

Agenda Item No. 4

Consideration and Approval of April 17, 2019 Meeting Minutes

Enclosed for your review are the meeting minutes for the April 17, 2019

Recommendation:

Approve the Meeting Minutes as presented or as may be amended.

MINUTES OF THE REGULAR MEETING
of the
REGIONAL WATER PLANNING GROUP “I”
Wednesday, April 17, 2019 – 10:00 a.m.
Nacogdoches Recreation Center
1112 North Street, Nacogdoches, Texas

1. **Call to Order** – Kelley Holcomb, Chair, called the meeting to order at 10:05 a.m.
2. **Invocation & Pledge of Allegiance** – David Alders
3. **Roll Call and Determination of Quorum** – The roll was called by Stacy Corley and a quorum was determined as follows:

Voting Members Present: (12 prior to new appointments, then 14 of 23)

David Alders
David Brock
Josh David
Mark Dunn
Roger Fussell
Stevan Gelwicks – new member 4-17-2019 (Public)
Scott Hall
Kelley Holcomb
Fred Jackson – new member 4-17-2019 (Jefferson County)
Amanda Maloukis – new member 4-17-2019 (GMA-11)
Matthew McBroom
Gregory Morgan
Monty Shank
Worth Whitehead

Voting Members Absent: (5)

Chris Davis
John Martin
David Montagne
Darla Smith
Randy Stanton

Voting Member Category Vacancies: (4)

(2) Public (Don Iles)
(1) Small Business
(1) Industries

Non -Voting Members Present: (0)

Government Reporting Agencies:

Kathleen Jackson, Director TWDB

Lann Bookout, TWDB
Sarah Backhouse, TWDB
Manuel S. Martinez, TDA

Staff and Consultants:

Stacy Corley, City of Nacogdoches
Rex Hunt, Alan Plummer Associates, Inc.
Cynthia Syvarth, Alan Plummer Associates, Inc.
Spandana Tummuri, Freese & Nichols
Jordan Skipwith, Freese & Nichols

Other Guests:

Mary S. Vann, Sabine River Authority
Debra Malus, Sabine River Authority
Gary Ashmore, LTGCD
Jackie Risner, PWGCD
John McFarland, PWGCD
Jesse Landreneau, Panola County GCD
April Sease, TSSWCB

4. Consideration and approval of the minutes of the August 15, 2018 meeting.

Mark Dunn moved to approve the minutes as written. The motion was seconded by Gregory Morgan and unanimously passed.

5. Director Kathleen Jackson to provide comments from the TWBD.

Director Jackson thanked Region I for their work in water planning. She explained the Texas Water Development Board's purpose is three fold:

- Data repository for all of Texas – the better the data – the better science – the better the science – the better the policy;
- Bank, loaning funds at the best interest rate available in Texas for water projects; and
- Technical resource

Texas water planning is unique in that the process is a bottom up process as all 16 regions roll their data up to the state water plan so our children's children will have adequate water. SWIFT (4.8B) funding is working to move small and large projects forward. The legislature is in session and sending bills forward regarding state flood planning that requires better mapping, technology, mediation and elevation data as well as three dimensional information for hydrologic models.

Director Jackson thanked the local efforts made by Senator Nichols and ANARA in helping a community with a wastewater treatment water quality issue.

6. Report from City of Nacogdoches – Stacy Corley – No report.

7. Reports of adjoining regions activity:

- a. Region C – Vacant
- b. Region D – Amanda Maloukis – stated Region D is reviewing Chapters 1 & 2 as is Region I.
- c. Region H – Scott Hall – stated Region H met February 6, 2019 and is in same place as Region I.

8. Reports from Standing Committees:

- a. Executive Committee – Kelley Holcomb – No report
- b. Finance Committee – Mark Dunn – met today, discussed the budget and the outstanding county dues. He stated there is money in the bank and the City of Nacogdoches will be paid for the second half of 2019.
- c. Bylaws Committee – David Alders – met this morning, Roger Fussell advised he felt the committee needed to further discuss the legality of the proposed change before the committee brings a recommendation to the voting members for action regarding designation of Alternate Voting Members.
- d. Technical Committee – Scott Hall – met with consultants this morning, discussed chapters 1 & 2, asked committee to read and submit any comments to Rex Hunt.
- e. Nominations Committee – Monty Shank – deferred to Item 13 for discussion and vote.

9. Reports from other state agencies:

- a. Texas Water Development Board staff – Lann Bookout
- 1. Lann Bookout reported the Uniform Stakeholder committee met 11/28/2018 to **review the uniform standards for prioritizing projects in regional water plans**. The committee agreed by consensus to adopt changes to uniform standards 1A, 1B, 2A, and 2D. The points were not changed.

Changes included:

- Standards 1A and 1B updated to reflect current planning horizon decades (i.e. 2020 – 2070)
- Standard 2A language that related to the allocation of 5 points was revised to: “Field tests, measurements, or project specific studies confirm sufficient quantities of water.”
- Standard 2D was revised to remove the reference to the 2016 Plan

He stated TWDB Guidance Documents would be made available for optional use. Changes were approved by the Board on February 25, 2019.

2. Socioeconomic analysis “as of date” and planning group action

- Socioeconomic impact assessments of not meeting identified water needs are required by rule (31 TAC 357.33(c) and 357.40(a)).
- This cycle, TWBD will conduct the socioeconomic impact analysis of not meeting identified water needs for inclusion in the 2021 Initially Prepared Regional Water Plans. It is optional to utilize the TWDB analysis; however an analysis must be performed and included in the regional water plans.

- RWPGs may request that the TWDB perform the socioeconomic impact analysis. If they choose to do so, the RWPG must take action on the request and submit the request to the PM.
 - Requests should be submitted to the TWDB by July 2019 in order for staff to plan for report preparation.
 - An “as of” date (May 31, 2019) for needs in the state water planning database (DB22) to be utilized for the analysis is necessary for TWDB staff to complete the analysis and reports by the end of 2019.
3. **WMS evaluation tools available:**
- Uniform Costing Tool
 - Conservation Planning Tool
 - Drought Management Impact Estimating Tool
4. **Technical Memorandums** – TWDB received the Technical Memorandums September 10, 2018; these documents are posted on the TWDB webpage:
<http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2021/technicalmemos.asp>
- In addition to reviewing the Technical Memorandum report for administrative completeness, TWDB staff has reviewed the draft groundwater and surface water data and methodologies presented in the planning group’s Technical Memorandum.
 - Comments from this review will be provided for the region’s consideration during the remainder of their regional water plan development. Unlike TWDB comments on the initially prepared plans (IPP), these are informal comments that do not require responses from the planning group.
 - The review was done to allow for a more thorough examination of source data and methodologies, and a longer timeline for planning group consideration, prior to the IPP comment and response period.
5. **Public Water System Viewer**
- TWDB developed the Public Water System Viewer to facilitate the collection of digital maps for all community PWS retail water service areas in the state of Texas.
 - The mapping tool allows authorized PWS contacts to update and verify their service area boundaries partnering with the Water User Survey program each year.
 - The application’s primary purposes are:
 - To collect accurate retail water service boundaries to better estimate and project utility population for the regional water planning process.
 - To develop a GIS database and reporting tool to improve the delivery of water data and PWS information collected by the State to the public.
 - Web link to the public view:
<https://www.twdb.texas.gov/apps/WaterServiceBoundaries>
 - Web link to the service boundary editor for PWS contacts:
<http://www.twdb.texas.gov/waterplanning/waterusesurvey/serviceboundaryeditor.asp>

- Contact info: WSBviewer@twdb.texas.gov
- RWPGs are encouraged to share the Map Viewer with Stakeholders and utilities to verify boundaries.

Planning-related Bills

- HB 723 (Larson)/SB 724(Perry) Relating to a requirement that the Texas Commission on Environmental Quality obtain or develop updated water availability models for certain river basins. I.e., Brazos, Neches, Red & Rio Grande (passed to Senate Water & Rural Affairs (WRA))
- HB 807 (Larson) Relating to the state and regional water planning process (passed to Senate WRA) Interregional Council
- SB 1583 (Hughes)HB 4458 (Rodriguez) Relating to the sources of supply of water for certain municipally owned water utilities
- SB 2067 (Menendez) Relating to the matters to be considered in developing the state water plan (1st reading Water and Rural Affairs) Best Science
- HB 2846 Sale of Allens Creek Reservoir (passed to senate)

Flood Planning and Funding Bills

- SB 7 (Creighton) Relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects
- SB 695 (Creighton) Relating to state policies and programs that affect the funding of flood planning, mitigation, and infrastructure projects; making the appropriation
- SB 8 (Perry) Relating to state and regional flood planning
- HB 13 (Phelan) Relating to flood planning, mitigation, and infrastructure projects; making an appropriation
- HJR (Phelan) Proposing a constitutional amendment providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects.

b. Texas Department of Parks & Wildlife – Terry Stelly – Absent

c. Texas Department of Agriculture – Manual Martinez

Mr. Martinez advised the board that Texas Department of Agriculture has a onetime grant opportunity at this time. The TxCDBG Fire, Ambulance, & Services Truck (FAST) Fund for fire equipment, the maximum request: \$500,000 with matching funds requirement of 10%. Grant deadline is June 13, 2019 5 PM.

d. Texas Soil and Water Conservation Board – Rusty Ray – Absent

10. Report from consultant team – Rex Hunt, Cynthia Syvarth and Spandana Tummuri

a. Review of 5th Cycle Water Planning schedule

Cynthia Syvarth explained Region I is in the fourth year of the five year cycle.

- The Project Schedule for the rest of 2019 and 2020 includes: the TWDB Socioeconomic Impact Analysis; RWPG Identify Potentially Feasible WMSs; TWDB/RWPG Contract Amendment FY2020; TWDB Review SOWs for WMSs; RWPG IPP Due March 3, 2020; and Final Plan Due October 14, 2020.
- The Meeting Schedule for the rest of 2019 and 2020 includes:
 - o July 17, 2019
 - o October 16, 2019
 - o November 20, 2019
 - o January 15, 2020
 - o February 19, 2020
 - o July 15, 2020
 - o September 16, 2020
- b. Update on current 5th Cycle Water Planning activities:
 - i. County Review: Hardin, Polk, San Augustine and Tyler
 - ii. Chapter 1: Description of the Regional Water Planning Area
 - iii. Chapter 2: Projected Population and Water Demands
 - iv. Chapter 6: Impacts of the Regional Water Plan and Consistency with Protection of Resources

Spandana Tummuri presented projection review of Hardin, Polk, San Augustine and Tyler Counties as follows:

- Hardin County
 - o Low population growth
 - o Primary water use is municipal and irrigation
 - o Total developed supply equals total demand
 - o Total supply significantly exceeds total demand
 - o No WUGS with identified needs at the time
- Polk County
 - o Low population growth
 - o Primary water use is municipal and manufacturing
 - o Total developed supply equals total demand
 - o Total supply significantly exceeds total demand
 - o No WUGS with identified needs at this time
- San Augustine County
 - o Almost no population growth over planning period
 - o Primary water use is mining, livestock and municipal
 - o Total supply (developed or undeveloped) does not meet total demand
 - o Demands will be met through purchase of water and development of groundwater supplies
- Tyler County
 - o Low population growth (after first decade)
 - o Primary water use is municipal, with some irrigation and manufacturing
 - o Total developed supply equals total demand
 - o Total supply significantly exceeds total demand
 - o No WUGs with identified needs at this time

Chapter 1 – Description of the Region

- 14 major sections or topics that provide context for the 2021 Regional Water Plan
- Major topics in the chapter:
 - o Physical description
 - o Climate
 - o Economic activity
 - o Introductions to:
 - Population and water demand (discussed in more detail in Chapter 2)
 - Sources of water (discussed in more detail in Chapter 3)
 - o Water user groups and wholesale water providers
 - o Agricultural and natural resources and threats
 - o Drought of record, drought contingency, water conservation and water loss
 - o Existing local planning efforts

Chapter 2 – Current and Projected Population and Water Demand

- Provides a 50-year outlook on population and water demand for the region
- Population projections are based on the 2010 Census, adjusted by the State Demographer
- Major topics in the chapter:
 - o Methodology for updates
 - o Growth Projections
 - o Demands by Category
 - o Sales Between WUGs
 - o Demands for WWP

11. Public Comments. (limited to 3 minutes) None

12. Consideration and Approval for the submittal of a request to the Texas Water Development Board to produce a Socio-economic Impact Analysis of unmet water needs in the Region I Planning Area – Rex Hunt.

Scott Hall moved to request the Texas Water Development Board produce a Socio-economic Impact Analysis of unmet water needs in the Region I Planning Area. The motion was seconded by Roger Fussell and unanimously passed.

13. Consider and Possible Approval of Resignation of and Appointment of Voting Members – Monty Shank.

Monty Shank noted Amanda Maloukis had been appointed by resolution as GAM-11 representative replacing Leah Adams. NO ACTION required.

Monty Shank moved to accept Jeff Branick's resignation as Jefferson County representative for Region I. The motion was seconded by Mark Dunn and unanimously passed.

Monty Shank moved to appoint Fred Jackson as Jefferson County representative; and Stevan Gelwicks to the Public Interest position. The motion was seconded by Roger Fussell and unanimously passed.

Monty Shank noted there are still vacancies in the following categories: Public, Industries and Small Business.

14. Consider and Possible Approval of a change in By-Laws to allow for the designation of Alternate Voting Members – David Alders.

Board discussed sending a letter to the Attorney General for an opinion on the legality of the designation of an alternate for a voting member.

Roger Fussell moved David Alders send an E-mail to Lann Bookout, copying Stacy Corley, requesting that TWDB ask for an AG's opinion on the legality of designating an alternate for a voting member of a RWPG Committee. The motion was seconded by Amanda Maloukis and unanimously passed.

15. General Discussion. None

16. Set Next Meeting Date. (July 17, 2019)

17. Adjourn.

Mark Dunn moved to adjourn at 11:56 A.M. The motion was seconded by Josh David and unanimously passed.

