



August 15, 2019

[VIA EMAIL TO RULESCOMMENTS@TWDB.TEXAS.GOV](mailto:RULESCOMMENTS@TWDB.TEXAS.GOV)

Ms. Sarah Backhouse
Manager, Regional Water Planning
Water Use, Projections, and Planning
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711

Re: Preliminary Stakeholder Input on Upcoming Regional Water Planning Rulemaking to Implement House Bill 807 (2019 Legislative Session)

Dear Ms. Backhouse:

On behalf of the Central Texas Water Coalition (CTWC), a nonprofit organization that is actively involved in Texas water planning and other water-related issues, please consider the following suggestions and observations as the Texas Water Development Board (TWDB) develops rules to implement the new water planning legislation contained in House Bill 807. We appreciate the opportunity to provide input as this work progresses.

In response to the Attachment to the July 19, 2019 letter to Stakeholders from Ms. Jessica Zuba of the TWDB, we offer the following suggestions and observations:

1. **Interregional Planning Council.** In our view, this is a great opportunity for the various Regional Water Planning Groups (RWPGs) to learn from each other, and a great opportunity for persons interested in regional and state water planning to learn about the process. To make this happen, we suggest that the meetings be held in Austin, so that the TWDB staff can easily attend, facilitate the discussions, and participate in the exchange of information and the development of the Council's report. The meetings should be held at least twice a year in the first two years of each Planning Cycle, and perhaps more often in the last three years of the Planning Cycle if the Council decides that additional meetings would be meaningful.

It seems reasonable to appoint current voting members of the RWPGs as members of the Council. That would assure that the Council members are active, well-informed, and able to exchange information and provide input on the planning process. The rules should specify that such meetings will be open to the public, widely publicized to all members and alternates of each RWPG, and that the meetings will be announced at RWPG

meetings and on RWPG websites. Please consider allowing Council members to participate via conference call or video call. Also, please provide live and archived webcasts of the meetings on the TWDB website.

The Council's report should be a summary of the meetings convened during the Planning Cycle, and there should be a deadline for such reports established in the new rules. For example, the reports could be due within two months after the deadline for the submittal of Regional Water Plans (RWPs) to the TWDB.

2. **Unnecessary or Counterproductive Variations in Drought Response Strategies.** This is an excellent topic for the RWPGs to identify and discuss in an RWP. Please assist the RWPGs by advising them where (which chapter) to include this discussion in the RWP. It would be worthwhile to develop a more standardized, universal terminology for outdoor watering restrictions (watering stages seem to be very random and haphazardly named). This would be very helpful to the public, which may hear the terms "Stage 3" or "Stage 4" watering restrictions and have no idea what it means.
3. **Assessment of Aquifer Storage and Recovery.** It seems like rule-writing on ASR studies could be difficult, considering the vast differences in the geology of the state. Perhaps the existing TWDB reference materials on ASRs could be the basis of the discussion to be included in the RWPs, and the TWDB could provide direction on where (which chapter) such evaluations should be presented within an RWP.
4. **Setting Gallons Per Capita Per Day (GPCD) Goals for Planning Decades.** In view of the diverse settings and customer bases for municipal Water User Groups (WUGs), it seems appropriate for the TWDB rules to provide both guidelines and flexibility on how such information is presented in the RWPs. It seems unlikely that RWPGs could set a single numeric value for all municipal WUGs, but certainly the TWDB rules could specify which definition of the term GPCD should be used in the RWPs and describe how to calculate it. The inclusion of GPCD values and goals should be a useful tool for setting and comparing an entity's conservation goals.
5. **Assessing Progress of Regionalization.** This is an important topic for inclusion in RWPs, to assure that the RWP takes a broad view of the overall water usage for each WUG within each Region, and that it looks at trends in water usage within user groups and by comparisons to other user groups. To do this, all WUGs should be encouraged to establish metrics for use in quantifying, comparing, and evaluating the success of conservation efforts and goals. Although much of the RWPG's current activities focus on metrics for water use by municipal WUGs, the high overall percentage of water used by agricultural irrigation WUGs in some Regions suggests that agricultural irrigation WUGs should receive more attention in these Regional Water Planning Areas (RWPAs). To the extent that's reasonably possible, every WUG within every Region should have measurable goals for water conservation. If a WUG has already achieved a high level of conservation, this can be noted in the RWP. We encourage the TWDB to enlist the expertise of its staff, as well as agricultural irrigation experts from other federal, state, or local authorities and universities, to provide guidance on reasonable metrics for

