

NOTICE OF OPEN MEETING OF THE
SOUTH CENTRAL TEXAS REGIONAL
WATER PLANNING GROUP
POLICY AND LEGISLATIVE RECOMMENDATIONS WORK GROUP

TAKE NOTICE that a meeting of the Policy and Legislative Recommendations Work Group, as established by the South-Central Texas Regional Water Planning Group (SCTRWPG), will be held on Thursday, April 25, 2024 at 9:00 AM both in person and virtually. The in-person meeting will be held at the San Antonio River Authority, 100 E. Guenther Street, San Antonio, TX 78204. You can attend virtually on GotoMeeting at <https://meet.goto.com/467029453>. The following subjects will be considered for discussion and/or action at said meeting.

1. Review Background of Chapter 8 and Approach for Updating the Chapter in Previous Regional Water Plans (RWPs)
2. Discuss Responsibilities for the Policy and Legislative Recommendations Work Group
3. Review and Discuss Chapter 8 Revisions for Inclusion in the 2026 RWP:
 - a. Discuss Workgroup Suggestions for New Recommendations
 - b. Review and Discuss Updates to the Recommendations from the Previous 2021 RWP

Comments and submissions may be submitted through email to ccastillo@sariverauthority.org. Any written documentation can be sent to Tim Andruss, Chair, South Central Texas Regional Water Planning Group, c/o San Antonio River Authority, Attn: Caye Castillo, 100 E. Guenther Street, San Antonio, TX 78204. Please direct any questions to Caye Castillo at (210) 302-4258.


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Policy & Legislative Recommendations Workgroup

South Central Texas (Region L) Regional Water Planning Group (SCTRWPG)
April 25, 2024, 9 AM

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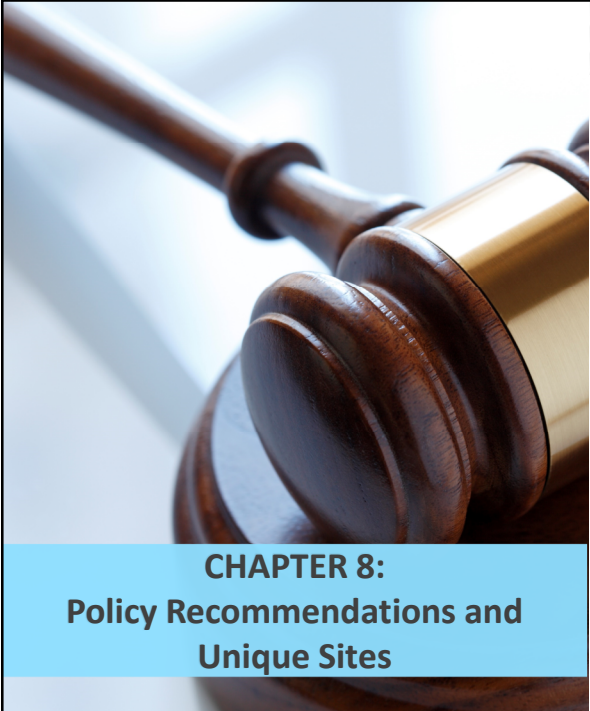
Agenda Overview

1. Review Background of Chapter 8 and Approach for Updating the Chapter in Previous Regional Water Plans (RWPs)
2. Discuss Responsibilities for the Policy and Legislative Recommendations Work Group
3. Review and Discuss Chapter 8 Revisions for Inclusion in the 2026 RWP:
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Agenda Item 1: Review Background of Chapter 8 and Approach for Updating the Chapter in Previous Regional Water Plans (RWPs)




CHAPTER 8 OF THE REGIONAL WATER PLAN

31 TAC §357.43 specifies that the RWP shall include recommendations on regulatory, administrative, or legislative issues, such as

- Ecologically Unique River and Stream Segments
- Unique Sites for Reservoir Construction
- Other Recommendations

**CHAPTER 8:
Policy Recommendations and
Unique Sites**



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Ecologically Unique River & Stream Segments

RWPGs may make recommendations for designating river and stream segments of unique ecological value and unique sites for reservoir construction; however, the Texas Legislature is responsible for making the official designations of these sites.