APPROVED THIS 17th day of July 2019.

Kelley Holcomb, Chair
ETRWPG – Region I

ATTEST:

John Martin, Secretary

Minutes approved July 17th, 2019



Agenda Item No. 7-b

Finance Committee Financial Report – Mark Dunn

Agenda
Item No.
7-b

Enclosed for your review the Financial Report 9/1/2018 thru 6/30/2019

Recommendation:

No Action Required

8:28 AM

07/08/19

Cash Basis

East Texas Regional Water Planning Group
Profit & Loss
September 2018 through June 2019

	Sep '18 - Jun 19
Ordinary Income/Expense	
Income	
44500 · Government Grants	185,138.80
45000 · Investments	
45030 · Interest-Checking, Savings, ...	45.67
Total 45000 · Investments	45.67
47200 · Program Income	
47230 · Membership Dues	11,583.45
Total 47200 · Program Income	11,583.45
Total Income	196,767.92
Gross Profit	196,767.92
Expense	
62600 · Meeting Expenses	569.08
63000 · Contract Services	
63400 · Engineering Services	185,138.80
63500 · Administrative Services	12,003.50
Total 63000 · Contract Services	197,142.30
65100 · Other Types of Expenses	127.95
Total Expense	197,839.33
Net Ordinary Income	-1,071.41
Net Income	-1,071.41

Balance Sheet

As of June 30, 2019

	<u>Jun 30, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
Region I WPG - Adm.	10,620.85
Region I WPG - Grant	6,278.35
Total Checking/Savings	<u>16,899.20</u>
Accounts Receivable	
11000 - Accounts Receivable	-1,675.00
Total Accounts Receivable	<u>-1,675.00</u>
Total Current Assets	<u>15,224.20</u>
TOTAL ASSETS	<u><u>15,224.20</u></u>
LIABILITIES & EQUITY	
Equity	
31500 - Temp. Restricted Net As...	245,537.58
32000 - Unrestricted Net Assets	-229,241.97
Net Income	-1,071.41
Total Equity	<u>15,224.20</u>
TOTAL LIABILITIES & EQUITY	<u><u>15,224.20</u></u>

East Texas Regional Water Planning Group

Net Income Detail

As of June 30, 2019

8:44 AM
07/08/19
Accrual Basis

Type	Date	Num	Name	Memo	C	Split	Original Amount	Balance
Ordinary Income/Expense								
Income								
44500 · Government Grants								
Deposit	5/13/2019	1402...	Texas Water Dev...	TX WDB GRant 5/3/19		Region I WPG - G...	185,138.80	185,138.80
Total 44500 · Government Grants								
45000 · Investments								
45030 · Interest-Checking, Savings, CDs								
Deposit	9/30/2018		Southside Bank	September 2018 Interest		Region I WPG - A...	1.28	1.28
Deposit	9/30/2018		Southside Bank	September 2018 Interest		Region I WPG - G...	0.56	1.84
Deposit	10/31/2018		Southside Bank	October 2018 Interest		Region I WPG - A...	0.57	2.41
Deposit	10/31/2018		Southside Bank	October 2018 Interest		Region I WPG - G...	0.59	3.00
Deposit	11/30/2018		Southside Bank	November 2018 Interest		Region I WPG - A...	1.63	4.63
Deposit	11/30/2018		Southside Bank	November 2018 Interest		Region I WPG - G...	0.57	5.20
Deposit	12/31/2018		Southside Bank	December 2018 Interest		Region I WPG - A...	1.97	7.17
Deposit	12/31/2018		Southside Bank	December 2018 Interest		Region I WPG - G...	0.58	7.75
Deposit	1/31/2019		Southside Bank	January 2019 Interest		Region I WPG - A...	0.58	8.33
Deposit	1/31/2019		Southside Bank	January 2019 Interest		Region I WPG - G...	2.10	10.43
Deposit	2/28/2019		Southside Bank	February 2019 Interest		Region I WPG - A...	0.53	10.96
Deposit	2/28/2019		Southside Bank	February 2019 Interest		Region I WPG - G...	1.91	12.87
Deposit	3/31/2019		Southside Bank	March 2019 Interest		Region I WPG - A...	0.59	13.46
Deposit	3/31/2019		Southside Bank	March 2019 Interest		Region I WPG - G...	2.11	15.57
Deposit	4/30/2019		Southside Bank	April 2019 Interest		Region I WPG - A...	0.57	16.14
Deposit	4/30/2019		Southside Bank	April 2019 Interest		Region I WPG - G...	2.22	18.36
Deposit	5/31/2019		Southside Bank	May 2019 Interest		Region I WPG - A...	0.57	18.93
Deposit	5/31/2019		Southside Bank	May 2019 Interest		Region I WPG - G...	24.79	43.72
Deposit	6/30/2019		Southside Bank	June 2019 Interest		Region I WPG - A...	0.56	44.28
Deposit	6/30/2019		Southside Bank	June 2019 Interest		Region I WPG - G...	1.39	45.67
Total 45030 · Interest-Checking, Savings, CDs								
Total 45000 · Investments								
47200 · Program Income								
47230 · Memberships								
Invoice	10/1/2018	63	Anderson County	Annual Membership Dues	L	11200 · Membersh...	818.17	818.17
Invoice	10/1/2018	64	Angelina County	Annual Membership Dues	L	11200 · Membersh...	1,214.44	2,032.61
Invoice	10/1/2018	66	Cherokee County	Annual Membership Dues	L	11200 · Membersh...	711.62	2,744.23
Invoice	10/1/2018	67	Hardin County	Annual Membership Dues	L	11200 · Membersh...	764.67	3,508.90
Invoice	10/1/2018	68	Henderson County	Annual Membership Dues	L	11200 · Membersh...	318.95	3,827.85
Invoice	10/1/2018	69	Houston County	Annual Membership Dues	L	11200 · Membersh...	332.15	4,160.00
Invoice	10/1/2018	70	Jasper County	Annual Membership Dues	L	11200 · Membersh...	499.79	4,659.79
Invoice	10/1/2018	71	Jefferson County	Annual Membership Dues	L	11200 · Membersh...	3,530.79	8,190.58
Invoice	10/1/2018	72	Nacogdoches Co...	Annual Membership Dues	L	11200 · Membersh...	903.07	9,093.65
Invoice	10/1/2018	73	Newton County	Annual Membership Dues	L	11200 · Membersh...	202.17	9,295.82
Invoice	10/1/2018	74	Orange County	Annual Membership Dues	L	11200 · Membersh...	1,145.38	10,441.20
Invoice	10/1/2018	75	Panola County	Annual Membership Dues	L	11200 · Membersh...	333.05	10,774.25
Invoice	10/1/2018	76	Polk County	Annual Membership Dues	L	11200 · Membersh...	109.78	10,884.03
Invoice	10/1/2018	77	Rusk County	Annual Membership Dues	L	11200 · Membersh...	746.40	11,630.43
Invoice	10/1/2018	78	Sabine County	Annual Membership Dues	L	11200 · Membersh...	151.63	11,782.06
Total 47230 · Memberships								
Total 47200 · Program Income								
Total 45000 · Investments								
Total 45030 · Interest-Checking, Savings, CDs								
Total 45000 · Investments								
Total 47200 · Program Income								
Total 47230 · Memberships								
Total 45000 · Investments								
Total 45030 · Interest-Checking, Savings, CDs								
Total 47200 · Program Income								
Total 47230 · Memberships								

East Texas Regional Water Planning Group

Net Income Detail

As of June 30, 2019

Type	Date	Num	Name	Memo	C	Split	Original Amount	Balance
Invoice	10/1/2018	79	San Augustine C...	Annual Membership Dues	L	11200 · Membersh...	124.07	11,906.13
Invoice	10/1/2018	80	Shelby County	Annual Membership Dues	L	11200 · Membersh...	356.17	12,262.30
Invoice	10/1/2018	81	Smith County	Annual Membership Dues	L	11200 · Membersh...	2,386.69	14,648.99
Invoice	10/1/2018	82	Trinity County	Annual Membership Dues	L	11200 · Membersh...	46.37	14,695.36
Invoice	10/1/2018	83	Tyler County	Annual Membership Dues	L	11200 · Membersh...	304.63	14,999.99
Total 47230 · Membership Dues								14,999.99
Total 47200 · Program Income								14,999.99
Total Income								200,184.46
Gross Profit								200,184.46
Expense								
62600 · Meeting Expenses								
Check	9/27/2018	1622	City of Nacogdoc...	Administrative Services f...		Region I WPG - A...	245.89	245.89
Check	6/22/2019	1624	City of Nacogdoc...	1/2 Admin Services for F...		Region I WPG - A...	323.19	569.08
Total 62600 · Meeting Expenses								569.08
63000 · Contract Services								
63400 · Engineering Services								
Check	5/15/2019	1526	Alan Plummer A...	Inv 5/26/18-3/29/19 - 426...		Region I WPG - G...	185,138.80	185,138.80
Total 63400 · Engineering Services								185,138.80
63500 · Administrative Services								
Check	9/27/2018	1622	City of Nacogdoc...	Administrative Services f...		Region I WPG - A...	6,000.00	6,000.00
Check	6/22/2019	1624	City of Nacogdoc...	1/2 Admin Services for F...		Region I WPG - A...	6,003.50	12,003.50
Total 63500 · Administrative Services								12,003.50
Total 63000 · Contract Services								197,142.30
65100 · Other Types of Expenses								
Check	12/6/2018	1623	City of Nacogdoc...	Region I website renewal...		Region I WPG - A...	127.95	127.95
Total 65100 · Other Types of Expenses								127.95
Total Expense								197,839.33
Net Ordinary Income								2,345.13
Net Income								<u>2,345.13</u>

8:05 AM

07/08/19

East Texas Regional Water Planning Group

Reconciliation Summary

Region I WPG - Adm., Period Ending 06/30/2019

	Jun 30, 19
Beginning Balance	15,704.70
Cleared Transactions	
Checks and Payments - 1 it...	-6,326.69
Deposits and Credits - 4 ite...	1,242.84
Total Cleared Transactions	-5,083.85
Cleared Balance	10,620.85
Register Balance as of 06/30/2019	10,620.85
Ending Balance	10,620.85

8:05 AM

07/08/19

East Texas Regional Water Planning Group

Reconciliation Detail

Region I WPG - Adm., Period Ending 06/30/2019

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						15,704.70
Cleared Transactions						
Checks and Payments - 1 item						
Check	6/22/2019	1624	City of Nacogdoc...	X	-6,326.69	-6,326.69
Total Checks and Payments					-6,326.69	-6,326.69
Deposits and Credits - 4 items						
Payment	3/26/2019	1363...	Angelina County	X	1,214.44	1,214.44
Deposit	4/30/2019			X	2.22	1,216.66
Deposit	5/31/2019			X	24.79	1,241.45
Deposit	6/30/2019			X	1.39	1,242.84
Total Deposits and Credits					1,242.84	1,242.84
Total Cleared Transactions					-5,083.85	-5,083.85
Cleared Balance					-5,083.85	10,620.85
Register Balance as of 06/30/2019					-5,083.85	10,620.85
Ending Balance					-5,083.85	10,620.85

East Texas Regional Water Planning Group

Reconciliation Summary

Region I WPG - Grant, Period Ending 06/30/2019

	Jun 30, 19
Beginning Balance	6,276.65
Cleared Transactions	
Checks and Payments - 1 it...	-185,138.80
Deposits and Credits - 4 ite...	185,140.50
Total Cleared Transactions	1.70
Cleared Balance	6,278.35
Register Balance as of 06/30/2019	6,278.35
Ending Balance	6,278.35

East Texas Regional Water Planning Group

Reconciliation Detail

Region I WPG - Grant, Period Ending 06/30/2019

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						6,276.65
Cleared Transactions						
Checks and Payments - 1 item						
Check	5/15/2019	1526	Alan Plummer A...	X	-185,138.80	-185,138.80
Total Checks and Payments					-185,138.80	-185,138.80
Deposits and Credits - 4 items						
Deposit	4/30/2019			X	0.57	0.57
Deposit	5/13/2019			X	185,138.80	185,139.37
Deposit	5/31/2019			X	0.57	185,139.94
Deposit	6/30/2019			X	0.56	185,140.50
Total Deposits and Credits					185,140.50	185,140.50
Total Cleared Transactions					1.70	1.70
Cleared Balance					1.70	6,278.35
Register Balance as of 06/30/2019					1.70	6,278.35
Ending Balance					1.70	6,278.35

Agenda Item No. 9

Report from consultant team – Cynthia Syvarth and Spandana Tummuri

Enclosed for your review:

- a. Review of 5th Cycle Water Planning schedule
 - b. Update of 5th Cycle Water Planning activities:
 - County Review: Anderson, Houston, Panola, Sabine, Shelby and Trinity Counties
 - Chapter 6: Impacts of the Regional Water Plan and Consistency with Protection of Resources
 - Chapter 8: Unique Stream Segments, Unique Reservoir Sites, and Legislative and Regulatory Recommendations.
-

Recommendation:

No Action Required

ANDERSON COUNTY

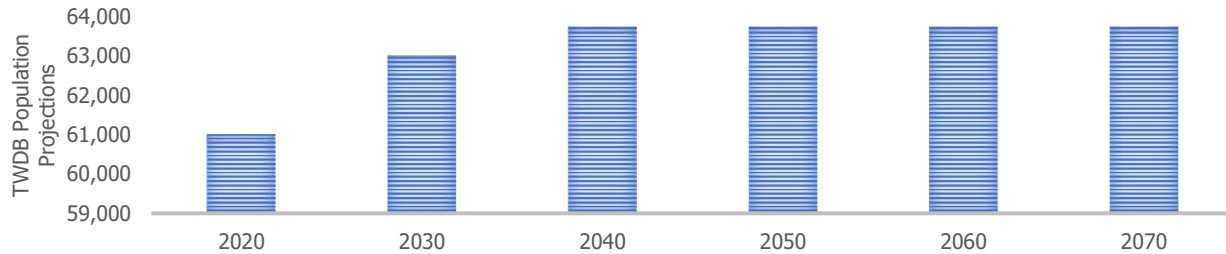
YOUR WATER DEPENDENT ECONOMY:

