be used by an RWPG to transmit copies of an initially prepared plan (IPP). Electronic media includes electronic discs or drives, so this proposed change does not limit the use of those formats, but instead, expands the present or future formats that may be used. The format used is still limited by the capability of the facility being provided the IPP. Subsection 357.21(d)(4) is also revised to add the words "through an electronic web link" to the list of acceptable formats that an RWPG may use to provide copies of its IPP. As with the other proposed revisions to the list of acceptable formats, the intent is to expand the present and future formats that may be used. Subsection 357.21(d)(4) is also revised to specify that the

public inspection requirement only applies to IPPs. This change is proposed to clearly reflect the statutory requirement in TWC, §16.053(i).

Subsection 357.21(d)(7) is renumbered to §357.21(d)(6) and revised to add language to proposed §357.21(d)(6)(A) allowing an RWPG to post its meeting notice and agenda on its website or the website of the host political subdivision - or to provide the notice and agenda in writing to the county clerk of the county in which the administrative offices of the political subdivision is located and remove the option for an RWPG to post its meeting notice and agenda on the board's website instead of its own.

Section 357.21 is revised to add new §357.21(e) designating notice requirements for RWPGs that are requesting research and planning funds from the board. Rule changes in August 2012 inadvertently required that notice of RWPG requests for research and planning funds from the board be posted on the Secretary of State's website and in the *Texas Register*. The intent of the proposed change is to restore the previous notice requirements.

Section 357.22. General Considerations for Development of Regional Water Plans

Subsection 357.22(a) is revised to implement a change to TWC, §16.053(e)(5)(A), made by SB 1101, 84th Legislative Session (relating to the Authority to Determine the Supply of Groundwater in and Potential Impacts on Public Health of Certain Regional Water Plans). The SB 1101 change to §16.053(e)(5)(A) requires that each RWPG must submit an RWP that includes consideration of potential impacts on public health, safety, or welfare in the state. Subsection 357.22(a) is revised to reflect the change to §16.053(e)(5)(A) by inserting "potential impacts on public health, safety, or welfare" into the list of factors considered by the RWPG in developing its plan as §357.22(a)(13) and the list is renumbered to reflect the addition. Other proposed rule changes resulting from SB 1101 are discussed below in §357.32.

Subchapter C. Planning Activities for Needs Analysis and Strategy Recommendations

Section 357.30. Description of the Regional Water Planning Area

Subsection 357.30(4) is revised to change the requirement from identifying “wholesale water providers” to identifying “major water providers”. The revision gives RWPGs more flexibility in deciding on which large water providers they want to report information in their regional water plans.

Section 357.31. Projected Population and Water Demands

Subsection 357.31(b) is revised to require RWPGs to report projected water demands for MWPs instead of WWPs. The proposed rule would also remove the requirements that RWPGs report projected water demands of WWPs for each county or portion of a county in the RWPA and for each river basin within each county or portion of a county. This change is proposed to clarify and ensure consistency of reporting requirements in the RWPs and to remove nonessential reporting.

The revision would also change the RWPG's requirement from "report" to "evaluate" regarding contractual obligations of WUGs and WWPs beyond the projected demands for those entities. This change is proposed to retain required analysis during plan development yet remove nonessential reporting requirements associated with proposed changes to §357.31(b).

Subsection 357.31(d) is revised to change the requirement from "determine and report" to only "report" how changes in plumbing fixtures would affect municipal water demands. In practice, the effects of plumbing code savings are currently determined by the TWDB, and RWPGs only report them in the RWP. The proposed change is intended to more accurately reflect actual practice and expectations.

The proposed rule would also change §357.31(f) reporting requirements for projections to present data for MWPs rather than WWPs. This change is proposed to clarify and ensure consistency of reporting requirements in the RWPs and to remove nonessential reporting.

Section 357.32. Water Supply Analysis

Subsection 357.32(c) is revised to reorganize, improve, and clarify the requirements and specify how evaluations of run of river surface water (water available for diversion when stream flow levels are sufficient) should be conducted in line with planning practice. Language regarding evaluation of existing stored surface water is moved from the beginning of §357.32(c) to new §357.32(c)(1) and the word "stored" is added to clarify that the requirement applies to stored water. Subsection 357.32(c)(2) is added to specify that evaluation of existing run of river surface water availability for municipal WUGs must be based on the minimum monthly diversion amounts that are available 100% of the time, if that run of river supply is the only supply for the municipal WUG. The revision is intended to clarify and improve the requirements for evaluation of existing surface water supplies by RWPGs by specifying more realistic and sensible modeling criteria that must be followed in evaluating water supply during drought of record conditions.

Subsection 357.32(c) is revised to clarify water availability evaluation requirements for existing surface water. In the first sentence of proposed amended §357.32(c), the plural "analyses" is inserted to replace the singular "analysis" because RWPGs perform multiple water supply analyses in the development of the RWP. In the second sentence of revised §357.32(c), the words "as the default approach for evaluating existing supplies" are added at the beginning of the sentence to clarify that the listed assumptions are to be used unless a variance is approved by the EA.

Subsection 357.32(c) is revised to include the words "use anticipated sedimentation" as the default assumption that RWPGs should use in the evaluation of existing water supplies. Sedimentation is not considered in the unmodified TCEQ WAM Run 3, because it is not considered in permitting of water rights; however, the physical effects of sedimentation on the firm yield of surface water reservoirs is relevant for planning purposes and is consistent with the proposed definition in §357.10(15).

Subsection 357.32(c) is revised to include the words "better, more representative" to replace the word "other". The intent of this proposed change is to emphasize to RWPGs that they should use the best available site-specific information and the most appropriate modeling assumptions for planning. The RWPGs are encouraged to consider using assumptions that are appropriate for evaluating existing supplies in their planning areas. The words "and approved in writing by the EA" are included at the end of the last sentence of §357.32(c) to clarify and reinforce that using information different than that available from TCEQ requires written approval from the EA.

The availability requirements for existing supplies of stored and run of river water are split out from §357.32(c) as §357.32(c)(1) and §357.32(c)(2) respectively. Proposed §357.32(c)(2) clarifies that availability of existing run of river supplies for municipal WUGs with run of river supplies as their sole source of water will be based on minimum amounts available for diversion in 100% of months in the TCEQ Water Availability Model period of record.

Subsection 357.32(d) is revised to replace "Board" with “EA” in reference to issuance of modeled available groundwater volumes. The existing rule incorrectly states that modeled available groundwater volumes are issued by the board; the proposed change is intended to correct the statement.

A new Subsection 357.32(d)(1) is added to implement SB 1101. The new language states that the RWPG shall determine groundwater availability for planning purposes where applicable; the board shall review and approve that the availability is physically compatible with desired future conditions in relevant aquifers; and the EA shall use the board's groundwater availability models to conduct the physical compatibility review. The intent of the proposed rule is to implement SB 1101.

SB 1101, 84th Legislative Session (relating to the Authority to Determine the Supply of Groundwater in and Potential Impacts on Public Health in Certain Regional Water Plans), amended TWC, §16.053(e)(2-a) to require an RWPG with no GCDs within its RWPA to determine the supply of groundwater for regional planning purposes. The bill stipulates that the board shall review and approve that the groundwater supply determined by the RWPG is physically compatible with desired future conditions for the relevant aquifers in the groundwater management area (GMA) that are regulated by GCDs. The bill requires that the review of physical compatibility be done using the board's groundwater availability models. At this time, the bill only applies to the North East Texas RWPG (Region D) because it is the only RWPG in the state with no GCDs in its RWPA as of the date of this proposed revision.

Subsection 357.32(d)(3) is added to allow RWPGs to request use of a MAG peak factor to accommodate temporary increases in annual availability. TWC, §36.1132 requires management of groundwater production on a long-term basis which, in practice, may include variations in availability from year to year in response to relative wet and dry periods. Additionally, most of the modeled available groundwater values were developed for long-term average, not drought of record, conditions.

The new §357.32(d)(3) would allow RWPGs to request the application of a MAG peak factor, in the form of a percentage of a modeled available groundwater value (e.g., greater than 100 percent) to better reflect, for regional water planning purposes, the quantified, temporary, projected groundwater pumping. The MAG peak factor may accommodate anticipated fluctuations in pumping between wet and dry periods or may account for other shifts in the timing of pumping while remaining consistent with desired future conditions. The purpose of proposed new §357.32(d)(3) is to provide relief from the stricter limit on groundwater availability in current §357.32(d). The intent is to allow regional water plans to reflect more realistic groundwater pumping, where appropriate and approved by relevant regulatory or permitting districts, while maintaining consistency with the desired future conditions and maintaining the integrity of the planning process.

A MAG peak factor, requested under proposed §357.32(d)(3), would be submitted to the board in the form of a percentage of a modeled available groundwater value (e.g., greater than 100 percent). If approved, the MAG peak factor would be applied to the associated modeled available groundwater volume in the state water planning database to calculate the modified availability volume that would be used by RWPGs for planning.

Subsection 357.32(d)(3) states that the EA shall consider a request from an RWPG to apply a MAG peak factor. The proposed rule explains that the MAG peak factor must be expressed as a percentage (e.g., greater than 100 percent) of the modeled groundwater availability value to accommodate temporary increases in availability.

The new Subsection 357.32(d)(3)(A) stipulates that the request must include written concurrence from the GCD, or representatives of the groundwater management area, if no GCD exists. The new Subsection 357.32(d)(3)(B) requires that the request must also provide its technical basis, and the new Subsection 357.32(d)(3)(C) requires that the request must document how the temporary increase would not prevent the GCD from managing groundwater resources to achieve desired future conditions.