RWPGs may recommend all or parts of a water body as having “unique ecological values,” based on the following:

1. Biological function
2. Hydrologic function
3. Riparian conservation areas
4. High water quality, exceptional aquatic life, and high aesthetic value
5. Threatened or endangered species and unique communities

If the legislature designates or if a RWPG recommends designation of a stream or river segment as unique, then the RWPG must quantitatively assess impacts of the plan on flows to unique water bodies.

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Unique Reservoir Sites

RWPGs may recommend sites for reservoir construction that have “unique value” based on the following:

- Site specific reservoir development is recommended as a specific water management strategy or as a unique reservoir site in a final adopted RWP; or
- factors such as location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics make a site uniquely suited for either reservoir development to Provide water supply for:
 - The current planning period, or
 - Where it might be reasonably needed to meet water needs beyond the 50-year planning period.
- The adopted RWPGs must also include a description of the site, reasons for the unique designation, and expected beneficiaries of water supplies developed at a given site.

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Other Recommendations

RWPGs may include any additional regulatory, administrative, or legislative recommendations to achieve the stated goals of state and regional water planning, including but not limited to the following:

1. To facilitate the orderly development, management, and conservation of water resources in Texas and to prepare for and respond to drought conditions
2. Ways the RWPG believes the state and regional planning process would be improved
3. Information regarding the potential impacts of recommendations enacted into law once proposed changes are in effect
4. Facilitate more voluntary water transfers in the region

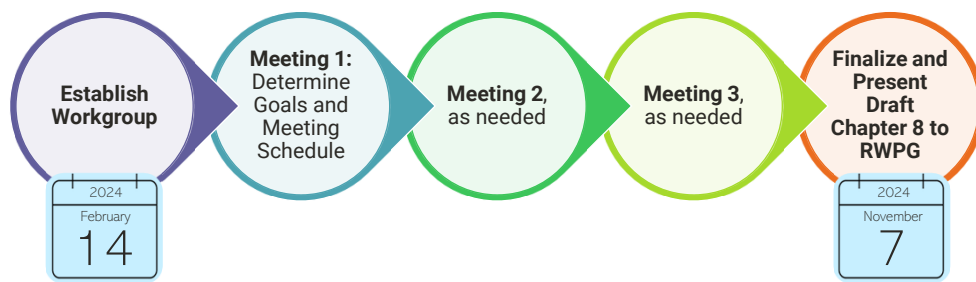
In the development of other recommendations, the RWPGs should consider TWDB feedback on the implementation of the planning group's legislative, administrative, and regulatory recommendations, as applicable to the TWDB, in the previous RWP. The RWPGs should also consider recommendations from the Interregional Planning Council as directed to the planning groups.

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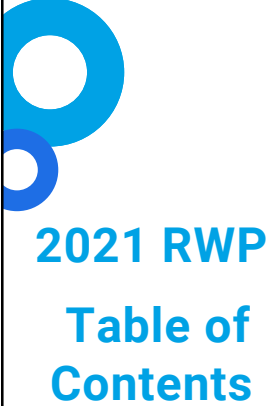
Approach in 2021 Regional Water Planning Cycle

Roles and Responsibilities:

- Workgroup met to collaboratively draft Chapter 8: Recommendations Regarding Unique Stream Segments and/or Reservoir Sites and Legislative & Regional Policy Issues (Task 8)
- Completed the draft Chapter 8 for presentation at the November 2019 RWPG Meeting