Livestock
Oil & Gas Production
Recreation

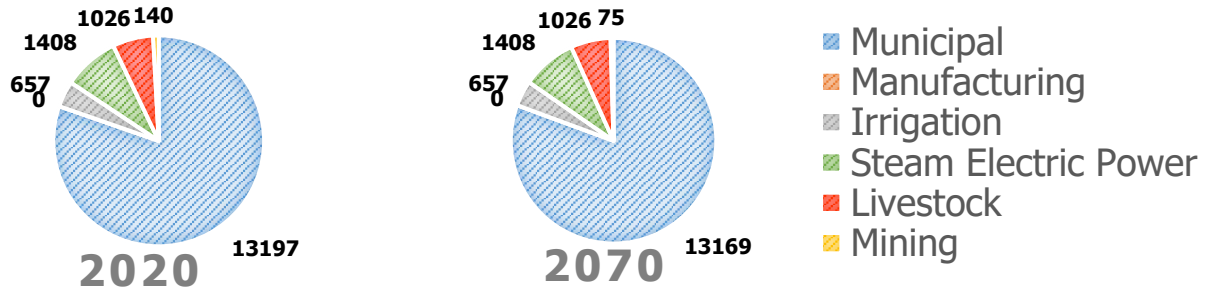
YOUR WATER SOURCE(S):

Groundwater Wells
Lake Palestine
Local Supplies
Trinity River
Neches River
Carrizo-Wilcox Aquifer
Queen City Aquifer
Sparta Aquifer

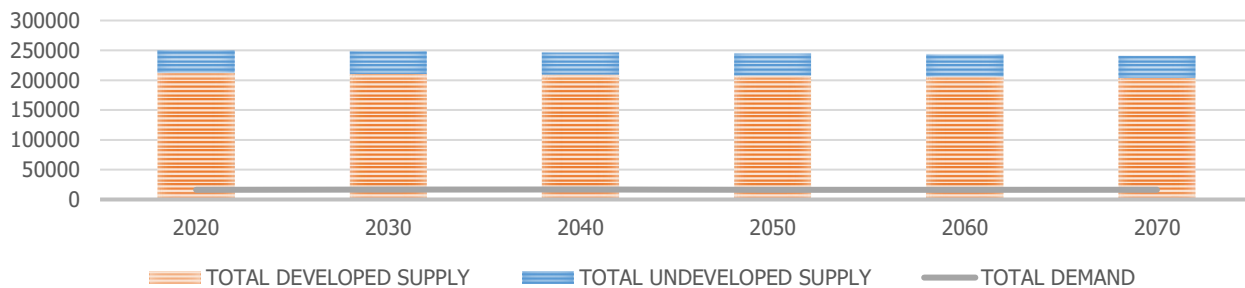
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

MANUFACTURING	No Demand Projected
IRRIGATION	No Water Shortage Identified
LIVESTOCK	No Water Shortage Identified
MINING	No Water Shortage Identified
STEAM ELECTRIC POWER	No Demand Projected

HOUSTON COUNTY

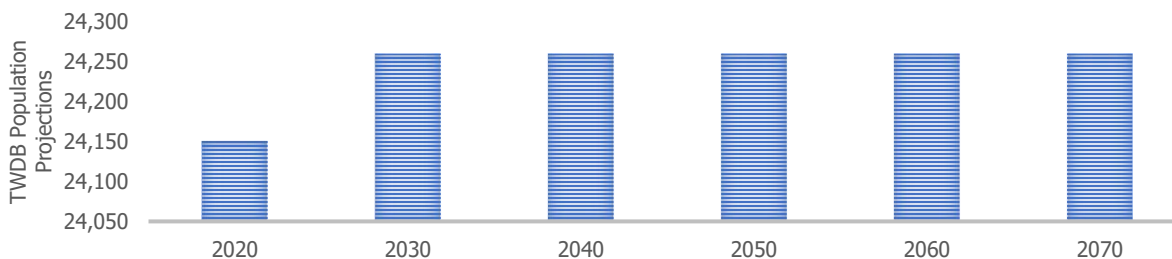
YOUR WATER DEPENDENT ECONOMY:

Agriculture
Livestock
Oil & Gas Production

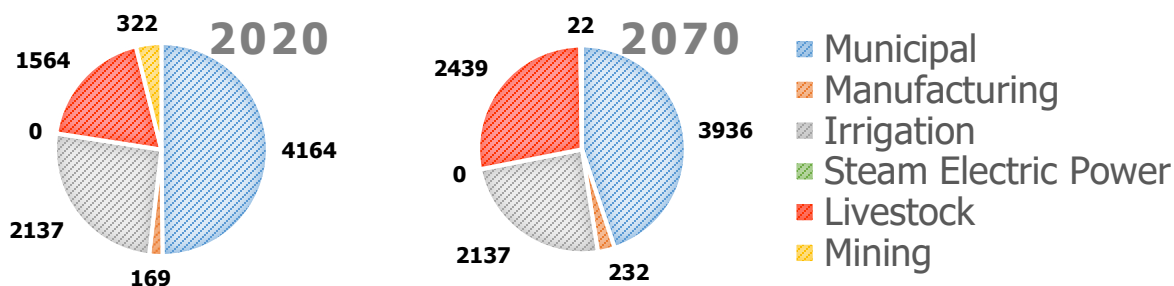
YOUR WATER SOURCE(S):

Groundwater Wells
Houston County Lake
Local Supplies
Queen City Aquifer
Sparta Aquifer
Neches River
Trinity River
Carrizo-Wilcox Aquifer
Yegua-Jackson Aquifer

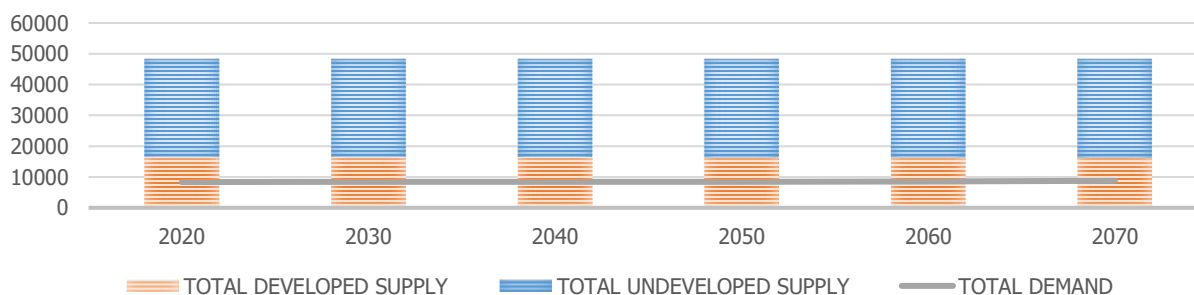
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

Crockett	
TDCJ Eastham Unit	
Manufacturing	No Water Shortage Identified
Irrigation	No Water Shortage Identified
Steam Electric Power	No Demand Projected
Livestock	Water Shortage Identified
Mining	No Demand Projected

PANOLA COUNTY

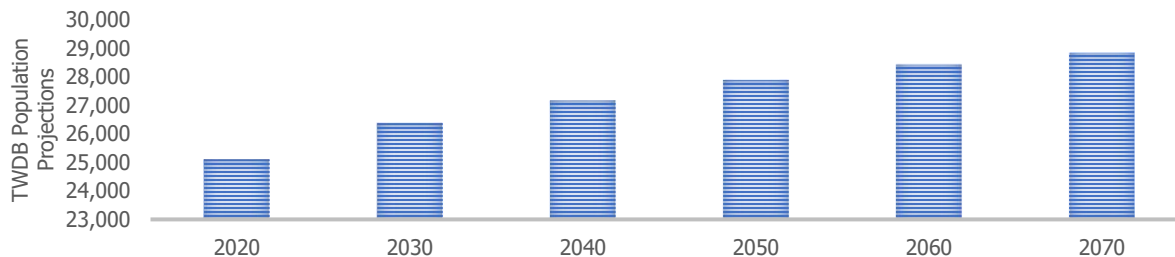
YOUR WATER DEPENDENT ECONOMY:

Agriculture
Livestock
Oil & Gas Production

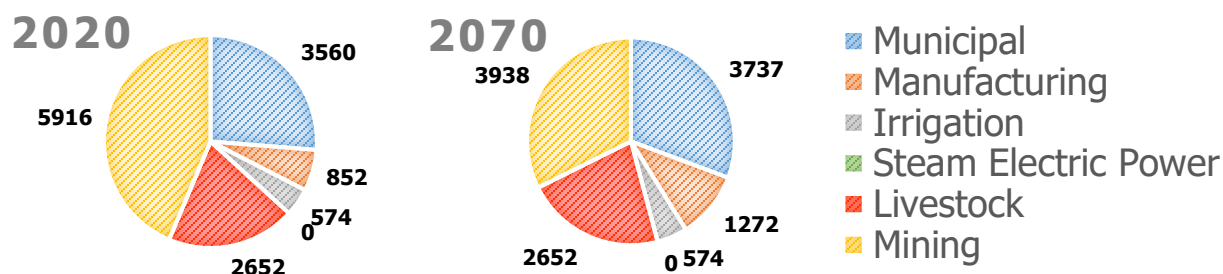
YOUR WATER SOURCE(S):

Groundwater Wells Carrizo-Wilcox Aquifer
Lake Murvaul Sabine River
Local Supplies Martin Lake

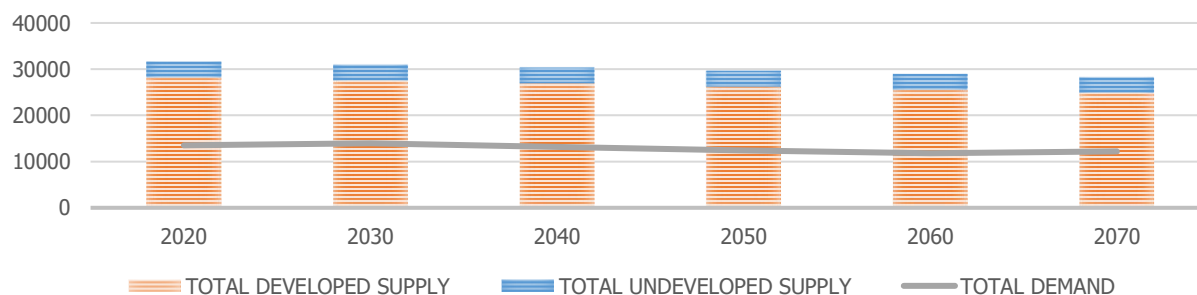
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

Manufacturing	No Water Shortage Identified
Irrigation	No Water Shortage Identified
Steam Electric Power	No Demand Projected
Livestock	Water Shortage Identified
Mining	No Water Shortage Identified

SABINE COUNTY

YOUR WATER DEPENDENT ECONOMY:

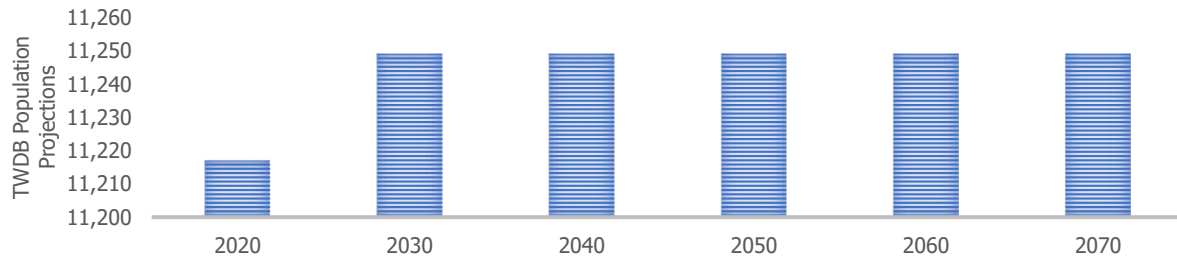
Agriculture
Recreation
Timber

YOUR WATER SOURCE(S):

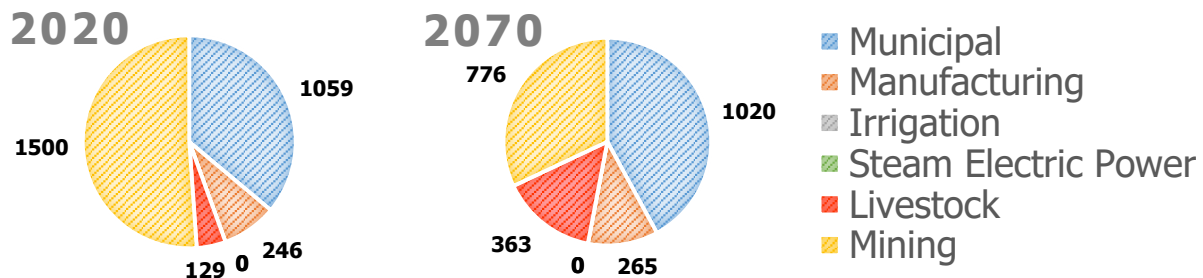
Direct Reuse
Groundwater Wells
Local Supplies
Neches River

Toledo Bend Reservoir
Yegua-Jackson Aquifer
Carrizo-Wilcox Aquifer
Sparta Aquifer