Subsection 357.32(g) is amended to change the reporting requirement for evaluation results under §357.31(a) and (b) from reporting by WUG and WWP to reporting by WUG and MWP.

Section 357.33. Needs Analysis: Comparison of Water Supplies and Demands

Section 357.33 is revised to clarify reporting requirements and ensure that RWPGs report and present surpluses, needs, and secondary needs for the most significant water suppliers as identified by the RWPGs.

Subsection 357.33(b) is revised to replace the requirement to report surpluses or needs for WWPs with MWPs. The requirement to report surpluses and needs for WUGs would remain unchanged.

Subsection 357.33(d) is revised to change reporting of results for WUGs and WWPs to reporting for WUGs and MWPs.

Subsection 357.33(e) is revised to change the requirement to present secondary water needs volumes from presenting for WUGs and WWPs to presenting for WUGs and MWPs.

Section 357.34. Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects

Consistent with the proposed definition of "water management strategy project", Section 357.34 is revised to add "and Water Management Strategy Projects" to its title and add the words "and the WMSPs required to implement those strategies" to §357.34(a) to specifically require RWPGs to identify and evaluate WMSPs in RWPs. Similarly, the revision inserts the words "and associated WMSPs" in renumbered §357.34(e) and inserts the words "and WMSPs" in renumbered §357.34(f).

Subsection 357.34(c)(2) is revised to specify seawater and brackish groundwater as desalination WMSs that RWPGs must consider when identifying potentially feasible strategies during the development of RWPs. The proposed revision is to implement changes consistent with House Bill (HB) 30, 84th Legislative Session. HB 30 (relating to the Development of Seawater and Brackish Groundwater) which specifically requires that seawater desalination and brackish groundwater desalination be considered by RWPGs.

Subsection 357.34(d) is added to clarify that all recommended WMSs and WMSPs that are entered into the state water planning database and prioritized by RWPGs must reduce water consumption, reduce water loss or waste; improve water use efficiency; or develop, deliver, or treat additional water supply volumes to WUGs or WWPs in at least one planning decade such that during drought of record conditions water is available. The language also stipulates that WMSs that do not meet those requirements must be identified and presented separately in the RWP and are not eligible for SWIFT funding. Examples of WMSs and WMSPs that do not meet the requirements of §357.34(d) could include, but are not limited to, new retail distribution facilities that do not convey additional water supplies; new wells required to replace aging wells; and maintenance of, or upgrades to, existing equipment or facilities that do not increase volumetric water supply.

The intent of proposed §357.34(d) is to clarify a SWIFT eligibility requirement for WMSs and WMSPs and to accommodate the inclusion of WMSs or WMSPs to facilitate permitting or other activities associated with other agencies that may not conserve or develop supplies under drought of record conditions.

Subsection 357.34 is renumbered to accommodate the addition of §357.34(d).

Section 357.35. Recommended and Alternative Water Management Strategies and Water Management Strategy Projects

Section 357.35 is revised to add the words "and Water Management Strategy Projects" to the end of the title. The purpose of the proposed amendment is to require RWPGs to recommend WMSPs separately from WMSs.

Section 357.35 was also revised to add the text "and water management strategy projects required to implement them" and "and Water Management Strategy Projects" to §357.35(a).

Subsection 357.35(g)(1) is revised to remove the requirement to report WWP data split by river basins, counties, or RWPAs. This change is proposed to remove unessential reporting requirements in the RWPs.

Subsection 357.35(g)(2) is revised to change the term "safety factor" to "management supply factor" and clarify that the board calculates these values and provides them to the RWPGs to include in their RWPs for reporting purposes only.

Subchapter D. Impacts, Drought Response, Policy Recommendations, and Implementation

Section 357.40 Impacts of Regional Water Plan

Section 357.40(b) is revised to renumber references to correctly reflect revisions from Section 357.34.

Section 357.44. Infrastructure Financing Analysis

Section 357.44 is revised to add the words "and associated WMSPs" to specify that reporting of infrastructure financing must also include WMSPs.

Section 357.46. Prioritization of Projects by Regional Water Planning Groups

New Section 357.46 is added to require each RWPG to prioritize the recommended WMSPs in its RWP and submit the prioritization separately with its adopted RWP. The proposed new Section specifies that the prioritization of projects must be performed in accordance with the uniform standards developed by the stakeholder committee established under TWC, §15.436(c), in place at the time it adopts its RWP. Prioritization of WMSPs is necessary to implement HB 4, 83rd Legislative Session, which requires prioritization of recommended projects for SWIFT.

Subchapter E. Adoption, Submittal, and Amendments to Regional Water Plans

Section 357.50. Adoption, Submittal, and Approval of Regional Water Plans

Subsection 357.50(a) is revised to correctly reference the appropriate subsection of the rule.

Subsection 357.50(g)(2)(B) is revised to include the words "state water" in front of "planning" in the first sentence and insert "state water planning" in front of "database" in the second sentence. These changes are intended to specify that the rule refers to the state water planning database, as that term is defined in §357.10 of this rule revision.

A new Subsection §357.50(j) is added to address the inclusion of unmet municipal water needs in RWPs. The intent of the proposed new Subsection is to explain the basic elements that must be included in an RWP to justify including unmet municipal water needs. The rule requires that,

in order for the board to consider approval of an RWP with unmet municipal water needs, the RWP must provide adequate justification including: document that the RWPG considered all potentially feasible WMSs and explain why additional conservation and/or drought management were not recommended to address the need; describe how municipal WUGs will protect public health, safety, and welfare in a repeat of the drought of record; and explain whether the unmet municipal needs could be addressed with an amendment before the next IPP. The new Subsection is inserted after §357.50(i), as §357.50(j), and the rest of the Section re-numbered.

Section 357.51. Amendments to Regional Water Plans

Subsection 357.51(a)(2) is revised to include language to more explicitly describe how the board considers and acts upon a petition to amend an RWP, if the RWPG does not act upon the petition. The proposed amendment inserts language specifying that within 90 days after a request by a political subdivision, the RWPG is required to provide a written explanation to the EA if it does not amend its plan. The proposed amendment also inserts language specifying that at the public meeting, which is required by existing rule, the board may direct the RWPG to amend its RWP based on the local political subdivision's request.

Subsection 357.51(b) is revised by removing Subsection 357.51(b)(3)(B), which currently requires that a proposed major amendment shall not produce unmet needs to the adopted RWP. This proposed change is intended to make requirements for major amendments consistent with, and no more restrictive than, the requirements for adoption of the RWP, which may contain unmet needs. As a result of the deletion of §357.51(b)(3)(B), the rest of §357.51(b)(3) is renumbered.

Subsection 357.51(c)(1) is revised to remove the words "Minor Amendment to RWP" because they are unnecessary and redundant in the context of the rule language.

Subsection 357.51(c)(2) is revised to add a requirement specifying that a minor amendment "does not increase unmet needs or produce new unmet needs in the adopted RWP". The intent of this proposed new requirement is to distinguish minor amendments from major amendments and RWP adoption, both of which may include unmet needs. The new requirement is in §357.51(c)(2)(C), and the rest of the Subsection is renumbered.

Subsection 357.51(e) is revised to specify how RWPGs may substitute alternative WMSs for recommended WMSs. The board proposes to amend proposed §357.51(e) to insert the words "without over-allocating any source". The proposed change is intended to specify that when substituting an alternative WMS for a recommended WMS, the substitution cannot result in an over-allocation of a source in the same manner that sources may not be over-allocated in adopted plans.

Subchapter F. Consistency and Conflicts in Regional Water Plans

Section 357.60. Consistency of Regional Water Plans

Subsection 357.60(b)(1) is revised to replace the words "a current" with the words "an existing" because "an existing" is more accurately descriptive in the context of the rules and add the words "or water source" after the words "water supply" to clarify that a project can be an enhancement to an existing water source to meet the parameters for consistency with an RWP.

Subsection 357.60(b)(2) is revised to replace the word "and" with "or" because in practice a project only needs to meet one of the requirements to be considered consistent with an RWP. These amendments to §357.60(b) are intended to clarify the parameters for determining consistency of a project with an RWP.

Non-substantive changes are made to the following sections: §§357.11, 357.12, 357.20, 357.40, 357.42, 357.43, 357.45, 357.62, and 357.64, relating to the regional water planning process.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENTS

Ms. Cindy Demers, Chief Financial Officer, has determined that there will be no significant fiscal implications for state or local governments as a result of the proposed rulemaking. For the first five years these rules are in effect, there are not expected to be additional costs to state or local governments resulting from their administration.

These rules are expected to result in a minor reduction in costs to local governments. The reduction in costs is due to changes to notice requirements for RWPGs. The cost savings would be incurred by the RWPG-designated political subdivisions that hold regional water planning contracts. The savings would be allocated elsewhere in RWPG contracts. These rules are not expected to result in reductions in costs to state government.

These rules are not expected to have any impact on state or local revenues. The rules do not require any increase in expenditures for state or local governments as a result of administering these rules.

PUBLIC BENEFITS AND COSTS

Ms. Cindy Demers also has determined that for each year of the first five years the proposed rulemaking is in effect, there will be no impact to the public.