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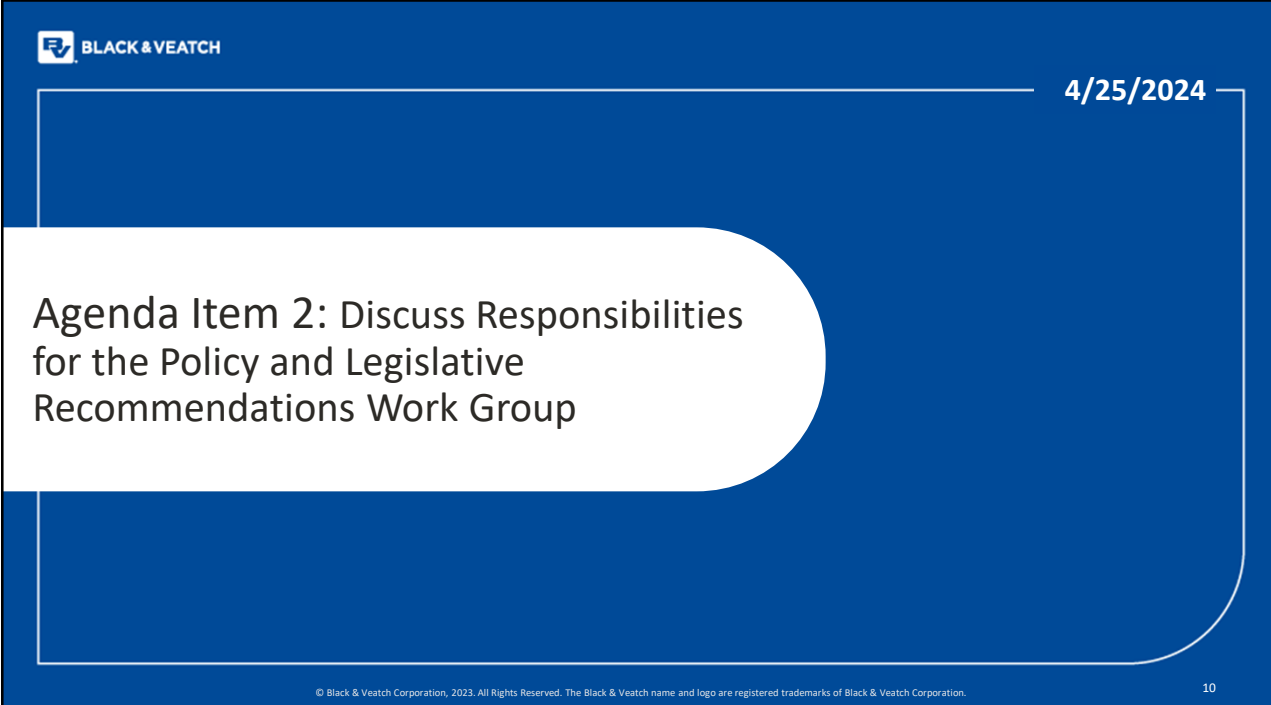


2021 RWP
Table of Contents

CHAPTER 8: Policy Recommendations and Unique Sites

1. Irrigation Water
2. Collaboration Between Regional Planning Areas
3. Groundwater
4. Surface Water
5. Conservation
6. Innovative Strategies
7. Environmental
8. Providing and Financing Water and Wastewater Systems
9. Data
10. Other Issues
 - a) Water Management Strategies
 - b) Planning for System Management Water Supplies
 - c) Public Education on Water
 - d) Planning Requirements

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Agenda Item 2: Discuss Responsibilities for the Policy and Legislative Recommendations Work Group

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Agenda Item 3: Review and Discuss Chapter 8 Revisions for Inclusion in the 2026 RWP

- a. Discuss Workgroup Suggestions for New Recommendations for the 2026 RWP
- b. Review and Discuss Updates to the Recommendations from the Previous 2021 RWP

Discussion


Supplemental Information:

Guiding Principles of the South Central Texas Regional Water Planning Group (SCTRWPG)



PRINCIPLE I **Appropriateness and Adequacy of How Demand and Need are Determined**


The SCTRWPG generally defers to the 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 TDA, TCEQ, and TPWD – may adjust population and/or water demand projections accordingly (see *generally General Guidelines for Development of the 2026 Regional Water Plan*). Consistent with Chapter 8 of the 2021 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 figures arrived at by using TWDB data along with local input from the cities, counties, and groundwater districts.



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

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.

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

a) Active Planning Group Members


All disclosures pursuant to Article V, Section 6 of the SCTRWPG Bylaws, are the responsibility 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 chooses 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.

b) 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 the Bylaws, and specifically, if they are willing to comply with the Code of Conduct.