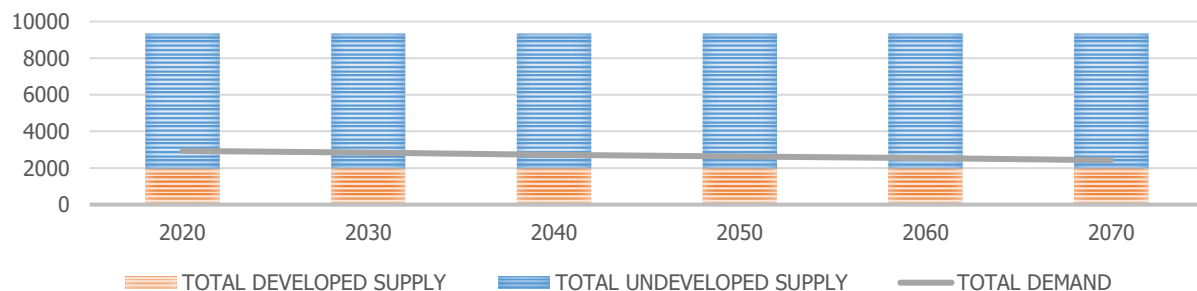
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

Manufacturing	No Water Shortage Identified
Irrigation	No Demand Projected
Steam Electric Power	No Demand Projected
Livestock	No Water Shortage Identified
Mining	No Water Shortage Identified

SHELBY COUNTY

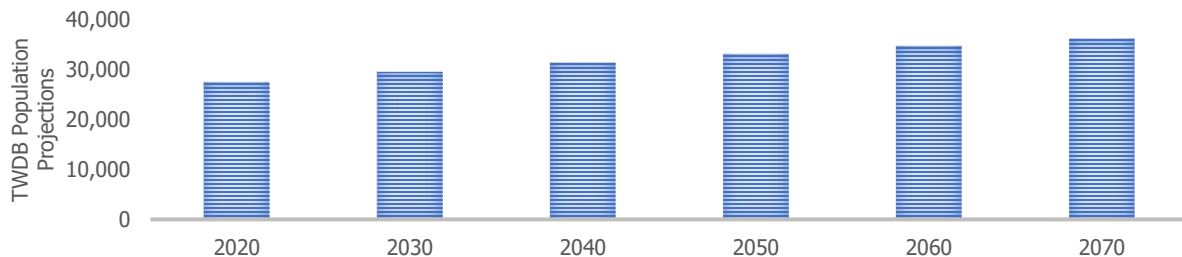
YOUR WATER DEPENDENT ECONOMY:

Agriculture
Oil & Gas Production
Recreation

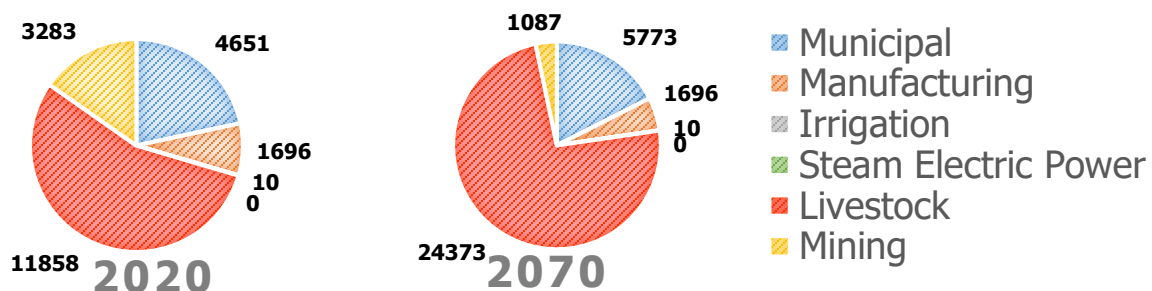
YOUR WATER SOURCE(S):

Direct Reuse
Groundwater Wells
Lake Center
Lake Timpson
Local Supplies
Pinkston Reservoir
Carrizo-Wilcox Aquifer

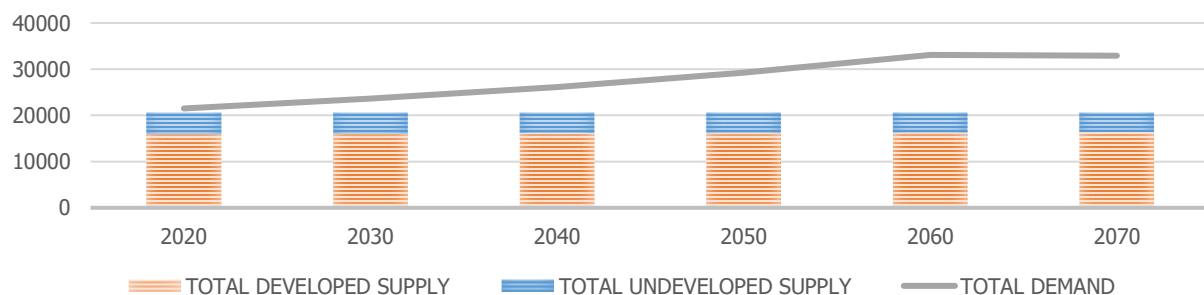
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

Center	
Joaquin	
Sand Hills WSC	
Manufacturing	No Water Shortage Identified
Irrigation	No Water Shortage Identified
Steam Electric Power	No Demand Projected
Livestock	Water Shortage Identified
Mining	No Water Shortage Identified

TRINITY COUNTY

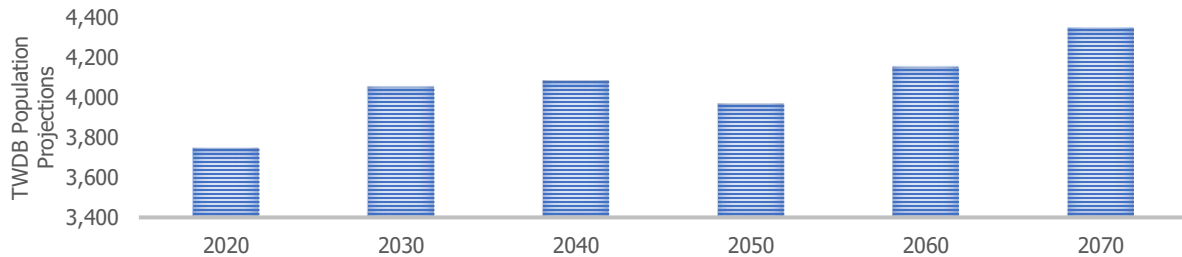
YOUR WATER DEPENDENT ECONOMY:

Agriculture
Livestock

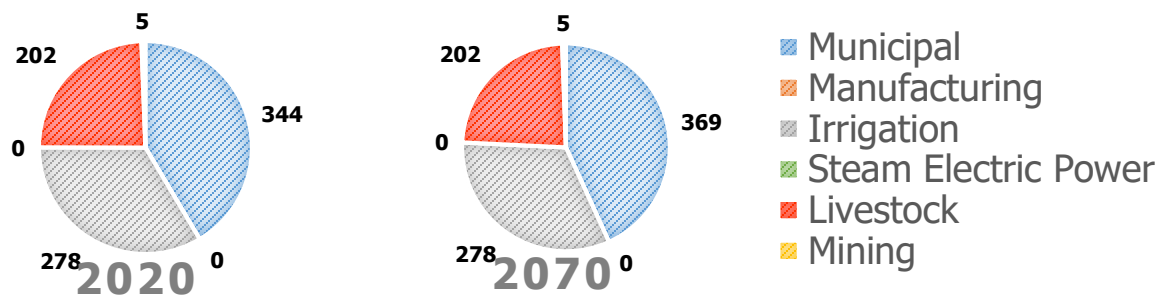
YOUR WATER SOURCE(S):

Groundwater Wells
Local Supplies
Neches River
Sparta Aquifer
Yegua-Jackson Aquifer
Carrizo-Wilcox Aquifer

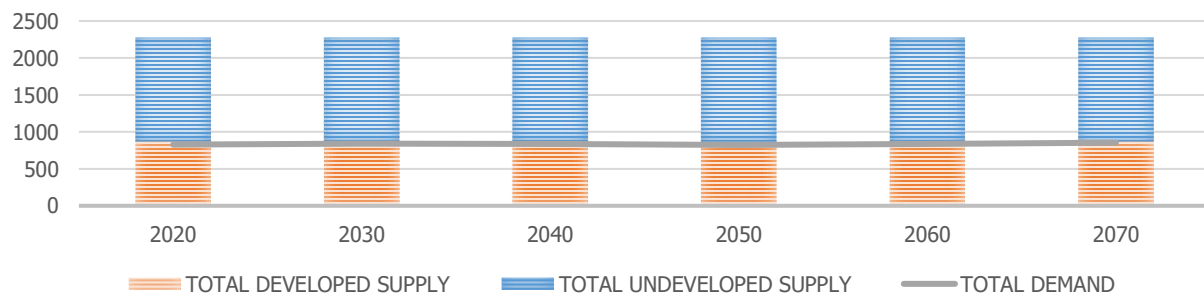
YOUR COUNTY POPULATION PROJECTIONS



YOUR COUNTY WATER USE (ACRE-FEET)



YOUR AVAILABLE WATER SUPPLY



YOUR WATER USER GROUPS WITH IDENTIFIED NEEDS

Manufacturing	No Demand Projected
Irrigation	No Water Shortage Identified
Steam Electric Power	No Demand Projected
Livestock	No Water Shortage Identified
Mining	No Demand Projected

NOTES REGARDING THE JULY 17, 2019 DRAFT OF CHAPTER 6

1. Appendix 6-A of this chapter is a matrix intended to demonstrate that the Regional Water Plan is consistent with relevant regulations regarding regional water planning. In its form provided herein, it has not been completed because the plan development is still in process. Appendix 6-A will be completed prior to finalizing the Initially Prepared Plan.

Rex Hunt, PE
Alan Plummer Associates, Inc.

Chapter 6

Impacts of the Regional Water Plan and Consistency with Protection of Resources

The development of viable strategies to meet the demand for water is the primary focus of regional water planning. However, another important goal of water planning is the long-term protection of resources that contribute to water availability, and to the quality of life in the State. The purpose of this chapter is to describe how the 2021 Plan is consistent with the long-term protection of the State's water resources, agricultural resources, and natural resources. The requirement to evaluate the impact of the regional water plan and its consistency with protection of resources is found in 31 TAC Chapter 357.40 & 41, which require the following:

- A description of the socioeconomic impacts of not meeting identified water needs in the region. (§357.40(a))
- A description of potential impacts of the regional water plan regarding agricultural resources; other water resources; threats to agricultural and natural resources; third-party social and economic impacts resulting from voluntary redistributions of water; major impacts of recommended water management strategies on key water quality parameters; and, effects on navigation. (§357.40(b))
- A summary of identified water needs that remain unmet by the plan. (§357.40(c))
- A description of how the 2021 Plan is consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources. (§357.41)

The socioeconomic impacts of not meeting identified water needs in the ETRWPA have been previously addressed in Chapter 4. Other elements of §357.40 & 41 are addressed in Chapter 6. These requirements are addressed by providing general descriptions of how the plan is consistent with protection of water resources, agricultural resources, and natural resources.

Additionally, the chapter will specifically address consistency of the 2021 Plan with the State's water planning requirements. To demonstrate compliance with the State's requirements, a matrix has been developed and is addressed in Section 6.4.

6.1 Consistency with Protection of Water Resources

The water resources in the ETRWPA include portions of three river basins providing surface water, and portions of four aquifers providing groundwater. The three major river basins within the ETRWPA boundaries are the Sabine River Basin (Basin 5), the Neches River Basin (Basin 6), and the Trinity River Basin (Basin 8). The respective boundaries of these basins are depicted in Figure 1.10, in Chapter 1.

The region's groundwater resources include, primarily, the Gulf Coast and Carrizo-Wilcox aquifers. Lesser amounts of water are also drawn from the Sparta aquifer, Queen City aquifer, and localized aquifers, such as the Yegua-Jackson. The extents of these aquifers within the region are depicted on Figures 1.7 and 1.8, in Chapter 1.



Surface water accounts for approximately 75% of the total water use in the region. Sources within the region include 11 reservoirs in the Neches River Basin, three in the Sabine River Basin, and one in the Trinity River Basin. If constructed, Lake Columbia would be located in the Neches River Basin. Currently, the majority of the available surface water supply used in the ETRWPA comes from the Neches River Basin.

The Carrizo-Wilcox aquifer and Gulf Coast aquifers are, by far, the most important groundwater resources in the ETRWPA, accounting for approximately 75% of the available groundwater. Significant water level declines have been observed in the Carrizo-Wilcox aquifer around the cities of Tyler, Lufkin, and Nacogdoches over the past two decades. Lufkin and Nacogdoches are both considering development of new surface water sources to meet projected shortages. The City of Tyler already relies largely on surface water supplies.

Protection of surface water resources and groundwater resources necessarily involves understanding potential impacts to the interrelationship between groundwater and surface water. This is particularly important in aquifer recharge (i.e., outcrop) areas and contributing zones to recharge areas. The Carrizo-Wilcox Aquifer outcrops in the northeastern area of the region, predominantly in Panola, Shelby, and Rusk counties. In addition the Queen City Aquifer outcrop is found in the northwestern area of the region, mostly in Henderson, Smith, Cherokee, and Anderson counties. All of these counties support surface water supplies that are likely located on a portion of an aquifer outcrop.

Hence, water management impacts on surface water sources could affect supplies in these important groundwater supplies. Strategies to manage impacts in the ETRWPA need to consider protection of the groundwater-surface water interfaces, where it is may be possible to do so.