LOCAL EMPLOYMENT IMPACT STATEMENT

The board has determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect because it will impose no new requirements on local economies. The board also has determined that there will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this rulemaking. The board also has determined that there is no anticipated economic cost to persons who are required to comply with the rulemaking as proposed. Therefore, no regulatory flexibility analysis is necessary. These rules are designed to implement legislative changes, improve the planning

process and increase flexibility in planning, reduce certain unessential reporting requirements, and standardize and clarify language.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The board reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225, and determined that the rulemaking is not subject to Texas Government Code, §2001.0225, because it does not meet the definition of a “major environmental rule” as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure, a rule that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to implement legislative changes, improve processes, increase flexibility, and provide greater clarity regarding the TWDB’s rules related to regional water planning.

Even if the proposed rule were a major environmental rule, Texas Government Code, §2001.0225 still would not apply to this rulemaking because Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: 1) does not exceed federal law; 2) does not exceed an express requirement of state law; 3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and 4) is not proposed solely under the general powers of the agency, but rather Texas Water Code §16.053. Therefore, this proposed rule does not fall under any of the applicability criteria in Texas Government Code, §2001.0225.

The board invites public comment regarding this draft regulatory impact analysis determination. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submission of Comments section of this preamble.

TAKINGS IMPACT ASSESSMENT

The board evaluated this proposed rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to implement legislative changes, improve processes, increase flexibility, and provide greater clarity regarding the TWDB’s rules related to regional water planning. The proposed rule would substantially advance this stated purpose by adding language related to legislative changes, clarifying definitions, and incorporating agency and stakeholder input into the TWDB rules related to regional water planning.

The board's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this proposed rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code, §2007.003(b)(4). The board is the agency that administers the regional water planning process in order to develop a state water plan.

Nevertheless, the board further evaluated this proposed rule and performed an assessment of whether it constitutes a taking under Texas Government Code, Chapter 2007. Promulgation and enforcement of this proposed rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject proposed regulation does not affect a landowner's rights in private real property because this rulemaking does not burden nor restrict or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulation. In other words, this rule requires compliance with state law regarding the regional water planning process. Therefore, the proposed rule does not constitute a taking under Texas Government Code, Chapter 2007.

ANNOUNCEMENT OF HEARING

The board will hold a public hearing on this proposal on August 24, 2016, in Room 170, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701 at 1:00 p.m. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon. Open discussion and questions to the board will not be permitted during the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Merry Klonower at (512) 463-8165 as far in advance as possible, and no later than five (5) work days prior to the hearing so that appropriate arrangements can be made.

SUBMISSION OF COMMENTS

Written comments on the proposed rulemaking may be submitted by mail to Mr. Les Trobman, Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. Comments will be accepted until the 5:00 p.m. of the 31st day following publication the Texas Register.

STATUTORY AUTHORITY

This rulemaking is proposed under the authority of Texas Water Code §16.053.

The proposed rulemaking affects Chapter 16 of the Texas Water Code.

11. Rainwater Harvesting Presentations – Brian Perkins, John Kight & Jack Holmgreen

Summary of South Central Texas Regional Water Planning Group Work Regarding Rainwater Harvesting

2001 Region L Water Plan

Rainwater Harvesting water management strategy (WMS) fully evaluated (SCTN-9), but not recommended to meet Needs. Rainwater Harvesting listed as "Additional Management Strategy Requiring Further Study Regarding Quantity, Cost, and/or Feasibility".

Plan encourages Rainwater Harvesting:

> *Plan recognizes that water management strategies such as brush management, weather modification, rainwater harvesting, and small recharge dams contribute positively to storage and system management of diverse sources of supply.*

Rainwater Harvesting WMS Evaluation (SCTN-9) summary information:

- 0.057 acft/yr per household
- Unit cost of $16,178/acft/yr (1999 dollars)
- Minimal, if any, environmental factors
- Minimal, if any, impacts to water resources
- Consistent with conservation focus of Plan
- High unit cost
- Implementable throughout the region

2006 Region L Water Plan

Rainwater Harvesting WMS fully evaluated (Volume II – Section 4C.30), but not recommended to meet Needs. Rainwater Harvesting listed as a "potential" WMS.

Plan encourages Rainwater Harvesting:

> *Plan recognizes that water management strategies such as brush management, weather modification, rainwater harvesting, and small recharge dams contribute positively to storage and system management of diverse sources of supply.*

Rainwater Harvesting was encouraged in the Planning Group's Policy Recommendations:

> *The SCTRWPG encourages the use of rainwater harvesting systems in both commercial and residential new development. The SCTRWPG recommends the TWDB develop programs to educate the public and building industry on the benefits of rainwater harvesting, water re-use and gray water systems. The educational programs should include distribution of materials to the building industry to encourage use of these systems.*

Rainwater Harvesting WMS Evaluation (Volume II – Section 4C.30) summary information:

- 0.0574 to 0.10 acft/yr of supply per household
- Unit cost ranges from $17,982/acft/yr to $10,320/acft/yr (2002 dollars)

- With financing for 30 years, may be able to include cost of installation in home mortgages
- Costs vary by site, but are relatively high in comparison to conventional WMSs. Based upon $14,213 installed cost and no operating expenses.
- No significant environmental factors
- No anticipated impacts to agricultural and natural resources
- No anticipated impacts to water resources

2011 Region L Water Plan

Plan encourages Rainwater Harvesting:

> *Plan recognizes that water management strategies such as brush management, weather modification, rainwater harvesting, and small recharge dams contribute positively to storage and system management of diverse sources of supply.*

Rainwater Harvesting was encouraged in the Planning Group's Policy Recommendations:

> *The SCTRWPG encourages the use of rainwater harvesting systems in both commercial and residential new development. The SCTRWPG recommends the TWDB develop programs to educate the public and building industry on the benefits of rainwater harvesting, water re-use and gray water systems. The educational programs should include distribution of materials to the building industry to encourage use of these systems.*

Rainwater Harvesting WMS was not updated.

2016 Region L Water Plan

Rainwater Harvesting was encouraged in the Planning Group's Policy Recommendations:

> *The SCTRWPG encourages the study of the effectiveness of rainwater harvesting systems in both commercial and residential new development. The SCTRWPG recommends the TWDB develop programs to educate the public and building industry on the potential benefits of rainwater harvesting, water re-use, and gray water systems.*

Rainwater Harvesting WMS was not updated

Meeting Future Water Needs Through Rainwater Harvesting

By John Kight, PE

You can assume the personal responsibility for meeting your future domestic water needs by becoming the resource manager of your rainwater harvesting system designed and sized to meet drought of record events.

Rainfall is the property of the landowner until the water flows into a defined creek or stream at which point it becomes the property of the State of Texas and requires a TCEQ withdrawal permit.

TCEQ Regulatory Guidance does not consider a rainwater harvesting system to be a public water supply system until it serves at least 25 people per day for at least 60 days per year or serves 15 service connections.

Texas has taken a leadership role in the promotion of rainwater harvesting.

Some examples are:

- **Allowed the local taxing authorities to exempt all or part of the assessed value of property used for conservation efforts. (Rainwater Systems)**

  (S.B. 2 in 2001)

- **Provided sales tax exemption for rainwater harvesting system equipment and materials. (S.B. 2 in 2001)**

- **Prevented Home Owner Associations from banning rainwater harvesting systems. They can still, however, require some sort of screening or other methods to camouflage the installation.**

  (H.B. 645 in 2003)

- Developed a report entitled “Rainwater Harvesting Potential and Guidelines for Texas”. (H.B. 2430 in 2005)
- Texas Water Development Board published the Third Edition of “The Texas Manual on Rainwater Harvesting” which is an excellent guide for rainwater harvesting systems. (2005)

When contemplating the installation of a rainwater harvesting system there are several factors to consider:

- ❖What is the water to be used for – potable, non-potable or both?
- ❖Is there an adequate location with space enough for the necessary cisterns to store the collected water?

- Will adequate collection surfaces (roofs) be available to meet future demands based on local rainfall patterns?
- Will the collection system be on new construction or will it be a retrofit to an existing structure?
- What is the estimated cost?
- Can I do this myself or should it be contracted out?
- Are aesthetic restrictions involved?

Rainwater Harvesting System:

The Four Variables of Proper Design

- PROJECTED DEMAND
- RAINFALL PATTERNS
- STORAGE CAPACITY
- COLLECTION SURFACE AREA

IN-HOME WATER USE

Average National Use:

60 gallons per capita per day

Rainwater Harvesting Users:

35 gallons pre capita per day

Calculating Water Usage

For a Three Person Household:

3 persons @ 35 GPD = 105 gallons per day

Miscellaneous use = 45 gallons per day

TOTAL = 150 gallons per day

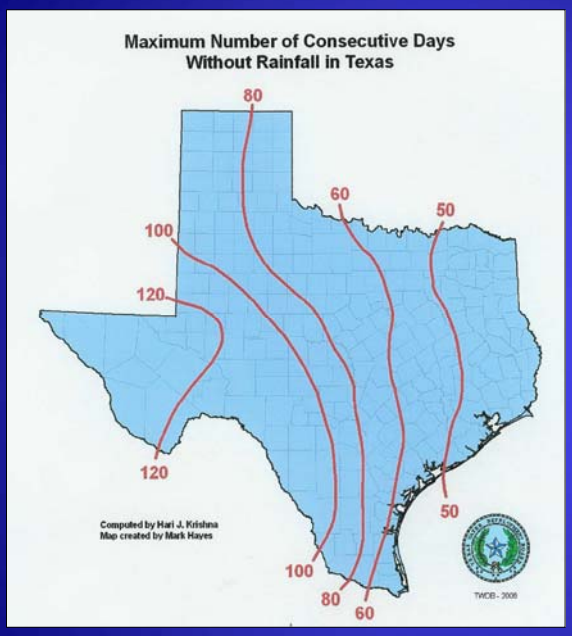
Remember:

This calculation is only for household demand and does not include water for lawns, landscaping, livestock, swimming pools and vanity ponds.