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PRINCIPLE IV

Role of the Planning Group in Influencing Water Development Plans of Water Suppliers

The role of the SCTRWPG is to ensure water needs are met with identified potentially feasible water management strategies. It is not the role of the SCTRWPG to influence or interfere with local water planning decisions. In the absence of a planning group recommended potentially feasible water management strategy to meet an identified need, the SCTRWPG may evaluate and report, as required, the social, environmental and economic impacts of not meeting the identified need.

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PRINCIPLE V

Role of the Planning Group in Influencing Permitting Entities

Decisions made at the planning group level are non-regulatory, and are intended for planning purposes only. While some decisions made by the SCTRWPG could inevitably affect some decisions made by the governing boards of permitting entities, it is neither the responsibility, nor the role of the SCTRWPG to influence or interfere with the regulatory decisions made by the governing boards of permitting entities.

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PRINCIPLE VI

Adequacy of Evaluating the Plan's Effects on Freshwater Inflows to San Antonio Bay, and the Adequacy of Environmental Assessments of Individual Water Management Strategies


The SCTRWPG's evaluation of the Plan's effect on instream flows and freshwater inflows to the San Antonio Bay, and Plan's environmental assessments of individual water management strategies are currently meeting the regulations and statutes for regional water planning. The SCTRWPG believes a structural reorganization of the data presented will benefit the understanding of the Plan's environmental assessments. The SCTRWPG will:

- Initiate environmental assessments earlier into the regional planning process;
- Eliminate environmental assessment comparisons of current plan to past plans;
- Consolidate threatened and endangered species information into the appendix rather than repeating in each water management strategy write-up;
- Update baseline year data to most current for potential impacts to vegetation and terrestrial habitat;
- Adjust distances for cultural resource sites;
- Include current conditions and streamflow protected by environmental flow standards in updated tabular form improving the way in which the data is presented;
- Include target flow regimes based on environmental freshwater inflow standards in updated tabular form improving the way in which the data is presented; and
- Include high level narrative of climate variability.

The SCTRWPG believes this environmental assessment structural reorganization will reflect realistic environmental impacts of the recommended water management strategies for both the public and planning group members.

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PRINCIPLE VII


Minimum Standards for Water Management Strategies

For a proposed strategy to be designated by the SCTRWPG as a water management strategy in the regional water plan, the proposed strategy must:

- supply water, reduce water demands, or otherwise satisfy one or more identified needs;
- include an evaluation and description consistent with standards used by the SCTRWPG and its technical consultants as required by TWDB Rules;
- satisfy all relevant requirements established by the TWDB, including environmental flow standards;
- identify one or more entities, with sufficient ability and willingness to implement the strategy, as being the strategy's sponsor(s);
- identify all entities, as reasonably possible, who own any existing or planned infrastructure or existing permit that could be affected by the proposed strategy as being strategy participants; and
- identify groundwater conservation districts or TCEQ with jurisdiction over the proposed strategy.

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PRINCIPLE VIII


Recommended Water Management Strategies

The SCTRWPG strives to develop a regional water plan that recommends water management strategies sufficient to supply water to all identified needs projected in the planning horizon for the region.

The SCTRWPG prefers designating water management strategies as recommended or alternative using a consensus approach while respecting the strategy sponsor(s)' wishes.

Prior to designating any water management strategies as recommended, the SCTRWPG will review the water management strategies to evaluate costs and environmental sensitivity of each water management strategy per TWDB Rules.

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PRINCIPLE IX

Management Supply

The cumulative supply of the recommended water management strategies may include an amount of supply in excess of the amount needed to meet regional needs as considered necessary by the SCTRWPG to allow for such things as uncertainty associated with long-term planning, problems with project implementation, changing weather conditions, flexibility of sponsors in choosing projects to implement, and changes in project viability.

Identified Needs without a Recommended Water Management Strategy

For water needs that are not satisfied by recommended water management strategies, the SCTRWPG will provide a narrative explaining why the need is not satisfied.

Alternative Strategies in the Regional Water Plan

The SCTRWPG will include alternative water management strategies that sponsors wish to have identified as alternatives to one or more of their recommended water management strategies.

