



October 2, 2017

Submitted Via Email to RulesComments@twdb.texas.gov

2017 Planning Rulemaking

Preliminary Stakeholder Input on Possible Revisions to 31 TAC Chapter 357 (Regional Water Planning Rules)

In response to the letter dated August 28, 2017 from Ms. Jessica Zuba of the Texas Water Development Board (TWDB), please consider the following brief comments from the Central Texas Water Coalition (CTWC) on the agency's plans to revise Chapter 357 (its Regional Water Planning rules).

As it appears that Senate Bill 1511, passed in the 2017 Legislative Session, is the focus of the August 28 invitation for comments, our comments will focus on the agency's implementation of that bill and the TWDB's "Attachment A" – which outlined potential requirements for the simplified regional water planning option.

In general, CTWC supports the effort to "simplify" the regional water planning process and the enormous tasks that are assigned to each Regional Water Planning Group as they develop their Regional Water Plans on five-year intervals. Certainly, there is no need to require extensive work on tasks or chapters of a Regional Plan that are reasonably current and accurate for the upcoming planning cycle. In fact, simplification could allow a RWPG to focus its time and resources on the matters of highest concern within that Region. For example, in view of the continuing population growth in Central Texas, we have serious concerns regarding our reliance upon the water availability and firm yield calculations for the Highland Lakes. This is a topic that Region K could focus on -- and develop strategies for new upstream water supplies.

In some Regions, 10-year planning cycles may be appropriate for water planning purposes. At the same time, there is great value in the periodic review and verification of the contents of every Plan, at least once every five years. It is possible for text, narrative, and data to be carried over from a prior Plan without re-visiting it or confirming that it remains accurate, relevant, and meaningful. Sometimes information is inadvertently repeated as a matter of habit, and its reliability is lacking. In some Regions there is a critical need for current, accurate data to determine water availability and to determine the firm yield of major water supply reservoirs, as well as the need to evaluate and plan for a new Drought of Record. These issues, and the need to update the working definitions for such terms as "Firm Yield" and "Safe Yield" and "Drought of Record" must not be overlooked or minimized in a simplified planning process.

The fundamental components of the Regional Plans are so interdependent and interrelated that it seems advisable to take extra care to avoid the development of a Regional Plan that has less value, or that is less comparable and consistent with other Plans. In some Regions, the efforts to quantify Water Demands, Water Supplies, and the resultant Water Needs are complicated and subject to extensive, continuing discussions within the RWPGs. The data forming the basis for those numbers may be constantly changing or evolving. As a result, the numbers utilized in a Regional Plan may be better

characterized as a reflection of the RWPG’s best efforts to arrive at those numbers at the required point in the five-year planning cycle – like a snapshot in time – instead of numbers that are accurate at the end of the planning cycle, and which may be reliably used as representative of the Region’s situation for the upcoming five-year planning cycle. Please keep this in mind as the Senate Bill 1511 guidelines are developed.

RECOMMENDATION: In addition to the elements of the simplified planning approach described in the TWDB’s Attachment A, include further steps to assure that:

Early in the planning cycle, if a RWPG wishes to implement simplified planning, the results of the RWPG’s updated groundwater and surface water availability values should be submitted to the TWDB for review and approval and made publicly available for comment at that time;

A RWPG that seeks to pursue a simplified approach provides public notice and opportunity for comment on its intent to pursue that approach, and explains the significance in the public notice. For example, the notice would state that “the simplified plan will include ____, but will not include ____.” These public notices should be made via online postings on the Region’s website and on the TWDB website, in addition to other required methods for notice;

A RWPG that seeks to implement “simplified planning” should be required to obtain the TWDB’s consent early in the planning cycle, after obtaining stakeholder input, receiving public comments, and demonstrating to the TWDB that the simplified process will not diminish the overall value of the Regional Plan for that planning cycle;

The RWPG members and the public are provided access to online versions of the draft Regional Water Plans throughout the process and have adequate time to review them in advance of deadlines for comments or decisions by the RWPGs;

The RWPG members acknowledge that certain portions of the Plan will be carried forward without further review, if that is the proposed approach for the planning cycle;

The Regional Plan identifies the chapters that were largely “carried over” from the prior plan and explains why those chapters are divisible from other chapters that were updated; and

RWPGs are encouraged, not discouraged, from continuing to update and adjust to changes in Water Demands and Water Supplies during each planning cycle, and to develop improved methods for quantifying Demands and Supplies for their Regions.

Thank you for the opportunity to provide preliminary input on these issues relating to the proposed revision of the TWDB’s Water Planning Rules, and please contact me if there are any questions or if I can be of any assistance in this important work.

Sincerely,

Sincerely,



Jo Karr Tedder
President

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