Rainfall Patterns

Important things to note for your area:

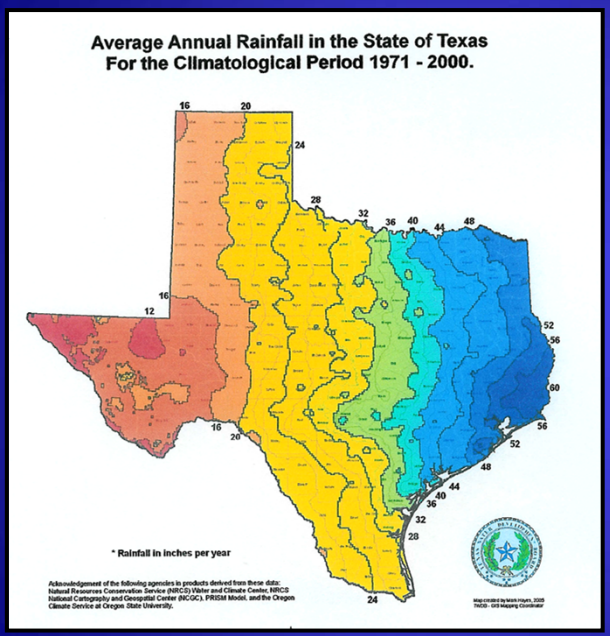
- **Maximum number of dry days**
- **Monthly rainfall rates**
- **Average long-term rainfall**



Maximum Dry Days

125 days in West Texas

40 days in East Texas



RAINFALL PATTERNS

El Paso
8 inches per year

East Texas 60 inches per year

Locally in Boerne Area

Average annual rainfall for the past 123 year period = 33.7 inches per year

Maximum number of days without rain = 90 (use 120 for design purposes)

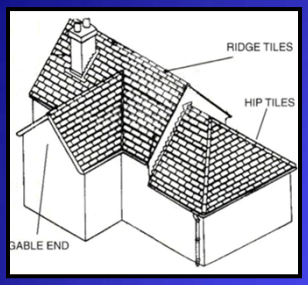
STORAGE CAPACITY

Utilizing the average household or agricultural demand, area rainfall rates and the number of dry days, storage capacity can be calculated.

Storage Capacity Calculation

150 GPD x 120 days = 18,000 gallons

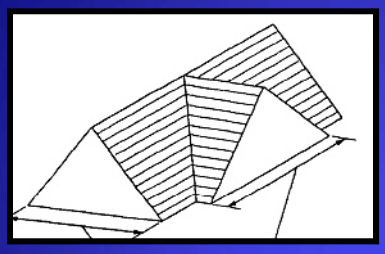
Rounded up to 20,000 gallons this would, at a minimum, cover the drought of record for this area.



Collection Surface Area

1 inch of rainfall on 1000 sq. ft. of surface area = 623 gallons.

With only 80% realistically captured = 500 gallons of harvest per 1000 sq. ft. for 1 inch of rain.



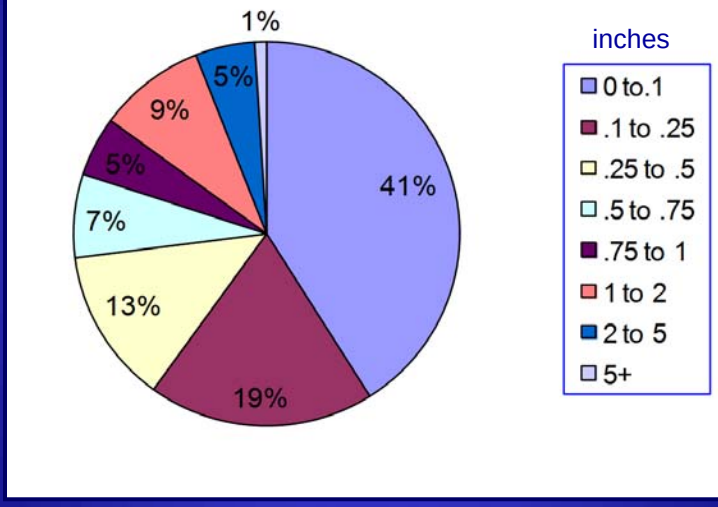
Total Yield

Annual rainfall of 33.7 inches x 500 gallons per inch = 16,850 gallons annually per 1000 sq. ft. of surface area

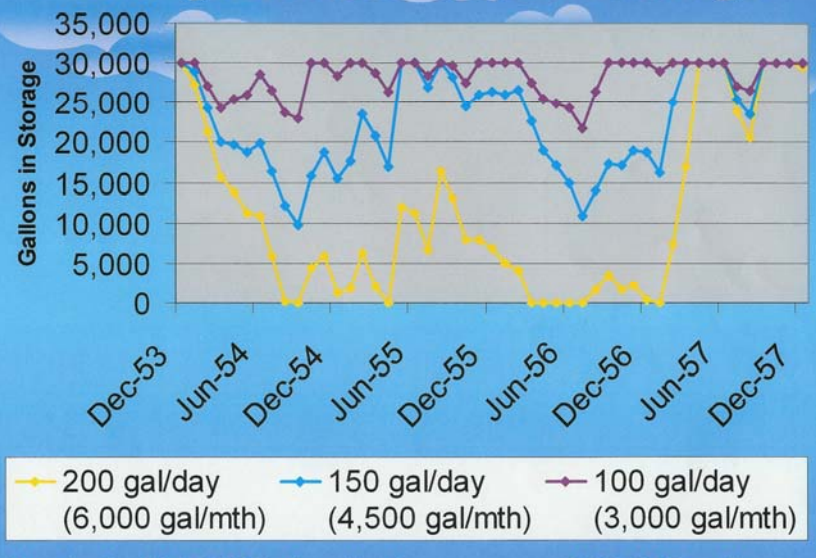
SURFACE AREA AND DEMAND

150 GPD x 365 days = 54,750 gallons per year
54,750 / 16,850 = 3,250 sq. ft. of roof surface needed
For design purposes, round this up to 3,500 square feet of collection surface as a safety factor.

Typical Rainfall Events

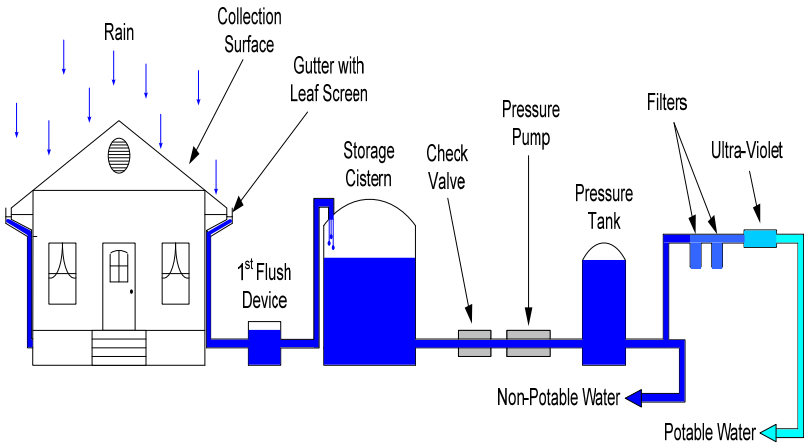


Drought Years – Water in Storage



Estimated with 6,200 sf collection area and 30,000 gallons of storage tank volume

Schematic for Rainwater Harvesting System



Debris Eliminator Gutters

Downspout Screen

First Flush Barrels and Sock Filter

6 – 5,000 gallon Primary Storage Tanks

Additional Tanks… Extra Storage

Filtration System

Removal of Bacteria by Ultra Violet System

Summary of Water Use for Past 14 years

Note: About ½ to 2/3 of our annual water use is outside , dependant on rainfall. In the summer the outside water use can approach 90 % of the total water used.

Year	Total Annual Use/Gal.	Daily Avg. Gal.	Average Indoor Gal/Day	Average Outdoor Gal/Day	Annual Rainfall Inches
2002	37,739	103	56 (58%)	44 (42%)	62.28
2003	46,774	128	56 (44%)	72 (56%)	27.33
2004	43,067	118	57 (48%)	61 (52%)	55.24
2005	53,451	146	53 (36%)	93 (64%)	24.36
2006	52,557	144	49 (34%)	95 (66%)	23.73
2007	34,602	95	51 (54%)	44 (46%)	58.96
2008	36,327	100	43 (43%)	57 (57%)	13.68
2009	32,927	90	41 (46%)	49 (54%)	28.80
2010	31,688	87	41 (47%)	46 (53%)	40.02
2011	27,508	75	42 (56%)	33 (44%)	14.67
2012	30,186	83	43 (52%)	40 (48%)	31.08
2013	26,100	71	47 (66%)	24 (24%)	33.64
2014	29,614	81	51(63%)	30 (37%)	26.26
2015	26,237	72	46(64%)	26(36%)	53.94

