

Agenda Item 8b. New Legislative Requirements and Other Recommendations

In 2019, the Texas Legislature passed House Bill (HB) 807 which added new requirements to the regional planning process. Major components of the bill include:

- Creation of the Interregional Planning Council (see Agenda Item 5)
- Specific assessment of the potential for aquifer storage and recovery projects to meet significant water needs
- Gpcd goals in each decade for each municipal water user group
- Assess the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.

The Drought Preparedness Council also made recommendations for the Regional Water Planning Groups including:

- Following the template for Chapter 7, Drought Response, Activities, and Recommendations
- Develop Model Drought Contingency Plans for all water use categories that account for more than 10% of the water demand for the Region

This agenda item considers these requirements and/or recommendations and the proposed way to address them in the 2021 Region F Water Plan.

Attachments:

1. HB 807
2. Drought Preparedness Council Recommendations to RWPGs Letter

86R5459 BRG-F

By: Larson

H.B. No. 807

A BILL TO BE ENTITLED
AN ACT

relating to the state and regional water planning process.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 16, Water Code, is amended by adding Section 16.052 to read as follows:

Sec. 16.052. INTERREGIONAL PLANNING COUNCIL. (a) The board, at an appropriate time in each five-year cycle for the adoption of a new state water plan, shall appoint an interregional planning council. The members of the council serve until a new state water plan is adopted.

(b) The council consists of one member of each regional water planning group. Each regional water planning group shall nominate one or more members for appointment to the council, and the board shall consider the nominations in making appointments to the council.

(c) The purposes of the council are to:

(1) improve coordination among the regional water planning groups, and between each regional water planning group 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.

(d) The council shall:

(1) hold at least one public meeting; and

(2) prepare a report to the board on the council's work.

SECTION 2. Sections 16.053(e) and (i), Water Code, are amended to read as follows:

(e) Each regional water planning group shall submit to the development board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the development board under Section 16.051(d);

(2) provides information based on data provided or approved by the development board in a format consistent with the guidelines provided by the development board under Subsection (d);

(2-a) is consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area as of the most recent deadline for the board to adopt the state water plan under Section 16.051 or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan; provided, however, that if no groundwater conservation district exists within the area of the regional water planning group, the regional water planning group shall determine the supply of groundwater for regional planning purposes; the Texas Water Development Board shall review and approve, prior to inclusion in the regional water plan, that the groundwater supply for the regional planning group without a groundwater conservation district in its area is physically compatible, using the board's groundwater availability models, with the desired future conditions adopted under Section 36.108 for the relevant aquifers in the groundwater management area that are regulated by groundwater conservation districts;

(3) identifies:

(A) each source of water supply in the regional

water planning area, including information supplied by the executive administrator on the amount of modeled available groundwater in accordance with the guidelines provided by the development board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response;

(C) actions to be taken as part of the response;
[and]

(D) existing major water infrastructure facilities that may be used for interconnections in the event of an emergency shortage of water; and

(E) unnecessary or counterproductive variations in specific drought response strategies, including outdoor watering restrictions, among user groups in the regional water planning area that may confuse the public or otherwise impede drought response efforts;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of the following:

(A) any existing water or drought planning efforts addressing all or a portion of the region and potential impacts on public health, safety, or welfare in this state;

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

(D) protection of existing water rights in the region;

(E) opportunities for and the benefits of developing regional water supply facilities or providing regional management of water supply facilities;

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

(G) provisions in Section 11.085(k) (1) if interbasin transfers are contemplated;

(H) voluntary transfer of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing agreements;

(I) emergency transfer of water under Section 11.139, including information on the part of each permit, certified filing, or certificate of adjudication for nonmunicipal use in the region that may be transferred without causing unreasonable damage to the property of the nonmunicipal water rights holder; and

(J) opportunities for and the benefits of developing large-scale desalination facilities for:

(i) marine seawater that serve local or regional entities; and

(ii) ~~seawater or~~ brackish groundwater that serve local or regional brackish groundwater production zones identified and designated under Section 16.060(b) (5);

(6) identifies river and stream segments of unique ecological value and sites of unique value for the construction of reservoirs that the regional water planning group recommends for protection under Section 16.051;

(7) assesses the impact of the plan on unique river and stream segments identified in Subdivision (6) if the regional water planning group or the legislature determines that a site of unique ecological value exists;

(8) describes the impact of proposed water projects on water quality; ~~and~~

(9) includes information on:

(A) projected water use and conservation in the regional water planning area; and

(B) the implementation of state and regional water plan projects, including water conservation strategies, necessary to meet the state's projected water demands;

(10) if the regional water planning area has significant identified water needs, provides a specific assessment of the potential for aquifer storage and recovery projects to meet those needs;

(11) sets 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 the municipal water user groups in the regional water planning area; and

(12) assesses the progress of the regional water planning area in encouraging cooperation between water user groups for the purpose of achieving economies of scale and otherwise incentivizing strategies that benefit the entire region.

