

SUBJECT: Adjusting elements of the state and regional water planning process

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Larson, Phelan, Ashby, Burns, Frank, Kacal, T. King, Lucio,
Price, Workman

0 nays

1 absent — Nevárez

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Charles Flatten, Hill Country Alliance; Blaire Parker, San Antonio Water System; Sarah Schlessinger, Texas Alliance of Groundwater Districts; Scott Norman, Texas Association of Builders; Robert Turner, West Texas Ground Water Management Alliance)

Against — None

On — C.E. Williams, Panhandle Groundwater Conservation District; Ken Kramer, Sierra Club Lone Star Chapter; Matt Nelson, Texas Water Development Board

BACKGROUND: Water Code, ch. 15, subch. G governs the State Water Implementation Fund for Texas (SWIFT), which is used to provide financial assistance to projects in the state water plan. Sec. 15.439 requires the Texas Water Development Board (TWDB) to establish rules for the use of money in the fund, including prioritizing certain projects.

Sec. 16.051 directs TWDB to create a state water plan that incorporates regional water plans every five years. The state water plan includes an evaluation of the state's progress in meeting future water needs and an analysis of the number of projects included in the previous state water plan that received SWIFT funding.

Sec. 16.053 directs regional water planning groups to prepare a regional water plan to provide for water conservation and drought response, using an existing state water plan as a guide. The groups are required to submit a plan at least every five years.

Certain individuals have raised the issue of whether the regional and state water planning processes could be made more efficient and transparent by amending the contents of those plans and creating an interregional planning council.

DIGEST:

CSSB 1511 would make several changes to state and regional water planning processes. It would take effect September 1, 2017.

Texas Water Development Board funding prioritization. The bill would require the Texas Water Development Board (TWDB) to adopt rules for specifying the process for prioritization of funding regional water planning group projects with money from the State Water Implementation Fund for Texas (SWIFT).

Assessment of past projects. The bill would require TWDB to include in the state water plan an assessment on whether certain projects that were given high priority in a previous plan had been implemented in the decade in which they were needed and an analysis of obstacles to the implementation of projects that were not implemented in that time frame.

Interregional planning council. The bill would require TWDB to appoint an interregional planning council at an appropriate time in each five-year state water plan adoption cycle.

The purposes of the council would including improving coordination among regional water planning groups, facilitating dialogue on water management strategies, and sharing best practices.

The council would consist of one member appointed by the board from each regional water planning group, which would be required to nominate

one or more members for appointment to the council.

The council would be required to hold at least one public meeting and prepare a report on the council's work for TWDB. The board would be required to appoint members of the initial council by September 1, 2018.

Regional water planning group membership. The bill would make a representative of the State Soil and Water Conservation Board an ex officio member of each regional water planning group.

Regional water plans. The bill would require regional water planning groups to include in regional water plans information that:

- identified unnecessary or counterproductive variations in drought response strategies that may confuse the public or impede drought response efforts;
- offered a specific assessment of the potential for aquifer storage and recovery projects, if the regional water planning area has significant identified water needs;
- set one or more specific goals for gallons of water use per capita per day in each decade of the period covered by the plan for municipal water user groups in the regional water planning area; and
- assessed the progress of the regional water planning area in encouraging cooperation between water user groups to achieve economies of scale and incentivize beneficial water-use strategies.

Amending a regional water plan. The bill would require a regional water planning group to revise any part of a regional water plan that ceased to be feasible by excluding that strategy or project. The planning group would be required to consider amending the plan to include a feasible strategy or project to meet the need intended to be addressed by the infeasible strategy or project.

An infeasible project would be considered one where the proposed sponsor had not taken action to make expenditures needed to construct or

implement a strategy on a schedule consistent with when it was projected to be needed.

Simplified planning. The bill would allow a regional water planning group to implement simplified planning if the group concluded, based on an analysis of certain information, that no significant changes to water availability, supply, or demand in the regional area had occurred.

Simplified planning could not occur more often than every other five-year planning cycle and would at a minimum require updating information in the regional water plan relating to water availability, meeting new statutory and planning requirements, and formally adopting and submitting the regional water plan for approval.

Meetings. The bill would require that certain meetings involving regional water planning groups be readily accessible to the public.

Legislative recommendations. In conjunction with the submission of regional water plans, each planning group should offer any legislative recommendations it believed would improve the water planning process.

NOTES:

CSSB 1511 differs from the Senate-passed version by creating the interregional planning council and implementing certain changes to regional water plan requirements.