Water Quality Comparison to Kendall County Wells

Parameter	Max Concentration Limits	Coveney	MV	River Mtn.	Sisterdale VFD	Woodridge	Diamond Ridge	Waterstone (LT)	Waterstone (MT)	RIGHT Rainwater
Water Level on 4/28/16		1255.40	1213.90	1092.65	1256.89	1298.45	1140.01	885.57	1058.60	1873
Hardness	0 - 60 mg/L soft 61-120 mg/L moderate 121-180 mg/L hard >181 mg/L very hard	325	342	359	359	513	804	359	342	21
pH	acceptable range = 6.5 to 8.5	7.1	7.3	7.4	7.5	7.3	7.3	7.5	7.1	6.6
Conductivity	0 -0.5 mS/cm Good 0.5 - 1.5 mS/cm Normal >1.5 mS/cm High	0.594	0.595	0.737	0.725	1.231	1.391	2.019	0.622	0.007
TDS	>1000 mg/L *MC Limit	291	291	361	355	603	682	990	305	5
Iron	0.3 mg/L *MC Limit	0.05	0.06	0.03	0.30	0.09	0.07	0.34	0.03	0.10
Sulfate	300 mg/L *MC Limit	17	47	76	55	130	460	320	12	
Fluoride	0.-0.6 mg/L Good 0.6-2.0 mg/L Optimum 2.0-4.0 mg/L Mottling of teeth >4.0 mg/L Possible health risk	0.01	0.64	1.56	0.67	1.85	3.40	1.45	0.07	< 0.1
Nitrate	10 mg/L as N *MC Limit 44 mg/L as No3	0.9	0.3	0.8	0.2	0.2	0.1	0.6	0.2	0.3
Chloride	300 mg/L *MC Limit	27.7	12.2	19.3	25	103.8	24.4	151	19.1	3
Total Coliforms		Present	Present	Absent	Absent	Absent	Absent	Absent	Present	Absent
E. coli		Present	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
4/25/2016										

The District currently has 40 monitor wells. The 8 listed above are equipped so that a water sample may be collected. The red highlighted areas indicate an exceedance of the Max Concentration Limit for Public Drinking Water.

Samples were collected by Cow Creek Groundwater Conservation District and testing was performed by Kendall County Water Control and Improvement District #1.

Conservation and System Operation Efficiencies

1. Families dependent on rainwater harvesting systems tend to have a lifestyle that recognizes resource conservation. Benefits of rainwater harvesting include less flooding, less erosion and eliminates withdrawal of groundwater.

2. Some of the ways to increase the efficiencies of a system are to use low flow plumbing fixtures throughout the home. Use the lowest practical water pressure necessary to operate appliances in the home. The more pressure results in more gallons per minute discharge.

3. Consider plumbing the home to capture and re-use gray water for outdoor landscaping. Use an efficient irrigation system. (sprinklers, drip, etc.)

4. Significant landscape water savings can be realized by utilizing plants, trees and grasses that are native to the area and drought tolerant. Application of a manure compost several times a year to the lawn reduces the water demand considerably. Organic fertilizers seem to work better than chemical fertilizers on the outdoor landscaping.

5. **Typically, large landscaped areas need to be shied away from due to the excessive amounts of water required. This can be factored into the design, but increases the required collection surface area and storage volumes which increase the overall cost of the system.**

Our Front Yard - Grass

Our Front Yard – River Rock

Plumbago *Esperanza* *Salvia* *Lantana*




Using native and drought tolerant plants one can have a pleasing outdoor landscape.

Our Waterfall and Fish Pond

Lilies in Fish Pond

In conclusion, with the steady growth in population, declining water tables, unreliable water well production and continued drought forecasting it is only prudent to provide a proven method of having a sustainable source of quality water for your home.

A properly designed and managed rainwater harvesting system can comfortably meet the domestic needs for your family.

Your water destiny is in your hands.

Rainwater as a Resource

Whole Water Cycle Management

Goals

Reduce Water Demand
Increase Water Supply
Prevent Water Pollution
Reduce Landfill Volumes
Create Employment Opportunities
Improve Quality of Life
Use Existing Funding More Efficiently

Whole Water Cycle Management

Drinking Water Production- too little water

Stormwater Pollution- too much waste water

Flood Control- too much water

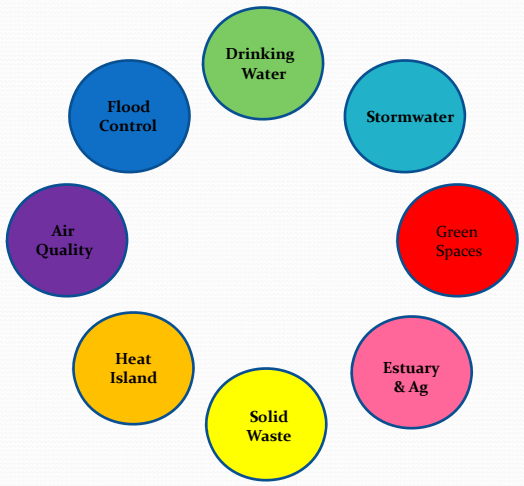
Sloid Waste – too much green waste

Air Quality & Heat Island Effect- too few trees

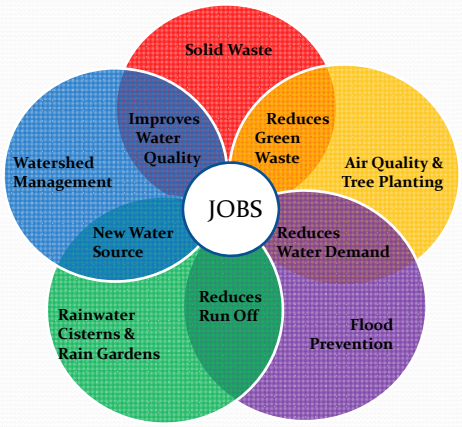
Green Spaces & Sports Fields- too much water demand

Estuary Inflows & Agricultural Uses- water cycle meets food chain

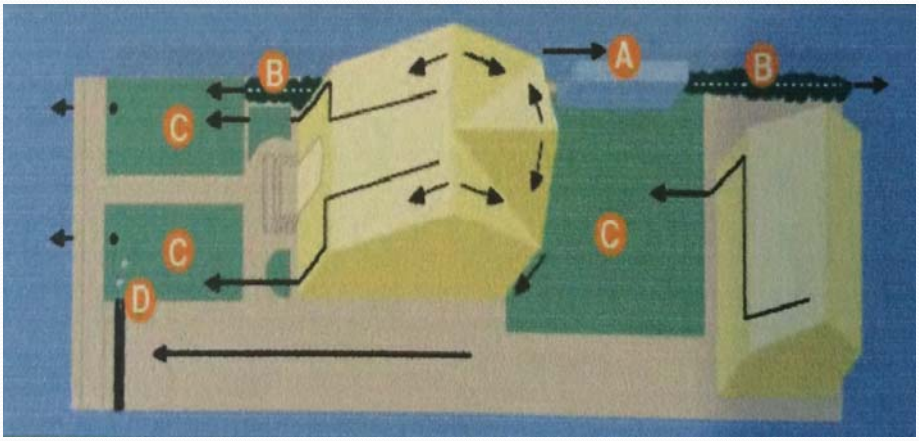
Disintegrated Approach



Integrated Approach



Case Studies



Costs

Project Components	Do-it-yourself Costs (materials & permits)	Optional Costs (contracted labor)	Total (incl. optional costs)
Retention Grading	$800	$800	$1,600
Driveway Grading and Drywell	$1,400	$500	$1,900
Vegetated or Mulched Swale	$30 (for seed)	$250	$280 - $1,000
Roof Downspout Extensions (4 total)	$10 - 30/each	$45 - 65/each	$220 - 380
Overflow Pipe to Street	$550	$700	$1,250
Estimated Total Costs	$2,820 - $3,620	$2,430 - $2,510	$5,250 - $6,130

Funding

Los Angeles Bureau of Sanitation Stormwater Program
Los Angeles Department of Water and Power
Los Angeles County Department of Public Works
City of Santa Monica
US Environmental Protection Agency
USDA Forest Service
Metropolitan Water District of Southern California
Los Angeles Urban Resources Partnership
Southern California Association of Governments

H.T. Broadous Elementary School

Alleviation of flooding on campus
Alleviation of flooding in areas surrounding the campus
Replenishment of groundwater
Reduced energy use
Reduced polluted stormwater runoff
Shading of play areas
Opportunities to use greenwaste onsite
Creation of green recreation space

BMPs

A unit that treats stormwater
An underground infiltration system
A vegetated swale
A system of permeable groundcover and trees
Two outdoor classrooms

Enviornmental Benefits

Buildings and Permeable Surfaces	BEFORE	AFTER		
Permeability (acres and %)	0.53 (7%)	1.53 (20%)		
Tree Benefits	**BEFORE**	**AFTER**	**10 YEAR**	**20 YEAR**
Tree Canopy	12%	14%	23%	29%
Carbon Storage (tons per acre)	5.95	4.80	8.26	10.03
Carbon Sequestration (tons per year per acre)	0.03	0.05	0.16	0.16
Energy Savings (% per year)	22.2%	23.4%	32.1%	32.7%
Stormwater Benefits				
Runoff Reduction	8.5%	9.4%	15.7%	15.8%
Avoided Storage (cubic feet per acre)	491	495	849	852
Air Pollution Benefits				
Ozone Removal (lb/acre)	4.2	4.7	8.0	9.7
SO_2 Removal (lb/acre)	1.3	1.4	2.5	3.0
NO_2 Removal (lb/acre)	2.4	2.7	4.6	5.6
PM10 Removal (lb/acre)	3.6	4.0	6.9	8.4
CO Removal (lb/acre)	0.5	0.5	0.9	1.1

Project Costs

BMP CONSTRUCTION COSTS

Contractor		$167,249
Stormwater Treatment Unit		$21,000
Infiltrator Units		$29,747
Total Construction Costs	=	**$217,996**