Conceptual Approaches (Water Management Strategies Needing Further Study) in the Regional Water Plan

The SCTRWPG will acknowledge conceptual and innovative approaches to developing water supplies, reducing water demand, and increasing efficiency of supplying water as may be proposed by others, but need further study.

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PRINCIPLE X

Role of Reuse Within the Regional Water Plan

The SCTRWPG generally defers to the TWDB rules for regional water planning as contained in the TAC on matters related to surface water supply analysis. For surface water supply analysis, the SCTRWPG will use the most current Water Availability Models from the TCEQ to evaluate supplies, as required by section 357.32 (c) of the TAC. As per section 357.32 of the TAC, the SCTRWPG will assume full utilization of existing water rights and no return flows when using Water Availability Models.

The SCTRWPG agrees that effluent will be depicted in the Regional Water Plan only in cases of direct and/ or indirect reuse water management strategies, or where a preexisting contract for the supply of reuse is in place. Additionally, the SCTRWPG will not use effluent in the estimates of cumulative effects absent a direct and/or indirect reuse water management strategy or a preexisting contract



PRINCIPLE XI

Identifying Special Studies or Evaluations Deemed Important to Enhance the 2026 Plan, the Identification of Outside Funding Sources, and the Extent to Which Innovative Strategies Should Be Used

The SCTRWPG recognizes that there are no identifiable outside funding sources for special studies or evaluations. However, the SCTRWPG remains willing to consider evaluating any proposed water management strategies and special studies allowable under section 357.34 of the TAC.

Supplemental Information:

Summary of Interregional Planning Council Report, March 2024

Interregional Planning Council

In 2019, the 86th Texas Legislature created the Interregional Planning Council (Council), composed of one member from each regional water planning group (RWPG). The legislative charges are:

1

Improve coordination among the RWPGs, and between each RWPG and the Board, in meeting the goals of the state water planning process and the water needs of the state as a whole;

2

Facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and

3

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

Interregional Planning Council Report Recommendations, March 2024

- 1. Recommendations to the Legislature:** The Council makes the following recommendations for legislative action:
1. As relates to all three legislative charges, the Council recommends that the legislature appropriate additional funds to the planning process specifically to
 - a. Support a required task of the RWPGs to identify and facilitate interregional coordination;
 - b. Accommodate tasks associated with long-range, visionary planning;
 - c. Fund better methods of disseminating information for the regional water planning process; and
 - d. Accommodate labor costs for administering RWPGs rather than permitting a reallocation of existing planning resources, as that would reduce the funding required to meet other required planning tasks.
 2. As relates to Legislative Charge 2, the Council recommends that the legislature:
 - a. Provide financial incentives for local sponsorship of innovative, visionary, multi-benefit projects;
 - b. Provide initial sponsorship of projects by the State without guarantees from local sponsors; and
 - c. Establish a process for coordination amongst state agencies, at the state level, related to installation of infrastructure during planning and construction of large-scale projects.
 3. As relates to Legislative Charge 3, the Council recommends that the legislature:
 - a. amend the language in Texas Water Code Section 16.053(i) to strike simplified planning from the statute; and
 - b. authorize the use of one-way conferencing or webinars.

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Interregional Planning Council Report Recommendations, March 2024

2. Recommendations to the Texas Water Development Board:

As relates to Legislative Charge 3, the Council recommends that the TWDB develop protocols to incorporate annual discussions to evaluate and document best practices for regional water planning in Chairs' conference calls.

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Interregional Planning Council Report Recommendations, March 2024

- 3. Recommendations to Future Interregional Planning Councils:** The Council recommends that future Interregional Planning Councils:
1. Monitor the effectiveness of enhanced efforts to promote interregional coordination and review how best to utilize interregional liaisons in the development or use of shared water resources;
 2. Utilize state agencies' expertise to assist regions in developing a vision of planning resources for the state as a whole;
 3. Consider holding work sessions as needed to "deep dive" into more complicated topics;
 4. Review materials and meeting notes from the TWDB's "lessons learned" technical meetings with RWPG consultants; and
 5. Review progress on all recommendations in the 2027 SWP Council's report and submit its assessment to the TWDB.