To be consistent with the long-term protection of water resources, the 2021 Plan must recommend strategies that minimize threats to the region's sources of water over the planning period. The water management strategies identified in Chapter 5B were evaluated for threats to water resources. The recommended strategies represent a comprehensive plan for meeting the needs of the region while effectively minimizing threats to water resources. Threats to water resources are minimized in the 2021 Plan in the following ways:

- **Water conservation.** Strategies for water conservation have been recommended that will help reduce the demand for water, thereby reducing the impact on the region's groundwater and surface water sources. Water conservation practices are expected to save over 20,000 ac-ft of water annually by 2070, reducing impacts on both groundwater and surface water resources. The plan also assumes significant savings in municipal demands due to the implementation of plumbing codes. Water conservation benefits the State's water resources by reducing the volumes of water withdrawals necessary to support human activity. This can benefit surface water, groundwater, and groundwater-surface water relationships.
- **Development of Lake Columbia.** This strategy will increase surface water supplies available for cities, industry, and agriculture in the ETRWPA.
- **Optimized use of existing surface water resources.** Water management strategies that involve existing surface water resources work to optimize the utilization of these resources. The WAM, a part of the regional planning process, assesses how the increased use of surface water resources will impact the Region's water resources. The WAMs developed for the ETRWPA indicate adequate availability of surface water in the region. As with conservation, optimized use of existing surface water resources can help protect groundwater-surface water relationships where surface waters extend across an aquifer outcrop.
- **Optimized use of groundwater.** This strategy has generally been recommended for entities with sufficient groundwater supply available to meet needs, but currently without adequate

infrastructure (i.e., well capacity). Groundwater availability reported in the plan is based on the long-term sustainability of the aquifer. No strategies are recommended to use water above currently identified sustainable levels.

6.2 Consistency with Protection of Agricultural Resources

Agriculture is an important economic cornerstone of the ETRWPA. Even with adequate rainfall, irrigation is a critical aspect of some agriculture in the region. Rice irrigation in the coastal counties is supplied by LNVA, primarily, with water from the Rayburn/Steinhagen system. The WAMs indicate adequate availability of surface water to meet the projected irrigation demands for the planning period.

6.3 Consistency with Protection of Natural Resources

The ETRWPA contains many natural resources including threatened or endangered species; local, state, and federal parks and public land; and energy/mineral reserves. Following is a brief discussion of how the 2021 Plan is consistent with the long-term protection of these resources.

6.3.1 Threatened/Endangered Species

A list of species of special concern, including threatened or endangered species, located within the ETRWPA is contained in Appendix 1-A. Included are 22 species of birds, eight insects, six mammals, 11 reptiles, one amphibian, nine fish, six mollusks, 27 plants, and two crustaceans. In general, most WMSs planned for the ETRWPA will not affect threatened or endangered species. Development of new reservoirs in the region could affect threatened or endangered species and their habitats. However, the development of any reservoir requires extensive environmental impact studies that address potential effects on threatened or endangered species. Any such impacts indicated by these studies would need to be mitigated in accordance with federal and state environmental regulations in order for the reservoir project to be allowed.

6.3.2 Parks and Public Lands

The ETRWPA contains national forests, wildlife refuges, and a preserve; as well as state parks, forests, and wildlife management areas. In addition, there are numerous local (e.g., city or county parks), recreational facilities, and other local public lands located throughout the region. None of the water management strategies currently proposed for the ETRWPA is expected to adversely impact state or local parks or public land.

In general, federal lands (i.e., national forests, wildlife refuges, or preserves) cannot be subjugated by state or local projects. Therefore, a proposed WMS for the ETRWPA would not be permitted to adversely impact such properties unless adequate mitigation measures were planned, and the plans approved by the appropriate federal agencies.

6.3.3 Timber Resources

Timber is an important economic resource for the ETRWPA. Although the development of Lake Columbia would inundate some forested areas, this loss in timber resources would be partially offset by gains in wetland areas, aquatic habitat and water recreation areas. A full environmental assessment is part of the planning process for development of reservoirs. The results of such environmental assessments identify any significant effects on timber resources and propose mitigation, as necessary.



6.3.4 Energy Reserves

Numerous oil and gas wells are located within the ETRWPA, including the East Texas Oil Field, and four of the top 10 producing gas fields in the state. Producing oil wells and top producing oil fields are depicted in Chapter 1 Figures 1.16 and 1.17, respectively. In addition, significant lignite coal resources can be found in the ETRWPA under portions of 12 counties. Lignite coal resources are depicted in Figure 1.19. These resources represent an important economic base for the region. None of the water management strategies is expected to significantly impact oil, gas, or coal production in the region.

6.4 Consistency with State Water Planning Guidelines

To be considered consistent with long-term protection of the State's water, agricultural, and natural resources, the ETRWPA Water Plan must also be determined to be in compliance with provisions of 31 TAC Chapter 357. The information, data, evaluation, and recommendations included in Chapters 1 through 5C, Chapters 7 through 11 of the 2021 Plan collectively demonstrate compliance with these regulations. To more clearly demonstrate compliance, the ETRWPA has developed a matrix addressing the specific recommendations contained in the referenced regulations. Appendix 6-A contains a completed matrix or checklist highlighting each pertinent paragraph of the regulations. The content of the 2021 Plan has been evaluated against this matrix.

Appendix 6-A

Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

This appendix includes a matrix highlighting each regulation pertinent to the 2021 Plan in Chapters 357 and 358 of the Texas Administrative Code, Title 31. The matrix is used as a checklist to demonstrate compliance with these regulations.



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Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.11					
(d)(1)-(12)	RWPGs shall maintain at least one representative of the following interest categories as voting members: public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, water utilities, and groundwater management areas.			Yes	Chapters 1 and 10 provide a list of current voting members of the RWPG.
(e)(1)-(5)	Non-voting members will receive the same meeting notifications and information as voting members. Non voting members are to include: staff members from the Board, from Texas Parks and Wildlife, from the Texas Department of Agriculture, and from each adjacent RWPG; persons to represent entities which are located in another RWPA but which diverts, supplies, or receives 1,000 acre-feet a year or more in , to, or from the RWPA.			Yes	Chapter 1 provides a list of current non-voting members of the RWPG.
31 TAC §357.12					
(b)	A RWPG shall hold a public meeting to determine the process for identifying potentially feasible water management strategies. Input from the public meeting will be documented. All possible water management strategies that are potentially feasible for meeting needs in the region will be listed.			Yes	The process used to identify potentially feasible WMSs was addressed in two regularly scheduled meetings of the ETRWPG on February 1, 2012 and May 22, 2013. Appendix 5A-B lists all potentially feasible WMSs identified.
31 TAC §357.20					
	Development of RWPs shall be guided by the principles stated in Title 31 §358.3 (relating to Guidance Principles).			Yes	See 31 TAC §358.3 below.
31 TAC §357.21					
(b)	Public notice requirements for regular RWPG meetings and meetings where the following were considered: amendments to the RWP scope or budget, process for identification of potentially feasible water management strategies, member addition or replacement, and adoption of water plans.			Yes	Public notice requirements met and are addressed in Chapter 10.
(c)	Public notice requirements for meetings where the following items were considered: population projection and water demand projection revisions, substitution of alternative water management strategies, and minor amendments to the RWPs.			Yes	Public notice requirements met and are addressed in Chapter 10.
(d)	Public notice requirements for holding a preplanning public meeting to obtain public input on development of the next RWP; major amendments to RWPs; holding hearings for IPPs; and requesting research and planning funds from the Board.			Yes	Public notice requirements met and are addressed in Chapter 10.

Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.22					
(a)	RWPGs shall consider existing local, regional, and state water planning efforts, including water plans, information and relevant local, regional, state and federal programs and goals when developing the regional water plan. RWPGs must also consider:			Yes	Relevant State and federal programs and goals are addressed primarily in Chapter 1. As appropriate, water plans of specific WUGs have been considered in the evaluation of WMSs in Chapter 5B. Coordination with Regions D, C, and H (all adjacent to the ETRWPA) has occurred and planning efforts of these regions considered.
(a)(1)	water conservation plans;			Yes	Chapter 5C addresses water conservation efforts in the region and summarizes water conservation plans reviewed.
(a)(2)	drought management and drought contingency plans;			Yes	Chapter 7 addresses drought management and drought contingency within the region and summarizes drought management and drought contingency plans reviewed.
(a)(3)	information compiled by the Board from water loss audits performed by retail public utilities;			Yes	Chapter 1, Chapter 5C, and Appendix 1-B describe information on water loss audits.
(a)(4)	publicly available plans for major agricultural, municipal, manufacturing and commercial water users;			Yes	Publicly available plans for major agricultural, municipal, manufacturing, and commercial water users were not identified. However, Appendix 2-A contains a technical memorandum regarding rice production and water use in the region.
(a)(5)	local and regional water management plans;			Yes	Chapter 1 summarizes local and regional water management plans identified in the RWPA.
(a)(6)	water availability requirements;			Yes	Water availability is addressed primarily in Chapter 3.
(a)(7)	the Texas Clean Rivers Program;			Yes	Chapter 1 references the Texas Clean Rivers program. Where relevant, water quality data from the program were used.
(a)(8)	the U.S. Clean Water Act;			Yes	Chapter 1 references the CWA; the CWA is a cornerstone of the water planning process and central to the planning process for the 2016 Plan.
(a)(9)	water management plans;			Yes	See above.
(a)(10)	other planning goals including regionalization of water and wastewater services where appropriate;			Yes	Regionalization of water and wastewater services has been considered where appropriate. Chapter 5B includes WMSs that may address regionalization.
(a)(11)	approved groundwater conservation district management plans and other plans submitted			Yes	Groundwater Conservation Districts have been included, where appropriate, in Chapters 1, 3, and 5B.
(a)(12)	approved groundwater regulatory plans; and			Yes	See above.
(a)(13)	any other information available from existing local or regional water planning studies.			Yes	See above.
(b)	The following sections from Title 31 should have a separate chapter in the RWP devoted to their contents: §§357.30, 357.31, 357.32, 357.33, 357.42, 357.43, 357.44, 357.45, 357.50, 357.34, 357.35, 357.40, and 357.41			Yes	The 2016 Plan contains chapters as required by the rules and TWDB Guidance.

Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.30					
	The description of the RWP area must include a description of the following 12 criteria:				
(1)	social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;			Yes	Chapter 1 describes the social and economic aspects of the region relative to water resources.
(2)	current water use and major water demand centers;			Yes	Chapters 1 and 2 include current water use and major water demand centers.
(3)	current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;			Yes	Chapter 1 generally describes groundwater, surface water, reuse, and springs. Chapter 3 includes more specific information on groundwater, surface water, and reuse sources that are, or may be, used for water supply.
(4)	wholesale water providers;			Yes	Chapter 1 identifies the region's WWP. Chapters 2 and 3 describe WWP demands and supply. Chapter 5B addresses WMSs for each WWP in the region.
(5)	agricultural and natural resources;			Yes	Chapter 1 provides a description of the agricultural and natural resources of the region; Chapter 6 describes protection of these resources.
(6)	identified water quality problems;			Yes	Chapter 1 provides a discussion of water quality problems that may be relevant to regional water planning. To the extent possible, water quality issues are considered in the evaluation of WMSs in Chapter 5B.
(7)	identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;			Yes	Chapters 1 and 6 describe threats to agricultural and natural resources due to water quantity or quality issues.
(8)	summary of existing local and regional water plans;			Yes	Chapter 1 contains descriptions of relevant existing local and regional water plans.
(9)	the identified historic drought(s) of record within the planning area;			Yes	Chapters 7 contain a discussion of historic droughts of record within the RWPA.
(10)	current preparations for drought within the RWPA;			Yes	Chapters 1 and 7 describe current preparations for drought within the region.
(11)	information compiled by the Board from water loss audits performed by retail public utilities; and			Yes	Chapters 1 and 5C summarize water loss audits compiled by the TWDB; Appendix 1-B presents the data.
(12)	an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.			Yes	Chapters 1 and 6 describe threats to agricultural and natural resources due to water quantity or quality issues. Chapter 5B provides a discussion of how WMSs address threats.
31 TAC §357.31					
(a); (f)	RWPs shall present projected population and WUG water demands for each planning decade.			Yes	Chapter 2 provides projections of population and WUG water demands for the period 2020-2070.
(b)	RWPs shall present projected water demands associated with WWPs by category of water use, including municipal, manufacturing, irrigation, steam electric power generation, mining, and livestock for each county or portion of a county in the RWPA.			Yes	Chapter 2 provides projections of WWP water demands for all categories of water use. Appendix 2-D contains a summary of WWP demands by category, county, and basin.
(c)	RWPs shall report the current contractual obligations of WUG and WWPs to supply water in addition to any demands projected for the WUG or WWP.			Yes	Chapter 2 reports current contractual obligations of WUGs and WWPs.
(d)	Municipal demands shall be adjusted to reflect water savings due to plumbing fixture requirements identified in the Texas Health and Safety Code, Chapter 372.			Yes	Municipal demands, addressed in Chapter 2, include water savings due to plumbing fixture requirements. Chapter 5C includes further discussion of required water conservation measures.
(e)(1)-(2)	RWPs are to use population and water demands developed by the EA for the next water plan or use population and water demands revisions (only if requested).			Yes	Population projections and municipal water demands developed by the EA were used in development of the RWP; projections are presented in Chapter 2.

Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.32					
(a)(1)-(2)	RWPGs shall evaluate the source water availability and existing water supplies that are legally available to WUGs and wholesale water providers during drought conditions.			Yes	Water availability, addressed in Chapter 3, includes water legally available to WUGs and WWP during drought conditions.
(b); (c); (d)	RWPG evaluations shall consider surface water (firm yield unless otherwise requested) and groundwater (modeled, Board-issued) data from the state water plan, existing water rights, contracts and option agreements relating to water rights, other planning and water supply studies, and analysis of water supplies existing in and available to the RWPA during drought of record conditions.			Yes	The availability of water addressed in Chapter 3 included consideration for the requirements of this section. WMS evaluations in Chapter 5B used Chapter 3 availability.
(e)-(f)	RWPGs shall evaluate the existing water supplies for each WUG and WWP; existing contractual agreements should be taken into account.			Yes	Contractual agreements were taken into account as appropriate in the development of existing water supplies presented in Chapter 3.
31 TAC §357.33					
(a); (b); (d)	RWPGs shall include, for each planning decade, comparisons of existing water supplies and projected water demands to determine whether WUGs will experience water surpluses or needs for additional supplies. Results will be reported for WUGs and for WWP by use categories, county, and basin as described in §357.31 (b)			Yes	Chapter 4 provides a comparison of water demands to supplies to determine surplus or needs for each WUG and WWP. The WWP and WUG results are reported in Appendix 4-A.
(c)	Social and economic impacts of water shortages will be evaluated.			Yes	A socio-economic impact analysis prepared by the TWDB was provided to the RWPG after submittal of the IPP. The analysis report is presented in Appendix 4-E and summarized in Chapter 4.
(e)	RWPGs shall perform a secondary water needs analysis (calculating water needs remaining after all conservation and direct reuse strategies are implemented) for all WUGs and WWP for which conservation water management strategies or direct reuse water management strategies are recommended.			Yes	Secondary water needs analyses have been performed for WUGs and WWP for which conservation WMSs were recommended by the TWDB. The data is presented in Appendix 4-B and summarized in Chapter 4.
31 TAC §357.34					
(a) & (b)	RWPGs shall identify and evaluate potentially feasible water management strategies for all WUGs and WWP with identified water needs. The strategies shall meet new water supply obligations necessary to implement recommended water management strategies of WWP and WUGs. RWPGs shall plan for water supply during Drought of Record conditions. In developing RWPs, RWPGs shall provide WMSs to be used during a drought of record.			Yes	Chapters 5A and 5B identify and evaluate potentially feasible WMSs for WUGs and WWP.
(c)	Potentially feasible WMSs may include expanded use of existing supplies; new supply development; conservation and drought management measures; reuse; interbasin transfers of surface water; emergency transfers of surface water.			Yes	Chapter 5A describes the types of WMSs used in the 2016 Plan.
(d)(1)	Evaluations of potentially feasible water management strategies shall use the Commission's most current Water Availability Model and shall include the following analyses:			Yes	Chapter 3 describes the use of the WAM in the 2016 Plan. Strategies evaluated in Chapter 5B utilize available water supplies identified in Chapter 3.
(d)(2)	An equitable comparison between and consistent evaluation and application of all water management strategies the RWPGs determine to be potentially feasible for each water supply need			Yes	Chapter 5B contains WMS evaluations.
(d)(3)(A)-(C)&(d)(5)	A quantitative reporting of: the net quantity, reliability, and cost of water delivered and treated for the end user's requirements during drought of record conditions; all applicable environmental factors; and impacts to natural and agricultural resources (including threats)			Yes	Chapter 5B contains WMS evaluations.
(d)(4); (d)(7)	A discussion of this RWP's impact on other water resources of the state and on local third-party social and environmental impacts.			Yes	Chapters 5B and 6 contain discussion of impacts on other water resources of the state and on local third-party social and environmental impacts.
(d)(8)	A description of the major impacts of recommended water management strategies on key parameters of water quality, comparing current conditions to recommended strategies.			Yes	Chapter 1 addresses issues of key parameters of water quality. Where appropriate, water quality is considered in the evaluations of WMSs in Chapter 5B.
(d)(9)	Consideration of water pipelines and other facilities that are currently used for water conveyance.			Yes	Chapter 5B includes consideration of conveyance for WMSs.
(f)(1); (f)(2)(A)-(D)	Conservation, Drought Management Measures, and Drought Contingency Plans shall be considered by RWPGs when developing the regional plans. Water conservation practices shall be included for each WUG beyond minimum requirements. Any interbasin water transfers will also include a water conservation strategy. Any water loss audits shall be addressed.			Yes	Chapters 5C and 7 contain most of the required information regarding conservation and drought management measures for each WUG.
(g)	RWPGs shall include a subchapter consolidating the RWPG's recommendations regarding water conservation.			Yes	Summaries of the RWPG's recommendations regarding water conservation are included in Chapter 5C.

Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.35					
(a);(b);(c);(f)	RWPGs shall recommend water management strategies to be used during a drought of record. Potentially feasible water management strategies shall be specific, cost effective, environmentally sensitive, and consistent with the long-term protection of the state's water, agricultural, and natural resources. Strategies shall protect existing water rights, water contracts, and option agreements.			Yes	Chapter 5A contains a list of potentially feasible WMSs identified. Chapter 5B evaluations were performed using a drought of record as a basis for the 2016 Plan.
(d)	Water management strategies shall meet all water needs for drought conditions, except when no water management strategy is feasible or when a political subdivision that provides water explicitly does not participate.			Yes	Chapter 5B WMSs were designed to meet water needs for drought conditions.
(g)(1)	RWPGs shall report recommended water management strategies and the associated results of all the potentially feasible water management strategy evaluations by WUG and WWP.			Yes	Chapter 5B and associated appendices report results by WUG and WWP.
(g)(2)	Calculated supply factors for each WUG and WWP, by entity and planning decade, shall be calculated based on the sum of the total existing water supplies, plus all water supplies from recommended water management strategies; divided by total projected water demand.			Yes	Supply factors were evaluated by the TWDB and presented in Appendix 5B-E.
(g)(3)	Fully evaluated Alternative Water Management Strategies included in the adopted RWP shall be presented together in one place in the RWP.			Yes	Chapter 5B presents a summary of Alternative WMSs evaluated.
31 TAC §357.40					
(a)	RWPGs shall include a quantitative description of the socioeconomic impacts of not meeting the identified water needs.			Yes	Appendix 4-D contains a socio-economic impact analysis prepared by the TWDB.
(b)(1)-(6)	RWPGs shall include a description of the impacts of the RWP regarding agricultural resources, other water resources of the state, threats to agricultural and natural resources, third-party social and economic impacts resulting from voluntary water redistributions, water quality, and effects on navigation.			Yes	Chapter 6 contains discussion of impacts on other water resources of the state and on local third-party social and environmental impacts.
(c)	RWPGs shall include a summary of the identified water needs that remain unmet by the RWP.			Yes	Chapter 5B includes a summary of unmet needs.
31 TAC §357.41					
	RWPGs shall describe how RWPGs are consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources.			Yes	Chapter 6 provides a demonstration of how the 2016 Plan is consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources
31 TAC §357.42					
(a)	RWPGs shall consolidate and present information on current and planned preparations for, and responses to, drought conditions in the region including drought of record conditions based on the following subsections:				
(b);(c)	RWPGs shall conduct an overall assessment of current preparations for drought and develop drought response recommendations for groundwater and surface water sources.			Yes	Chapter 7 describes current preparations for drought within the region.
(d);(e)	RWPGs will collect (in a closed meeting) and submit (separately to the EA) information on existing major water infrastructure facilities that may be used for interconnections in event of an emergency shortage of water and will provide descriptions of local drought contingency plans that involve making emergency connections.			Yes	Chapter 7 describes emergency interconnections. Information related to existing interconnections is considered confidential and was not presented in the 2016 Plan.
(g)	The RWPGs shall evaluate, for all applicable municipal WUGs, potential emergency responses to local drought conditions or loss of existing water supplies, including identification of potential alternative water sources that may be considered for temporary emergency use.			Yes	Chapter 7 describes potential emergency responses to drought within the region.
(h)	RWPGs shall consider any relevant recommendations from the Drought Preparedness Council.			Yes	Relevant recommendations from the Drought Preparedness Council have been considered in Chapter 7.
(i); (i)(1)-(4)	RWPGs shall make drought preparation and response recommendations regarding local drought contingency plans; current drought management preparations, including drought response triggers and responses to drought conditions; and The Drought Preparedness Council and the State Drought Preparedness Plan.			Yes	Chapter 7 contains recommendations regarding local drought contingency plans and preparations.
(j)	The RWPGs shall develop region-specific model drought contingency plans.			Yes	Appendix 7-A includes model drought contingency plans.

Appendix 6-A
Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

2021 Water Plan
East Texas Region

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary	2016 Plan Compliance (Yes/No)	Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.43					
(a); (d)	The RWPs shall contain any regulatory, administrative, or legislative recommendations developed by the RWPGs, including those that the RWPG believes are needed and desirable to facilitate the orderly development, management, and conservation of water resources and prepare for and respond to drought conditions.			Yes	Chapter 8 includes relevant regulatory, administrative, and legislative recommendations of the RWPG.
(b); (c)	If "Ecologically Unique River and Stream Segments" and "Unique Sites for Reservoir Construction" are designated by the RWPGs, the RWP should include relevant descriptions, value, and other relevant criteria, as described in this section.			Yes	Chapter 8 includes recommendations regarding ecologically unique river and stream segments and unique sites for reservoir construction.
31 TAC §357.44					
	RWPGs shall assess and quantitatively report on how individual local governments, regional authorities, and other political subdivisions in their RWPA propose to finance recommended water management strategies.			Yes	Appendix 9-A contains the infrastructure financing report and Chapter 9 summarizes the proposed financing.
31 TAC §357.45					
(a)	RWPGs shall describe the level of implementation of previously recommended water management strategies, recommended in the previous RWP, including conservation and drought management water management strategies; and the implementation of projects that have affected progress in meeting the state's future water needs.			Yes	Appendix 11-A summarizes the survey results reporting implementation of the 2011 Plan WMSs.
(b)(1)-(4)	RWPGs shall provide a brief summary of how the RWP differs from the previously adopted RWP with regards to: water demand projections; drought of record and hydrologic and modeling assumptions used in planning for the region; groundwater and surface water availability, existing water supplies, and identified water needs for WUGs and WWPs; and recommended and alternative water management strategies.			Yes	Chapter 11 provides a summary of how the 2016 Plan and the 2011 Plan differ.
31 TAC §357.50					
(a)	The RWPGs shall submit their adopted RWPs to the Board every five years on a date to be disseminated by the EA.			Yes	The 2016 Plan has been adopted in accordance with a schedule provided by the EA.
(b)	Prior to the adoption of the RWP, the RWPGs shall submit concurrently to the EA and the public an IPP. The IPP shall be distributed in accordance with Title 31 §357.21(d)(5).			Yes	The 2016 IPP was submitted to the TWDB as required.
(d)(1)-(3)	When adopting a RWP the RWPGs shall solicit, and consider properly submitted written comments from the EA and from any federal or Texas state agency; and properly submitted written or oral comments from the public.			Yes	The RWPG has considered comments from the EA, federal and state agency comments, and public comments in finalization of the 2016 Plan. Comments are available in Appendix 10-C.
(e)(1)(A)-(C)	When submitted, RWP shall include: a technical report, an executive summary, and summaries of and responses to all comments (written and oral).			Yes	The 2016 Plan includes a required technical report and executive summary. Responses to comments are included as Table 10.2
31 TAC §358.3					
(2)	The regional water plans and state water plan shall serve as water supply plans under drought of record conditions.			Yes	The supply availability and existing water supplies evaluated in Chapter 3 assume drought of record conditions. Chapters 3 and 7 describe this evaluation.
(4)	Regional water plans shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions so that sufficient water will be available at a reasonable cost to satisfy a reasonable projected use of water to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the regional water planning area.			Yes	Chapter 5B presents WMS evaluations developed in response to projected demands and potential drought conditions.
(5)	Regional water plans shall include identification of those policies and action that may be needed to meet Texas' water supply needs and prepare for and respond to drought conditions.			Yes	The Chapter 5B WMS evaluations identify policies and action that may be required in drought conditions.
(6)	RWPG decision-making shall be open to and accountable to the public with decisions based on accurate, objective and reliable information with full dissemination of planning results except for those matters made confidential by law.			Yes	Chapter 10 summarizes public notice requirements and provides examples of how these requirements were met during the planning cycle.
(7)	The RWPG shall establish terms of participation in its water planning efforts that shall be equitable and shall not unduly hinder participation.			Yes	Chapter 10 summarizes how participation was encouraged as a part of water planning efforts in the RWPA.
(27)	RWPGs shall conduct their planning to achieve efficient use of existing water supplies, explore opportunities for and the benefits of developing regional water supply facilities or providing regional management of water facilities, coordinate the actions of local and regional water resource management agencies, provide substantial involvement by the public in the decision-making process, and provide full dissemination of planning results.			Yes	Chapter 3 discusses the evaluations of existing water supplies, Chapter 1 summarizes local and regional plans considered in the planning process, and Chapter 10 summarizes public involvement in the region.
(28)	RWPGs must consider existing regional water planning efforts when developing their plans.			Yes	Chapter 1 summarizes existing regional water plans that were considered in development of the 2016 Plan.

NOTES REGARDING THE JULY 17, 2019 DRAFT OF CHAPTER 8

1. On page 7 of the draft chapter, we have highlighted a sentence regarding action taken by previous ETRWPGs regarding unique stream segments. This action will need to be addressed again for the current round of planning, in a subsequent meeting of the RWPG. We will highlight the issues further at that time and will replace this sentence appropriately based on the actions of the RWPG at that time.
2. On page 11 of the draft chapter, we have highlighted the heading for Section 8.2 regarding legislative recommendations. Development of legislative recommendations will be prepared based on wishes of the RWPG at a time nearer the end of the plan development. For this draft, all recommendations included in the previous round of planning have been reproduced here for your information.

Rex Hunt, PE
Alan Plummer Associates, Inc.

Chapter 8

Unique Stream Segments, Unique Reservoir Sites, and Legislative and Regulatory Recommendations

This chapter of the 2021 East Texas Regional Water Plan (2021 Plan) addresses unique stream segment designation, unique reservoir site designation, and water planning recommendations to the Texas Legislature. Information relevant to these issues was considered by the East Texas Regional Water Planning Group (ETRWPG) and the group voted on each issue.