ADMINISTRATION

Project Administration		$48,935
Total Administration Costs	=	**$48,935**

TREE PLANTING AND TRAINING COSTS

Tree Planting - Trees		$14,500
Tree Planting - Materials		$3,500
Tree Planting - Labor		$5,000
Campus Greening Workshop		$3,000
In-Class Curriculum		$5,625
Curriculum Development		$3,000
Administration		$5,182
Total Tree Planting Costs	=	**$39,807**

TOTAL COSTS* = $306,738

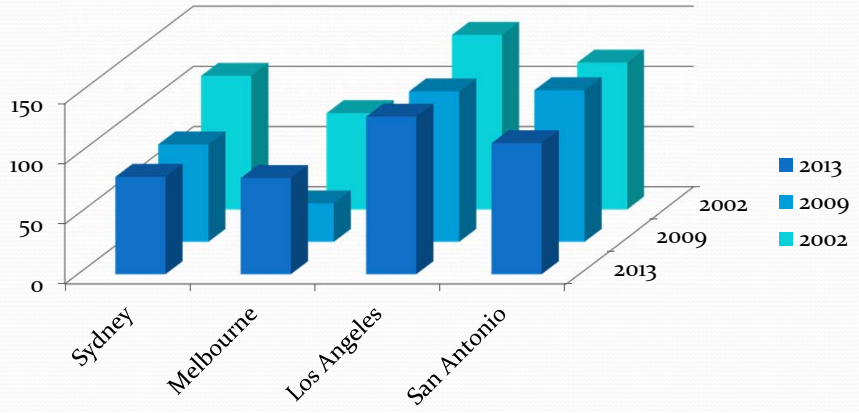
Funding

Los Angeles Water and Power – Cool Schools Program
Los Angeles Unified School District
Los Angeles County Proposition BB Grant
USDA Forest Service – Greenlink Program
Montgomery Watson Harza
Anne and Kirk Douglas Playground Award

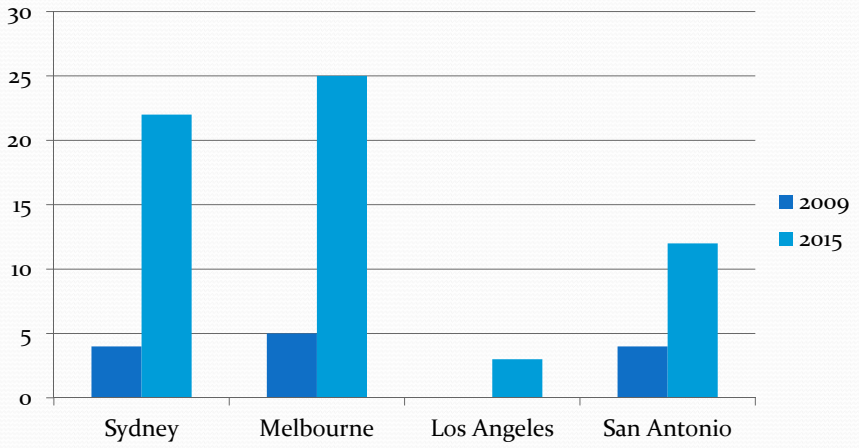
Lessons Learned in LA County

Communication
Transparency
Scheduling
Perception
Trust
Misalignments

Australia's "Millennium Drought"



Percent of Households with RWH



Cost of Future Water Sources

	Traditional Sources	Conservation	Recycling	Desalination
Lowest Cost Example	$25	$137	$396	$2,367
Average of Examples	$793	$1,335	$$2,869	$3,39
Highest Cost of Example	$1,456	$$4,50	$5,00	$5,100
Dollars Per Acre-Foot				

Source: California Public Utilities Commission, *What Will be the Cost of Future Water for California?*

12. Discussion and Appropriate Action Adopting Guiding Principles on the Following Issues Identified Through the 2021 Plan Enhancement Process

    a. Appropriateness and Adequacy of How Demand and Need are Determined

    b. Role of RWPs in Influencing Population Growth and Land Use

    c. Conflicts of Interests With Respect to Planning Group Members

The text in blue is only for background purposes, and will not be included in the final Guiding Principle Document.

South Central Texas Regional Water Planning Group

2021 Regional Water Plan Enhancement Process Guiding Principles

Appropriateness and Adequacy of How Demand and Need are Determined

Summary of Notes from May 5, 2016:

Define TWDB's process regarding population and water demand projections, and then make sure everyone understands it. Receive population and water demand projections recommendation from TWDB. Have the opportunity to review. Request changes on a case by case basis as early in the process as possible.

Excerpt from Chapter 8 Policy Recommendations and Unique Sites (2016 RWP) Concerning Population and Water Demand Projections:

> 8.9.3 Population and Water Demand Projections
>
> The SCTRWPG recognizes that the TWDB bases its water demand projections on patterns of population and economic growth while also permitting revisions of state data to incorporate additional information developed by the planning regions. The SCTRWPG appreciates that the TWDB has facilitated more active involvement of the Regional Water Planning Groups in refining water demand projections for use in the 2016 regional water plans. Nevertheless, some groups believe that the methodology puts an unfair limitation on access to water for future growth, particularly in areas that may experience more rapid change than they have in the past. The SCTRWPG has struggled with the lack of flexibility within the methodology to address rapidly growing municipal water demands associated with the transient work forces and long-term operations and maintenance 2016 South Central Texas Regional Water Plan personnel supporting extraction, collection, and transport of oil and gas resources found in the Eagle Ford shale. In circumstances such as this, the SCTRWPG encourages greater TWDB flexibility through relaxation of current methodological assumptions holding regional and state population projection totals fixed. Water demand projections used in developing the Regional Water Plan should be consensus figures arrived at by using TWDB data along with local input from the cities, counties, and groundwater districts.

Guiding Principle:
Discussed at SCTRWPG meeting on May 5, 2016, Ratified August 4, 2016
The South Central Texas Regional Water Planning Group (SCTRWPG) generally defers to the Texas Water Development Board (TWDB) on matters related to population and water demand projections. However, the SCTRWPG retains the duty to review TWDB projections on a case by case basis. Where the SCTRWPG finds a discrepancy in TWDB's projections, and can adequately justify its findings by verifying one or more of the "criteria for adjustment," TWDB – in consultation with Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department – may adjust population and/or water demand projections accordingly (see generally *General Guidelines for Fifth Cycle of Regional Water Plan Development*, Article 2. *Population and Water Demand Projections*). Consistent with Chapter 8 of the 2016 Regional Water Plan for Region L, the SCTRWPG supports greater TWDB flexibility through relaxation of current methodological assumptions holding regional and state population projection totals fixed (see Chapter 8.9.3 *Population and Water Demand Projections).* Water demand projections used in developing the Regional Water Plan should be consensus

The text in blue is only for background purposes, and will not be included in the final Guiding Principle Document.

figures arrived at by using TWDB data along with local input from the cities, counties, and groundwater districts.

Role of Regional Water Planning Groups in Influencing Population Growth and Land Use

Summary of Notes from May 5, 2016: See Chapter 8 for current statement. It's not the role or responsibility of the planning group to influence population growth and land use. However, it's the planning group's duty to be cognizant of the sensitive relationship between the plan, population growth and land use.

Excerpt from Chapter 8 Policy Recommendations and Unique Sites (2016 RWP) Concerning Population and Water Demand Projections:

> 8.9.3 Population and Water Demand Projections
>
> The SCTRWPG recognizes that the TWDB bases its water demand projections on patterns of population and economic growth while also permitting revisions of state data to incorporate additional information developed by the planning regions. The SCTRWPG appreciates that the TWDB has facilitated more active involvement of the Regional Water Planning Groups in refining water demand projections for use in the 2016 regional water plans. Nevertheless, some groups believe that the methodology puts an unfair limitation on access to water for future growth, particularly in areas that may experience more rapid change than they have in the past. The SCTRWPG has struggled with the lack of flexibility within the methodology to address rapidly growing municipal water demands associated with the transient work forces and long-term operations and maintenance 2016 South Central Texas Regional Water Plan personnel supporting extraction, collection, and transport of oil and gas resources found in the Eagle Ford shale. In circumstances such as this, the SCTRWPG encourages greater TWDB flexibility through relaxation of current methodological assumptions holding regional and state population projection totals fixed. Water demand projections used in developing the Regional Water Plan should be consensus figures arrived at by using TWDB data along with local input from the cities, counties, and groundwater districts.

Guiding Principle:
Discussed at SCTRWPG meeting on May 5, 2016, Ratified August 4, 2016
Where the concepts of population growth and land use necessarily interrelate with the Regional Water Plan, the SCTRWPG shall, to the greatest extent possible, develop strategies to meet future projected demands. However, it is neither the role, nor the responsibility of the SCTRWPG to influence population growth or land use. While the SCTRWPG has a duty to remain cognizant of the sensitive relationship between the Regional Water Plan, population growth and land use, decisions concerning permitting and influencing population growth are inherently local, and remain wholly independent from the regional water planning process.

The text in blue is only for background purposes, and will not be included in the final Guiding Principle Document.

Conflicts of Interests With Respect to Planning Group Members

Summary of Notes from May 5, 2016: Changes to form (require info concerning nominee's "employer," as opposed to "occupation," and clarification of concerning "interest group"). Ask nominees to abide by the code of conduct. Bylaws will be given to nominees prior to interview. Executive committee will ask, as a standard interview question, whether nominees agree to abide by the Code of Conduct.

