



January 31, 2022

[Via Email to rulescomments@twdb.texas.gov](mailto:rulescomments@twdb.texas.gov)

Mr. Ashley Harden
Office of General Counsel
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

RE: Comments on Proposed Amendments to 31 T.A.C. Chapters 357 (Regional Water Planning) and 358 (State Water Planning Guidelines), as published in the *Texas Register* on December 31, 2021 at 46 *TexReg* 9194 and 46 *TexReg* 9213

Dear Mr. Harden:

On behalf of the Central Texas Water Coalition (CTWC), a nonprofit organization advocating for responsible water management and conservation policies, thank you for the opportunity to provide timely comments on the proposed amendments to Chapters 357 and 358 of the Texas Water Development Board (TWDB) rules governing regional and state water planning. We appreciate the agency's work in adapting and improving these important rules.

Comments on 31 T.A.C. Chapter 357: Regional Water Planning

Definition of "Firm Yield" in Section 357.10(14). In its informal, pre-rulemaking comments to the TWDB dated June 28, 2021, CTWC expressed concerns that a Regional Water Planning Group (RWPG) may overestimate the water available in storage reservoirs, such as those in Region K, by overlooking some of the components of the water use permits that govern the operation of those reservoirs. As a result, the Firm Yield of a reservoir may be overstated – a risk that should be avoided in a RWPG's important determinations of water availability. Please confirm that when RWPGs calculate a reservoir's "Firm Yield" under the terms of the TWDB's definition in Section 357.10(14), the requirement for meeting "all applicable permit conditions" means that RWPGs must incorporate all of the assumptions that could lower the amount of water available for reservoir storage under the terms of a permit. In Region K, with large storage reservoirs managed by a state-issued water management plan (a permit), the water management plan has provisions requiring releases of water for environmental flows (both instream flows and for the support of bays and estuaries), as well as provisions authorizing releases of water for interruptible customers downstream. These releases can be substantial in volume, resulting in significant declines in the available water in the upstream reservoirs. Please confirm that the full

amount of the reservoir releases required or authorized under a reservoir's water management plan must be assumed when determining a reservoir's Firm Yield.

Consistency in Definition of Firm Yield. CTWC supports the added language in the amended Section 357.32(c)(1), which clarifies that the "Firm Yield" referenced in these rules is defined in Section 357.10(14).

Additional Assistance from TWDB. Since the "bottom-up" water planning process began in Texas over 20 years ago, the regulatory expectations for the Regional Water Plans have increased in scope and complexity. In many cases, the RWPG membership has grown in size and in representation by interest category. In some regions, 25 or more people are voting members of the RWPGs – a large group that may be a challenge to manage while hearing and responding to every voice, then leading the group toward the next steps to resolve the issues. In our view, the RWPGs would greatly benefit from additional guidance from the TWDB on procedural matters. The TWDB rules governing notices and meetings are complicated, and RWPGs may struggle to update and maintain their bylaws in compliance with existing laws, to elect members to fill vacancies within the RWPG, and to conduct their meetings using appropriate parliamentary procedures. The existing TWDB rules (*see* 31 T.A.C. Section 357.11(j)) state that the TWDB will, upon request, provide technical assistance to RWPGs. CTWC respectfully requests clarification that TWDB's assistance to RWPGs may also include the presence of a TWDB-provided parliamentarian at RWPG meetings, as well as regulatory reviews of the RWPG's bylaws and their interpretation and enforcement.

Comments on 30 T.A.C. Chapter 358: State Water Planning Guidelines

Guidance Principles in 31 T.A.C. Section 358.3(2). CTWC supports the proposed addition of language expressly authorizing RWPGs to plan for drought conditions worse than the drought of record.

Again, thank you for the opportunity to provide these comments on these important rules. Please let me know if there are any questions, or if we can be of further assistance in the rulemaking process.

Sincerely,



Jo Karr Tedder
President
Central Texas Water Coalition

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

Central Texas Water Coalition is a 501(c)(4) non-profit, non-tax deductible organization.