8.1 Unique Stream Segments

According to §357.43(1) of the Texas Administrative Code, the ETRWPG is obligated to consider potential river or stream segments as being of unique ecological value based upon the following criteria set forth in §358.2(6):

- (1) **Biological function** – stream segments that display significant overall habitat value including both quantity and quality considering the degree of biodiversity, age, and uniqueness observed and including terrestrial, wetland, aquatic, or estuarine habitats;
- (2) **Hydrologic function** – stream segments that are fringed by habitats that perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization, or groundwater recharge and discharge;
- (3) **Riparian conservation areas** – stream segments that are fringed by significant areas in public ownership including state and federal refuges, wildlife management areas, preserves, parks, mitigation areas, or other areas held by governmental organizations for conservation purposes, or stream segments which are fringed by other areas managed for conservation purposes under a governmentally approved conservation plan;
- (4) **High water quality/exceptional aquatic life/high aesthetic value** – stream segments and spring resources that are significant due to unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality; or
- (5) **Threatened or endangered species/unique communities** – sites along streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species; and sites along streams significant due to the presence of unique, exemplary, or unusually extensive natural communities.

To assist the ETRWPG with identifying potential stream segments for designation, the Texas Parks and Wildlife Department (TPWD) developed a report^[1] in 2005 of ecologically significant river and stream segments in the East Texas Regional Water Planning Area (ETRWPA). The TPWD draft report identified 41 river and stream segments in the ETRWPA as possibly ecologically significant. A map prepared by TPWD showing the locations of the 41 river and stream segments is presented on Figure 8.1. The draft report has not been finalized and no action has been taken as of yet.



The planning rules do not provide guidance on how many of the criteria need to be met as a prerequisite for consideration for designation as a unique stream segment. As an initial screening tool, the ETRWPG determined that those segments that meet three or more of the criteria would be further evaluated.

Only 11 of the 41 segments have three or more applicable criteria. Table 8.1 presents a summary of the 41 segments identified by TPWD and indicates which of the five criteria are identified by TPWD for each segment. Some of the segments are categorized as having threatened or endangered species or unique communities. The specific threatened or endangered species or unique community that is the basis for this categorization is presented in Table 8.2.

The intent of the Texas Legislature regarding the purpose of the unique stream segment designation is stated in Section 16.051(f) of the Texas Water Code:

This designation solely means that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in a specific river or stream designated by the legislature under this subsection.

Based on this section of the law, it would be irrelevant to consider recommending a segment for designation if it does not have potential to be a reservoir site.

There continues to be concern among many regional water planning groups (including the ETRWPG) that designation of a stream segment might lead to unwarranted restrictions on the use of the segment, including water diversions and discharges of treated effluent. During the current round of regional water planning, representatives of Region C met with Texas Commission on Environmental Quality (TCEQ), Texas Water Development Board (TWDB), and TPWD to discuss potential issues related to restrictions associated with unique stream segment designation. As a result of this meeting, the TWDB has determined that a stakeholder committee should be formed to address the potential concerns. The committee has not yet been formed. However, it is understood that recommendations of the committee should be developed before the next round of water planning is complete.

Seven of the 11 stream segments identified for further evaluation are not currently considered as potentially suitable for reservoir construction. Therefore, these segments have been eliminated from further consideration at this time. These segments are as follows:

- Alazan Bayou
- Upper Angelina River (Segment 0611; Nacogdoches County)
- Lower Angelina River (Segment 0611; Nacogdoches County)
- Big Sandy Creek (Segment 0608B)
- Catfish Creek (Segment 0804G)
- Trinity River (Segment 0803/0804)
- Village Creek (Segment 0608)

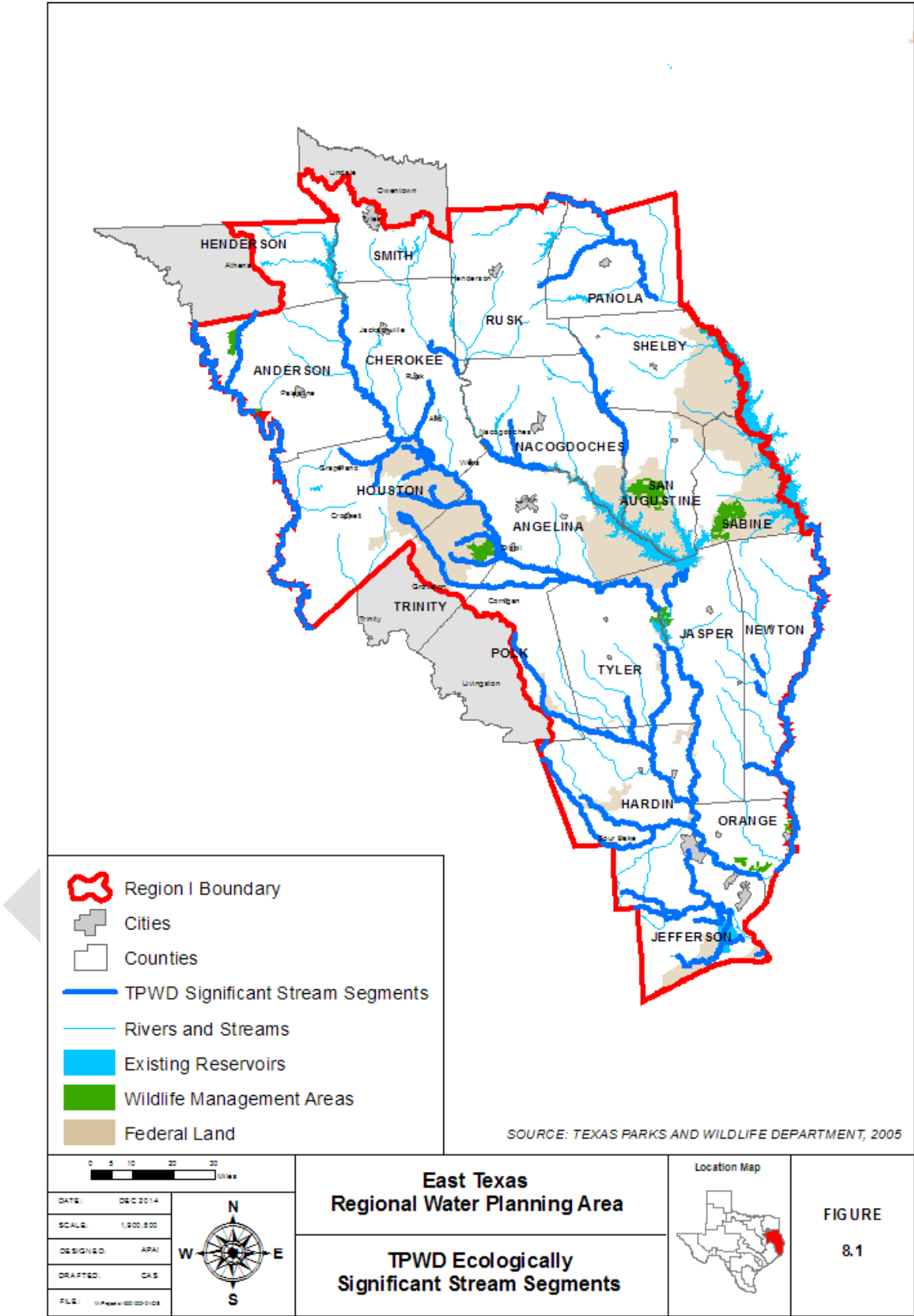


Table 8.1 Texas Parks and Wildlife Department Ecologically Significant River and Stream Segments

River or Stream Segment	Biological Function	Hydrologic Function	Riparian Conservation Area	High Water Quality/Aesthetic Value	Endangered Species/Unique Communities	Total # of Criteria Met
Alabama Creek			•			1
Alazan Bayou	•		•		•	3
Upper Angelina River	•		•		•	3
Lower Angelina River	•		•		•	3
Attoyac Bayou					•	1
Austin Branch			•			1
Beech Creek			•	•		2
Big Cypress Creek				•		1
Big Hill Bayou	•		•			2
Big Sandy Creek	•		•	•	•	4
Bowles Creek			•			1
Camp Creek			•		•	2
Catfish Creek			•	•	•	3
Cochino Bayou			•			1
Hackberry Creek			•		•	2
Hager Creek			•			1
Hickory Creek			•			1
Hillebrandt Bayou			•			1
Irons Bayou				•		1
Little Pine Island Bayou			•			1
Lynch Creek			•		•	2
Menard Creek			•			1
Mud Creek	•				•	2
Upper Neches River	•		•	•	•	4
Lower Neches River	•		•	•	•	4
Pine Island Bayou			•			1
Piney Creek			•	•	•	3
Upper Sabine River	•			•	•	3
Middle Sabine River	•			•		2
Lower Sabine River	•		•			2
Salt Bayou	•		•			2
San Pedro Creek			•			1
Sandy Creek (Trinity Co.)			•		•	2
Sandy Creek (Shelby Co.)					•	1
Taylor Bayou			•			1
Texas Bayou			•			1
Trinity River	•		•		•	3
Trout Creek			•			1
Turkey Creek			•			1
Village Creek	•		•	•	•	4
White Oak Creek				•		1

Table 8.2 Texas Parks and Wildlife Department Threatened and Endangered Species/Unique Communities

Threatened / Endangered Species	Angelina River	Big Sandy Creek	Catfish Creek	Upper Neches River	Lower Neches River	Piney Creek	Sabine River	Trinity River	Village Creek
Paddlefish	•			•	•		•		
Creek chubsucker				•		•			
Sandbank pocketbook freshwater mussel					•				
Texas heelsplitter freshwater mussel					•			•	
Neches River rose-mallow				•					
Rough-stem aster			•						
Unique community		•							•

Four segments include reaches that have been identified as potentially suitable for a reservoir site.

- Upper and Lower Neches River (Segment 0601/0602/0604) – Rockland Reservoir
- Piney Creek (Segment 0604D) – Rockland Reservoir
- Upper Sabine River (Segment 0505; Panola County) – Lake Stateline and Lake Carthage

Limited information exists on the relative value of using these sites for a reservoir compared to maintaining a riverine environment. Prior to proceeding with the construction of a reservoir at any of these sites, extensive environmental studies must be conducted to determine the extent and nature of potential environmental impacts and whether these impacts can be effectively mitigated. The information obtained through such environmental studies is the type of data needed to provide a basis for decisions regarding the relative merits of constructing a reservoir or preserving a riverine environment.

No regulatory purpose has been identified that would be served by a unique stream segment designation, other than precluding reservoir construction. Indeed, there are currently extensive regulations and programs to protect the environment in the ETRWPA.

The ETRWPA has a high proportion of land that has been assigned a special protective status; this land is summarized in Table 8.3 below. In addition to the land shown below, there are a number of state parks, state historic sites, and the Alabama and Coushatta Indian Reservation.

Areas of the ETRWPA that are not part of a state or federal preserve are also protected by various regulatory programs that require environmental assessments for activities that could adversely affect the environment.



Table 8.3 Land with a Special Protective Status

Name	Acreage
Alabama Creek Wildlife Management Area	14,600
Alazan Bayou Wildlife Management Area	2,100
Angelina National Forest	153,200
Big Lake Bottom Wildlife Management Area	4,100
Big Thicket National Preserve	106,300
Davy Crockett National Forest	160,600
E.O. Siecke State Forest	1,700
Engeling Wildlife Management Area	11,000
J.D. Murphree Wildlife Management Area	24,300
Lower Neches Wildlife Management Area	8,000
McFaddin and Texas Point National Wildlife Refuges	67,800
Neches National Wildlife Refuge	25,000*
Sabine National Forest	160,900
Tony Houseman Wildlife Management Area	3,300

*The current size of the Neches National Wildlife Refuge is 35 acres; ongoing land acquisitions will potentially expand the refuge to 25,000 acres.

At its regularly scheduled meeting in January 2015, the ETRWPG considered the above information and voted not to recommend any stream segments in the region for unique status. The ETRWPG concluded that sufficient programs are already in place to protect the regions streams from inappropriate reservoir construction. In addition, the ETRWPG prefers to allow the TWDB to study issues associated with unique stream segment designation before further considering potential designations in the ETRWPA.

8.2 Unique Reservoir Sites

Regional water planning guidelines allow regional water planning groups to recommend sites of unique value for construction where:

- (1) Site-specific reservoir development is recommended as a specific water management strategy; or
- (2) The location, hydrologic, geologic, topographic, water availability, water quality, environmental, cultural, and current development characteristics, or other pertinent factors make the site uniquely suited for reservoir development to provide water supply.

The ETRWPA has a long history of water supply planning and reservoir development. Numerous sites have been identified as being hydrologically and topographically ideal for reservoir development. Two sites in the ETRWPA are currently designated as unique reservoir sites: Lake Columbia and Fastrill Reservoir. Fastrill Reservoir was designated by the 79th Legislature through 2007 Texas Legislature Senate bill 3.

Lake Columbia received its unique designation by the State Legislature, Senate Bill 1362. Lake Columbia is currently being pursued for development. The ETRWPG fully supports the designation of these two reservoir sites as unique.

The ETRWPG considered other potential reservoir sites for possible designation as unique but did not recommend any additional sites. The considered sites are described in Sections 8.2.2 through 8.2.12 below. The ETRWPG agrees with past evaluations of these sites as being hydrologically and topographically unique for reservoir construction. The ETRWPG recognizes that reservoirs can have major impacts on the environment and that protection of the environment is already afforded through a process that is more thorough than the regional water planning effort. The ETRWPG is not recommending these additional sites (i.e., the proposed reservoirs other than Lake Columbia and Lake Fastrill) be designated as unique reservoir sites. The ETRWPG is recommending that these sites be recognized as potential long-term water management strategies for the time period more than fifty years in the future. The ETRWPG believes that the lengthy and thorough economic and environmental review process will determine if any of these reservoirs are constructed as opposed to any decision by the ETRWPG.

The ETRWPG has voted in previous rounds of planning to not recommend any proposed reservoir sites as unique. Proposed sites, including the two sites already designated as unique, are included in Table 8.4, following.

Table 8.4 Potential Reservoirs for Designation as Unique Reservoir Sites

Major Water Provider	Reservoir Site
Angelina Neches River Authority	Lake Columbia (Already Unique Site)
	Ponta
Lower Neches Valley Authority	Rockland Reservoir (Alternative WMS)
Sabine River Authority	Big Cow Creek
	Bon Weir
	Carthage Reservoir
	Kilgore Reservoir
	Rabbit Creek
	State Hwy. 322, Stage I
	State Hwy. 322, Stage II
	Stateline
Upper Neches River Municipal Water Authority	Socagee
	Fastrill Reservoir (Already Unique Site)

A brief description of each of the above reservoir sites follows. Appendix 8-A contains maps showing the proposed locations for each reservoir.