Guiding Principle:
Discussed at SCTRWPG meeting on May 5, 2016, Ratified August 4, 2016

1. Active Planning Group Members

All disclosures pursuant to Article V, Section 6 of the SCTRWPG Bylaws, are within the purview of the planning group member or designated alternate who has the potential conflict of interest. Therefore, disclosures are the responsibility of the planning group member or designated alternate. If the voting member choses to abstain from participation in deliberations, decisions, or voting, pursuant to Article V, Section 6 of the SCTRWPG Bylaws, the reason for abstention shall be noted in the minutes.

> **SCTRWPG Bylaw Excerpt**
>
> Potential conflicts of interest shall be clearly stated by the voting member or designated alternate prior to any deliberation or action on an agenda item with which the joint member or designated alternate may be in conflict. Where the potential conflict is restricted to a divisible portion of an agenda item, the Chair may divide the agenda item into parts for deliberation and voting purpose. An abstention from participation in deliberations, decisions or voting and the reason therefore shall be noted in the minutes.

(see *SCTRWPG Bylaws*, Article V, Section 6, (b))

2. Nomination Process

Where the SCTRWPG is soliciting nominations to fill vacancies on the planning group, nominators shall provide information regarding the nominee's current employer, and provide a description of the nominee's experience that qualifies him/her for the position in the interest group being sought to represent.

Additionally, nominees shall agree to abide by the Code of Conduct, which is incorporated in the SCTRWPG Bylaws (see *SCTRWPG Bylaws*, Article V, Section 6). As per the Bylaws, the Executive Committee will conduct an interview process whereby nominees will be evaluated. Prior to the interview, nominees will be provided a copy of the Bylaws. During the interview process, nominees will be asked if they are willing to agree to to the Bylaws, and specifically, if they are willing to comply with the Code of Conduct.

13. Discussion and Appropriate Action Regarding the Following Components of the 2021 Plan Enhancement Process

    a. The Role of the Planning Group in Influencing Water Development Plans of Water Suppliers

    b. The Role of the Planning Group in Influencing Permitting Entities

2021 Plan Enhancement Process Schedule	
May 2016	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
August 2016	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.
November 2016	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.
February 2017	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".
Other	Identifying special studies or evaluations deemed important to enhance the 2021 Plan and identification of outside funding sources.
	Address the role of reuse within the regional water plan.
	Any other subjects that the planning group agrees to address.

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

September 23, 2014

Mr. Con Mims
Chairman
South Central Regional Water Planning Group
C/O San Antonio River Authority
P.O. Box 839980
San Antonio, Texas 78283-9980

Dear Chairman Mims:

We received both of your letters dated September 9, 2014 which ask questions related to fundamental issues about the water planning process as well as questions related to the Guadalupe-Blanco River Authority (GBRA) storage project.

TWDB staff has reviewed these questions and prepared responses, which are enclosed. Our responses are intended to provide you and the South Central Texas Regional Water Planning Group (Region L) with sufficient information to make any necessary regional water planning decisions.

Thank you for letter and your continued support of the regional water planning process. If you have any questions or wish to discuss any of these issues further, please contact David Meesey, Region L project manager at (512) 936-0852 or david.meesey@twdb.texas.gov.

Sincerely,

Jeff Walker
Deputy Executive Administrator
Water Supply and Infrastructure

Enclosures

Cc: David Meesey, TWDB

Guadalupe-Blanco River Authority Storage Project

Below are responses from the Texas Water Development Board (TWDB) regarding questions from the Region L Reuse Workgroup regarding the Guadalupe-Blanco River Authority (GBRA) Storage Project.

1. If the GBRA Lower Basin Storage Project in the 2011 configuration relies on the flow from SAWS' effluent for yield, and, hypothetically, if the San Antonio Water Supply (SAWS) was able to request an amendment to the 2011 plan for a project using that effluent to meet a water need, how would that be handled, given in the planning process two water projects cannot rely on the same water?

   TWDB: The decision to amend the 2011 Region L plan is a decision that must be made by the Region L planning group. In making this decision, the group might have to reconcile the two projects to ensure that the available water supply is not over-allocated.

2. How would the planning process deal with who has claim to the (SAWS effluent) water?

   TWDB: For planning purposes, the determination of which water management strategies are included in a regional water plan is at the discretion of the regional water planning group, as long as the water supply is not over-allocated. The Texas Commission on Environmental Quality is the agency that administers surface water rights and permits for surface water diversions.

3. If SAWS was to submit (in the future) an effluent-based project as an amendment to the 2016 plan and the GBRA (lower basin) storage project is in the 2016 plan, the restriction of two projects relying on the same water supply would not apply for the 2016 plan (for these two projects) because the effluent is not considered a water source for the GBRA project (effluent may not be used in calculating a project yield) in the 2016 plan, is that correct?

   TWDB: Two recommended projects cannot rely on the same water supply in a way that would over-allocate the source. The regional water planning group must decide how to allocate water supply availability in its plan.

4. How would the 2011 regional plan (which allows use of effluent in project yield calculations) reflect that a source of water relied upon for a project (such as effluent) is not guaranteed to be available for a project (because it can be reused)? Is that reflected in the reliability of the firm yield of the project?

   TWDB: Firm yields of the 2011 Regional L Regional Water Plan projects are based on the modeling assumptions that were requested by the Region L planning group and approved by TWDB in July 2009.

5. Based on the current TWDB rules for submission of plan amendments, is it a requirement to include the new information known about the project given the change in the 2016 planning parameters?

   TWDB: This question is unclear. Generally speaking, use of the most current information in developing regional water plans is recommended, however hydrologic assumptions approved by TWDN for use in developing the 2011 plan would also be applied to any amendment to that same 2011 plan.

6. Is amending the 2011 plan, now, instead of waiting for the 2016 plan a way to circumvent the 2016 planning parameters?

   TWDB: A regional water planning group may choose to amend its plan at any time. As long as, a planning group follows the TWDB guidelines for amendments in place for each planning cycle, we do not consider the planning process to be circumvented.

7. How does TWDB account for changes in projects from plan year to plan year as planning parameters change?

   TWDB: The planning group makes the decision regarding how projects change from plan to plan and which projects to include in each regional water plan. If the projects included in a plan are developed in accordance with the TWDB requirements for that planning cycle, the plan may be approved.

8. Can an amended water plan or a TWDB loan be used in in any way to indicate State support for the project? Or a guarantee that the project is in some way endorsed by the State for the purposes of permitting, legal action or waiver of compliance with other legislative laws, administrative practices-can the project be seen as grandfathered in any way and not subject to challenge through other actions?

   TWDB: Funding from TWDB is provided to sponsors for projects that qualify to receive loans under the associated agency funding programs. TWDB funding is not in any way an endorsement of any particular project and does not create a basis for avoiding compliance with regulations or laws.

Texas Water Development Board Rules and Requirements

Below are responses from the Texas Water Development Board (TWDB) regarding questions from the Region L Reuse Workgroup regarding the TWDB's water planning rules and requirements.

1. In the case where multiple water management strategies are available to meet a single water user group's need, and each of the strategies can, individually, meet the water user's need, may the planning group designate multiple strategies as recommended strategies for that user group? In other words, may the planning group designate multiple recommended strategies for a user group, the total supply of which exceeds the user group's needs?

   TWDB: Yes.

2. Was the distinction of alternate vs. recommended water supply strategies created to prevent double or triple serving the same unmet need?

   TWDB: Not that we are aware of.

3. If the end water user group is a water utility holding a CCN and it selects the project(s) to serve it, can other entities list that utility as the end water users of other proposed projects to serve their needs without their consent?

   TWDB: The decision is up to the regional water planning group.

3a. Who makes the determination in the regional water plan of which projects will serve a given need (CCN holders, WUGs, or the Planning Group)?

   TWDB: The regional water planning group.

4. To what point in the delivery system to a water user group does a water management strategy have to reflect project costs? This is particularly pertinent to meeting future needs of water user groups within a county or region where exact locations of those needs are not known.

   TWDB: The planning group and its consultants shall use the best information available as to where water will be conveyed to water user groups and sometimes must rely on best professional judgment.

Relevant Excerpts from *Chapter 8 Policy Recommendations and Unique Sites* of the 2016 Regional Water Plan for Region L

8.3 Groundwater

8.3.1 Groundwater Management

The SCTRWPG respects the rules and regulations of groundwater conservation districts, as it does those of all other subdivisions of the state and state agencies. The SCTRWPG respects the decision of the Texas Supreme Court that groundwater is a private property right (Chapter 36 TWC). The SCTRWPG believes that all rules should be adopted pursuant to accepted administrative procedures based on the standards of rationality, equity, and scientific evidence. The SCTRWPG supports the determinations of Modeled Available Groundwater (MAG) based on Desired Future Conditions (DFC) established by Groundwater Management Area (GMA) pursuant to Chapter 36 of the Texas Water Code. The SCTRWPG supports the use of aquifer monitoring programs developed by groundwater conservation districts within a GMA to evaluate achievement of and compliance with DFCs.

Recognizing the management challenges facing groundwater conservation districts with multiple recommended water management strategies potentially seeking permits to withdraw groundwater supplies in excess of amounts determined to be available, the SCTRWPG approved the following series of recommendations applicable at appropriate locations in the 2016 Regional Water Plan.

Recommendation #1: When allocated groundwater exceeds the MAG in any decade, the Workgroup recommends that exempt use be maintained at the full estimated amount, while the permitted and grandfathered use amounts are reduced proportionately for planning purposes so that the total firm supply equals the MAG.

Recommendation #2: Where potentially feasible WMSs are contemplated that require new permits and allocated groundwater exceeds the MAG, show a firm supply of zero in the plan for the WMSs for planning purposes, but explain that groundwater for the WMSs may be obtained under existing permits through the Carrizo/Wilcox Transfers WMS or under new permits issued in accordance with GCD rules.