(i) The regional water planning groups shall submit their adopted regional water plans to the board by January 5, 2001, for approval and inclusion in the state water plan. In conjunction with the submission of regional water plans, each planning group should make legislative recommendations, if any, to facilitate more voluntary water transfers in the region or for any other changes that the members of the planning group believe would improve the water planning process. Subsequent regional water plans shall be submitted at least every five years thereafter, except that a regional water planning group may elect to implement simplified planning, no more often than every other five-year planning cycle, and in accordance with guidance to be provided by the board, if the group determines that, based on its own initial analyses using updated groundwater and surface water availability information, there are no significant changes to the water availability, water supplies, or water demands in the regional water planning area. At a minimum, simplified planning will require updating groundwater and surface water availability values in the regional water plan, meeting any other new statutory or other planning requirements that come into effect during each five-year planning cycle, and formally adopting and submitting the regional water plan for approval. Public participation for revised regional plans shall follow the procedures under Subsection (h).

SECTION 3. The Texas Water Development Board shall appoint the members of the initial interregional planning council under Section 16.052, Water Code, as added by this Act, not later than September 1, 2020.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.



DIVISION OF EMERGENCY MANAGEMENT

Greg Abbott
Governor

W. Nim Kidd
Chief

August 1, 2019

Dear [Representative of Regional Water Planning Group],

The Drought Preparedness Council, which is comprised of representatives from 16 state agencies as well as appointees of the governor, would like to offer its assistance on drought-related issues encountered during the planning process. Authorized and established in 1999 as part of the 76th Texas Legislature, the council was created to carry out the provisions of Sections 16.055 and 16.0551 of the state water code. Its responsibilities include the assessment and public reporting of drought monitoring and water supply conditions; advising the governor on significant drought conditions; recommending response plans for drought related disasters; advising regional water planning groups on drought-related issues in the regional water plans; coordinating local, state and federal drought-response planning; and submitting a report to the legislature every odd numbered year.

Council members represent a broad swath of state agencies, including Texas Division of Emergency Management, Texas Water Development Board, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas Department of Agriculture, Texas AgriLife Extension Service, Texas State Soil and Water Conservation Board, Texas Department of Housing and Community Affairs, Texas Forest Service, Texas Department of Transportation, Texas Department of Economic Development, Office of the State Climatologist, Public Utilities Commission, Electric Reliability Council of Texas and Texas Health and Human Services Commission. Each member brings expertise in his or her field, and the greatest strength of the council lies in its ability to utilize the knowledge and skills of its members for the betterment of Texas. The council includes members of the emergency management community who can guide regional groups in the emergency management process, including how to request resources, and can provide instructions to local emergency management partners.

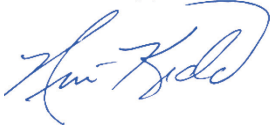
The council is aware that your regional water planning group has been drafting its 2021 Regional Water Plan, including its drought chapter. Per Title 31 of Texas Administrative Code Section 357.42(h), regional water planning groups shall consider "any relevant recommendations from the Drought Preparedness Council." As chairman of the council, I would like to extend the council's assistance on any drought related issues that you may

come across while working through the regional water planning process. Additionally, the council and I recommend that regions:

- Follow the outline template for Chapter 7 provided to the regions by Texas Water Development Board staff in April of 2019, making an effort to fully address the assessment of current drought preparations and planned responses, as well as planned responses to local drought conditions or loss of municipal supply. Find this template [here: http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2021/doc/current_docs/project_docs/RWP_Chapter7_Template.docx](http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2021/doc/current_docs/project_docs/RWP_Chapter7_Template.docx)
- Develop region-specific model drought contingency plans for all water use categories in the region that account for more than 10 percent of water demands in any decade over the 50-year planning horizon.

If you have any questions for the council or would like to attend the Drought Preparedness Council's monthly meetings, please contact John Honoré at John.Honore@dps.texas.gov.

Sincerely,



W. Nim Kidd, MPA, CEM®
Chief, Texas Division of Emergency Management