agricultural irrigation WUGs. Such metrics should be specifically developed for the geographic area of the state, the crops being irrigated, and the latest technologies available for crop irrigation. Such a metric can then be used by the RWPGs to assess the effectiveness and progress of the WUG's conservation efforts.

In addition to a focus on metrics and measurable goals for every WUG in a Region, the TWDB rules should specifically require each RWPG to obtain information on water pricing for various WUGs and should require the Planning Groups to discuss the impact of water prices on water conservation in each WUG. Although many Planning Group members acknowledge that the price of water has an impact on the volume of use, there seems to be some confusion on whether water prices should be discussed in RWPGs. In our view, water prices may significantly incentivize water conservation, and therefore water pricing should be specifically analyzed by RWPGs and specifically addressed included as a factor to include in describing incentivizing strategies that benefit the entire region. When all WUGs pay fair and reasonable water rates, all WUGs may be incentivized to monitor and conserve water whenever possible.

6. **Recommendations for Process Improvements in Regional Water Planning.** As the current State Water Planning process has evolved since 1997, the water planning process has dramatically changed from a "top-down" method of planning to a "bottom-up" approach for developing and compiling the State Water Plan. The RWPGs have been the key to this evolution. We support the role of RWPGs in this important work, and we agree that representatives of various areas across our expansive state are well-qualified to assist in the gathering, review, and compilation of information specific to their areas. At the same time, we believe it is time for the TWDB rules themselves to provide additional structure and guidance on the membership and operation of the RWPGs. Without direct guidance from the TWDB, some RWPGs tend to continue with the same leadership and decision-making habits that were established in 1998 – almost 20 years ago.

The TWDB, through rulemaking, can help to encourage new membership, ideas, and perspectives at the Planning Group level by establishing minimum criteria for RWPG structure and governance, such as:

- Establishing term limits for voting members;
- Establishing term limits for RWPG Chairs;
- Establishing residency requirements for members and alternates, so that all members and alternates reside within the boundaries of the RWPA;
- Acknowledging that members representing specific interests are expected to be well-informed about the interest group that they represent within the Planning Group. For example, if a member represents "Municipalities," they typically should be an employee of a municipality or do work for a municipality;
- Clarifying that members representing specific interests on the RWPG should be currently involved in the work or advocacy for the interest they represent throughout their term on the RWPG. If a member changes jobs or roles, they may nominate a successor to replace them. Replacement

- members should be nominated and considered by the RWPG within a certain time period after a member's change in status; and
- Clarifying the TWDB's expectations with respect to procurement of consultants for preparation of an RWP. Are RWPGs expected to issue Requests for Proposals before engaging a consultant for each Planning Cycle? Can an RWPG decide to choose a consultant by acclamation at a Planning Group meeting without going out for open bids? What should RWPGs do to comply with state laws governing the huge amounts of state funds that are paid to consultants performing this work for the RWPGs? These are issues that seem unclear to some Planning Groups and the public.

Thank you very much for your consideration of these comments. We hope they will assist in improving the management of our state's water resources, and we look forward to participating in the next steps in this process.

Sincerely,



Jo Karr Tedder
President

CENTRAL TEXAS WATER COALITION
P O BOX 328, SPICEWOOD, TX 78669
www.CentralTexasWaterCoalition.org

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