Recommendation #3: Where potentially feasible WMSs are contemplated that require new permits and allocated groundwater is less than the MAG, but allocated groundwater plus WMSs exceeds the MAG, show firm supplies of no more than the difference between allocated groundwater and the MAG in the plan for planning purposes, but 2016 South Central Texas Regional Water Plan explain that supplemental groundwater for the WMSs may be obtained under existing permits through the Carrizo/Wilcox Transfers WMS or under new permits issued in accordance with GCD rules.

Recommendation #4: For potentially feasible WMSs with firm supplies proportionately reduced or shown as zero for MAG compliance, evaluate facilities and costs for WMSs at both the reduced

firm supply value associated with MAG compliance without transfers and at the supply amount that the sponsor seeks to develop.

Recommendation #5: For existing groundwater supplies that are fully permitted, or grandfathered, by a GCD and are proportionately reduced in quantity for planning purposes in this Plan for MAG compliance, include the following explanatory note in the regional water plan document and database at appropriate locations:

> *"For each aquifer in the region, the GCDs have adopted desired future conditions (DFCs). In some GCDs, full use of all groundwater supplies (permitted, grandfathered and exempt) may result in non-achievement of the DFCs for an aquifer. To ensure consistency with the DFCs, TWDB currently requires that groundwater availability for each aquifer be limited for planning purposes to the modeled available groundwater (MAG) for the aquifer. This has resulted, for planning purposes only, in adjustments to supply amounts in this plan for some areas for certain time periods. This should not be construed as recommending or requiring that GCDs make these adjustments. SCTRWPG recognizes and supports the ability of permit holders to exercise their rights to groundwater use in accordance with their permits and it recognizes and supports the GCDs' discretion to issue permits and grandfather historical users for amounts in excess of the MAG. SCTRWPG may not modify groundwater permits that GCDs have already issued or limit future permits that GCDs may issue. If the MAG is increased during or after this planning cycle, SCTRWPG may amend this Plan to adjust groundwater supply numbers that are affected by the new MAG amount."*

Recommendation #6: For potentially feasible WMSs that have GCD permits for a portion of the needed supply and the remainder is not yet permitted, include the following explanatory note in the regional water plan document and database at appropriate locations:

> *"For each aquifer in the region, the GCDs have adopted desired future conditions (DFCs). In some GCDs, full use of all groundwater supplies (permitted, grandfathered and exempt) may result in non-achievement of the DFCs for an aquifer. To ensure consistency with the DFCs, TWDB currently requires that groundwater availability for each aquifer be limited for planning purposes to the modeled available groundwater (MAG) for the aquifer. This has resulted, for planning purposes only, in adjustments to permit amounts, and a lack of firm water available for future permits in this plan for some areas for certain time periods. This should not be construed as recommending or requiring that GCDs make these adjustments, or deny future permit applications. SCTRWPG recognizes and supports the ability of permit holders to exercise their rights to groundwater use in accordance with their permits and it recognizes and supports the GCDs discretion to issue permits and grandfather historical users for amounts in excess of the MAG. SCTRWPG may not modify groundwater permits that*

Relevant Excerpts from *Chapter 8 Policy Recommendations and Unique Sites* of the 2016 Regional Water Plan for Region L

8.4 Surface Water

8.4.1 Surface Water Rights Monitoring and Administration

The Texas Commission on Environmental Quality (TCEQ) should be adequately staffed and funded to ensure the legal and appropriate use of permitted surface water rights through comprehensive monitoring and administrative programs, such as the Watermaster program. Such monitoring and administrative programs should address surface water / groundwater interactions in cooperation with appropriate groundwater conservation districts and the administration of downstream water rights. The SCTRWPG reaffirms its commitment to safeguarding the integrity of downstream water rights.

8.10 Other Issues

8.10.1 Water Management Strategies

Inclusion of a WMS in this plan, as either a recommended or alternative WMS, is not an endorsement by this planning group of that WMS for permitting, financing, or for any reason other than as a water supply that has met TWDB standards for being considered as a potential water supply for regional planning purposes.

14. Administrator Update on Interlocal Agreement for Funding SCTRWPG Administrative Costs for the Fifth Cycle of Regional Water Planning

INTERLOCAL AGREEMENT FOR FUNDING OF SENATE BILL 1 SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP (REGION L) ADMINISTRATIVE COSTS

This Agreement is made and entered into as of the date herein last specified by and between the San Antonio River Authority ("SARA"), a river authority established under the laws of the State of Texas, (INSERT SIGNATORIES), collectively referred to as the "PARTIES".

WHEREAS, the Texas Interlocal Cooperation Act, Tex. Gov't Code Ann. § 791.001 et seq., authorizes local political subdivisions to enter into agreements for the provision of governmental and administrative functions and services;

Whereas, the South Central Texas Regional Water Planning Group, established in accordance with Senate Bill 1, 75th Legislative Session, is charged with the development of a regional water plan to address the water needs of the South Central Texas Regional Water Planning Area;

Whereas, the South Central Texas Regional Water Planning Group submitted the 2016 Regional Water Plan for the South Central Texas Regional Planning Area (Region L) to the Texas Water Development Board on December 1, 2015;

Whereas, Senate Bill 1, 75th Legislative Session requires that the regional water plan be reviewed and revised, if necessary, every five years;

Whereas, the South Central Texas Regional Water Planning Group has entered into the Fifth Cycle of Regional Water Planning for the next five years as of January 1, 2016;

Whereas, SARA was designated as the contracting and administrative agency for the South Central Texas Regional Water Planning Group for the Fifth Cycle of Regional Water Planning on February 5, 2015;

Whereas, the Parties are within of the South Central Texas Regional Water Planning Area

Whereas, SARA, as the principal administrative office for the South Central Texas Regional Water Planning Group, will incur administrative costs on behalf of the South Central Texas Regional Water Planning Group for the interim phase of planning;

Whereas, the Parties have agreed to share the funding of the administrative costs;

For and in consideration of the foregoing and of the mutual benefits and obligations provided herein, the Parties do contract and agree as follows:

AGREEMENT

1. SARA will serve as the contracting and administrative agency for the Fifth Cycle of Regional Water Planning. SARA will account for its labor and direct expenses associated with administering the development of the Plan. SARA will provide the other contracting Parties with quarterly accounting reports of its administrative costs. Administrative costs incurred by SARA beginning January 1, 2017 are eligible for reimbursement.

2. The total administrative costs to be incurred by SARA for 2016 are estimated to be $48,300.00.[1]

3. For the duration of this agreement, SARA will provide an estimate of the anticipated administrative costs by December 15 of the calendar year preceding the year in which costs are being estimated for. The Parties shall agree upon the annual budget in writing on a per annum basis prior to being billed for quarterly administrative costs.

4. The Parties agree to share the administrative costs in the following percentages:

[1] *Estimate is based off the first year budget for the Fourth Cycle of Regional Water Planning (Calendar Year 2011). Total estimate includes Labor, Professional Services, and other miscellaneous costs incurred by the Administrative Agent.*

[redacted]

TOTAL 95%

The total amount of administrative costs for each year will not be exceeded without prior written authorization of the Parties.

5. The Parties may provide in kind services to help offset the administrative costs incurred by SARA to the extent practical.

6. Voluntary contributions will be solicited from other entities in the region. To the extent that such voluntary contributions are received in excess of the administrative costs, they will be used to offset, on a pro-rata basis, the amount of administrative costs to be shared by the Parties.

7. SARA will bill the parties for their respective share of the administrative costs on a quarterly basis. All Parties are committed to the full payment of their obligations.

8. This Agreement may be amended and/or extended by the mutual agreement of the Parties.

9. Multiple original copies of this Agreement are being executed and shall be effective upon last signature. Each person executing this Agreement on behalf of a Party represents that he or she is a duly authorized officer of such Party with full power to execute this Agreement on behalf of each Party.

10. The Parties agree to prepare and execute all documents necessary to effect the terms of this Agreement.

11. No party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other Parties which consent shall not be unreasonably withheld. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

12. Upon execution of this agreement, the previously executed agreement, *Interlocal Agreement for Funding of Senate Bill 1 South Central Texas Regional Water Planning Group Administrative Costs for the Fourth Cycle of Regional Water Planning*, will be null and void.

13. This Agreement is effective until December 31, 2021, contingent upon the availability of annual funding for the term of the contract. In the event that a party is unable to fulfill its obligations under this agreement as a result of lack of sufficient funding, no party shall have a right of action against other parties. Should this issue arise, a Party will file a Notice of Non-Renewal with the other parties at least 30 days prior to the date funding becomes unavailable.

14. Until changed by written notice thereof any notice required under this Agreement may be given to the respective Parties by first class mail, postage paid or by hand-delivery to the address of the other Parties shown below:

15. Possible Agenda Items for the Next Region L Meeting

a. Review and Adoption of New Guiding Principles

b. 2021 Plan Enhancement Discussion on 1) The Adequacy of Evaluating the Plan's Effects on Freshwater Inflows to San Antonio Bay, 2) The Adequacy of Environmental Assessments of Individual WMS's, and 3) A set of guiding principles to serve as blueprint for long-term sustainability.

c. Texas A&M Institute for Renewable Natural Resources Land Trend/ Water Resources Study Presentation

d. Authorization for Administrator to Provide Public Notice and Submit a Grant Application to TWDB on Fifth Cycle Funding, and to Negotiate and Execute the Amendment to the TWDB Contract

16. Public Comment