8.2.1 Lake Columbia

The reservoir is a project of Angelina and Neches River Authority (ANRA) located predominantly in Cherokee County but extends into the southern portion of Smith County. Figure 8-A.4 indicates the location for Lake Columbia. The reservoir would be formed by construction of a dam on Mud Creek approximately 2.5 miles downstream of the U. S. Highway 79 crossing. The dam is expected to impound water approximately 14 miles upstream with an estimated surface area of 10,133 acres. The reservoir is permitted for 85,507 ac-ft per year of water. It has a total storage volume at normal pool elevation, 315 feet above mean sea level (msl), of 195,500 acre-feet. State of Texas Senate Bill 1362 designated the site for Lake Columbia as a site of unique value for the construction of a dam and reservoir.



In January 2010, ANRA released a draft Environmental Impact Study for Lake Columbia. The Environmental Impact Study underwent public comment in 2010 and was submitted to the U.S. Army Corp of Engineers and other federal resource agencies for review and comment. ANRA is currently responding to comments of state and federal review agencies, including the TCEQ, TPWD, and Environmental Protection Agency.

8.2.2 Ponta Reservoir

The Ponta Reservoir would be located on Mud Creek in Cherokee County east of Jacksonville, Texas. The dam site is located approximately one mile upstream from the Southern Pacific Railroad crossing over Mud Creek. Figure 8-A.4 indicates the proposed location. The normal pool elevation would be about elevation

302 ft msl and would have an area of 11,000 acres. Storage capacity at normal pool elevation would be 200,000 acre-feet. Previous studies have indicated that the reservoir could provide a dependable yield of 105,000 ac-ft per year. However, with the construction of Lake Columbia the yield would be substantially less.

8.2.3 Rockland Reservoir

The Rockland Reservoir site is located on the Neches River at River Mile 160.4. The top of the flood pool would be at elevation 174 feet, msl with top of conservation pool of 165 feet, msl. It is estimated the reservoir site would affect 99,524 acres of wildlife habitat (Frye, 1990).

Rockland Reservoir was authorized for construction as a federal facility in 1945, along with Sam Rayburn, B. A. Steinhagen and Dam A lakes. A report in 1947 recommended construction of Sam Rayburn and B. A. Steinhagen with deferral of Rockland Reservoir and Dam A until such time the need develops. Rockland and Dam A were classified as inactive in 1954. A re-evaluation study performed in 1987 identified the potential for significant benefits in the areas of flood control, water supply, hydropower, and recreation.

8.2.4 Big Cow Reservoir

The Big Cow Reservoir is a proposed local water supply project on Big Cow Creek in Newton County. The Big Cow Creek dam site is located about one-half mile upstream from U.S. Hwy 190, west-northwest of the Town of Newton. It is in the Lower Sabine Basin. Figure 8-A.2 indicates the location of the proposed reservoir. The expected yield of the reservoir is 61,700 ac-ft per year with a storage capacity of 79,852 ac-ft and an area of 4,618 acres. The conservation level would be 212 feet msl.

The perennial streams that feed Big Cow Creek and abundant rainfall should provide sufficient inflow for considerable yield for a reservoir of this size.

8.2.5 Bon Weir Reservoir

The Bon Weir dam site is located on the state line reach of the Sabine River in Newton County, Texas and Beauregard Parish, Louisiana. The reservoir would extend from about 5 miles upstream of U.S. Hwy 190 to approximately Highway 63. Figure 8-A.2 indicates the location of the proposed reservoir. It was originally proposed for re-regulation of the hydropower discharges from Toledo Bend Reservoir and for the generation of hydropower. The reservoir, if constructed, would yield 440,000 ac-ft per year at a normal operating elevation of 90 feet above msl. The area and capacity would be 34,540 acres and 353,960 acre-feet, respectively.

It is estimated that the Bon Weir Reservoir would affect 35,000 acres of wildlife habitat (Frye, 1990). This includes several acid bogs/baygalls, which are unique and sensitive areas of the region. Several threatened and endangered species are known to occur in this area. No cultural resource survey has been conducted,

but the site is expected to affect numerous archeological and historical sites in both Texas and Louisiana. The Clean Rivers Program Water Quality data reported possible concerns for elevated total dissolved solids and low dissolved oxygen during the summer months. The site also requires congressional approval for construction of a dam, because it is on interstate navigable waters of the U.S.

8.2.6 Carthage Reservoir

The Carthage Reservoir is a proposed main stem project on the Sabine River in Panola, Harrison, Rusk and Gregg counties. It is located immediately upstream of the U.S. Highway 59 crossing and downstream of the City of Longview. Figure 8-A.3 indicates the proposed location. The yield of this reservoir, if constructed, would be approximately 537,000 ac-ft per year at a conservation pool elevation of 244 feet msl. The area and capacity would be 41,200 acres and 651,914 acre-feet, respectively.

Developmental concerns for Carthage Reservoir include bottomland hardwoods, aquatic life, lignite deposits, and cultural resources. The downstream half of the site encompasses a U.S Fish and Wildlife Service Priority 1 bottomland hardwood area. This portion of the Sabine River is designated a significant stream segment and is home to several protected aquatic species (Bauer, 1991). Other potential conflicts with this site include oil and gas wells. Permitting for this reservoir will require an act of Congress since the dam is located on navigable interstate waters of the U.S. There is one active lignite mine, South Hallisville Mine No. 1, near the reservoir boundary.

The water quality assessment of the Sabine River (Sabine River Authority of Texas, 1996) indicates this segment of the river has possible concerns for nutrients, but the water quality is improving. The advantage of this reservoir is its large yield. The estimated yield of 537,000 ac-ft per year would provide for all projected needs well beyond the year 2060.

8.2.7 Kilgore Reservoir

The Kilgore Reservoir is a proposed local water supply project located on the Upper Wilds Creek in Rusk, Gregg, and Smith counties. Figure 8-A.5 indicates the proposed location of the reservoir. It was originally proposed to supplement the City of Kilgore's water supply. The project would provide a yield of 5,500 ac-ft per year at the normal operating elevation of 398 feet msl. At that level, the area and capacity would be 817 acres and 16,270 acre-feet, respectively.

Construction of this reservoir has never been initiated, and the City of Kilgore is using diversions from the Sabine (purchased from Sabine River Authority of Texas and released from Lake Fork) and ground water for its water supply. However, this project still has the potential as a local water supply source in the Kilgore area should other proposed projects not be developed. Only preliminary studies have been performed for the Kilgore Reservoir and no environmental impacts have been assessed. Based on preliminary screening data, the site is not located within a priority bottomland hardwood area; there are no known water quality issues and no active mines within the reservoir site.

8.2.8 Rabbit Creek Reservoir

Several reservoir projects have been proposed on Rabbit Creek for local water supply. The latest proposal for the City of Overton and surrounding communities was completed in 1998 (Burton, 1998). The proposed reservoir project is located on Rabbit Creek in Smith and Rusk counties, and would have a firm yield of 3,500 ac-ft per year. Figure 8-A.5 indicates the proposed location of the reservoir. This is considerably less yield than the previous studies, which is due in part to the smaller storage capacity and conservative inflows that were assumed for the study. In the latest study, the area would be 520 acres and the capacity would be 8,000 acre-feet at a conservation level of 406 ft msl. However, this yield is considered satisfactory to meet the regional demands of the area. Environmental review of the site reports no significant concerns



that would preclude development. There are also no significant cultural resources in the area, no known water quality issues, and no active mining within the reservoir area.

The advantages of this reservoir site are the few developmental concerns. However, it was rejected as a water supply alternative in the 1998 study due to costs. A large percentage of the total costs were associated with a water treatment and distribution system. Due to the relatively low yield of Rabbit Reservoir, this project could only be considered for local water supply.

8.2.9 State Highway 322 Stage I

The Highway 322 Reservoir is a proposed local water supply project in Rusk County, upstream of Lake Cherokee. Figure 8-A.3 indicates the proposed location. The project, as originally proposed, was to be developed in two stages: 1) a dam and reservoir on Tiawichi Creek (Stage I), and 2) a separate dam and reservoir on Mill Creek (Stage II). The reservoirs were to be joined by a connecting channel that would allow one spillway to serve both dams.

The proposed Stage I dam is located on Tiawichi Creek, approximately one mile upstream of its confluence with the upper end of Lake Cherokee. The reservoir, at its normal operating elevation of 330 feet msl, would provide a net yield of 22,000 ac-ft per year. Its area and capacity would be 4,450 acres and 82,450 acre-feet, respectively. If Stage I is operated independently from Lake Cherokee, the firm yield of the reservoir would be reduced due to Lake Cherokee's superior water rights.

The primary developmental concern for the Stage I reservoir is active lignite mining. In 1995, the Oak Hill Mine expanded its current permit area to include approximately one third of the proposed Stage I reservoir area. There have been no environmental studies conducted for this site. Based on preliminary screening, the site is located outside priority bottomland hardwood areas, and there are no known water quality issues.

8.2.10 State Highway 322 Stage II

The State Highway 322 - Stage II reservoir is the second phase of the State Highway 322 water supply project in Rusk County. The Stage II dam would be located on Mill Creek, approximately one mile upstream of the existing Lake Cherokee. Figure 8-A.3 indicates the proposed location. Operated at the same level as Stage I (330 feet msl), this project would provide an increased yield to the Cherokee Lake system of 13,000 ac-ft per year with added storage capacity of 112,000 acre-feet. Stage II surface area would be 2,060 acres. The State Highway 322 project (Stages I and II) and Lake Cherokee could be operated as a system to provide a total yield of 53,000 ac-ft per year and maintain the recreational and aesthetic benefits currently provided by Lake Cherokee. If State Highway 322 project were operated independently from Lake Cherokee, the firm yield would be reduced due to Lake Cherokee's superior water rights.

The primary developmental concern for Stage II is the active lignite mining. Surface mining records indicate that the Oak Hill Mine permit encompasses much of the Stage II reservoir. Preliminary screening indicates no priority bottomland hardwoods in the reservoir area, and there are no known water quality issues. The advantages to this reservoir site is its location near the areas with projected water needs and the possibility that when mining is completed, the site will already be cleared and ready for reservoir development.

8.2.11 Stateline Reservoir

The Stateline Reservoir is a proposed main stem project on the Sabine River, approximately eight miles upstream of Logansport, Louisiana and about four miles upstream from the headwaters of Toledo Bend Reservoir. Figure 8-A.3 indicates the proposed location. The project site is located in the southeastern section of Panola County and would have an estimated yield of 280,000 ac-ft per year. At the conservation level of 187 feet msl, the area and capacity would be 24,100 acres and 268,330 acre-feet, respectively.

Developmental concerns for this site include bottomland hardwoods, oil and gas wells, water quality, and permitting issues. The northern half of the site lies in a USFWS designated Priority 1 hardwood area. The southern half is a high quality wetland area and currently being considered for a wetland mitigation bank by the Sabine River Authority of Texas. The mineral rights associated with the Carthage Oilfield significantly affect land acquisition for the reservoir. The Clean Rivers Program Water Quality data indicated possible concerns for elevated nutrient levels, metals, low dissolved oxygen, and fecal coliform. This segment of the stream is also a known habitat for several protected aquatic species. Permitting for this reservoir will require an act of Congress since the dam is located on navigable interstate waters of the U.S. (Rivers and Harbors Act, 1899). Construction of the dam and reservoir may also require consent of Louisiana for the part that will affect the state of Louisiana (Sabine River Compact). As currently proposed, the dam site is located immediately upstream of the Stateline reach and there is minimal impact to Louisiana lands. However, due to the close proximity of Toledo Bend Reservoir, it is unlikely that Stateline Reservoir would be more economical than Toledo Bend in meeting the needs of the Upper Basin.

8.2.12 Socagee Reservoir

The Socagee Reservoir site is located in the eastern portion of Panola County on Socagee Creek, approximately six miles upstream of its mouth. Figure 8-A.3 indicates the proposed location. The reservoir, at normal pool elevation, would have a yield of 39,131 ac-ft per year. The reservoir area would be approximately 9,100 acres and the capacity would be about 160,000 acres.

Approximately 40 percent of the site overlies existing lignite deposits. As of 1986, there was no known exploitation of the lignite deposits, and there currently are no active mines within the area. One cultural resource site is reported in the reservoir boundary. There are no known water quality issues or priority bottomland hardwoods that affect this reservoir site. Socagee Reservoir could be used to meet the local needs of Panola County; however, Lake Murvaul, which has been designated for Panola County use only, has adequate yield to meet the future needs of Panola County.

8.2.13 Fastrill Reservoir

Fastrill Reservoir has long been a project of the City of Dallas and Upper Neches River Municipal Water Authority and the site was designated as unique by the Texas Legislature in 2007. Subsequently, actions at the federal level to designate a wildlife refuge within the footprint of the proposed lake have called into question the lake's ultimate viability. However, because of the site's designation by the Texas Legislature, the ETRWPG has decided not to eliminate it from the list of proposed reservoirs in the ETRWPA at this time. The reservoir would be located on the Neches River in Anderson and Cherokee Counties downstream of Lake Palestine and upstream of the Weches Dam site. The dam would be located at River Mile 288. Figure 8-A.4 indicates the proposed location. Normal pool elevation would be at an elevation of 274 ft msl and would have an area of 24,950 acres based on digital topographic information. Recent analyses using the Neches River Basin Water Availability Model (WAM) indicate that the firm yield of Fastrill Reservoir may range from approximately 140,000 ac-ft per year (stand-alone operations) to about 155,000 ac-ft per year (system operations with Lake Palestine) subject to senior water rights and Consensus Criteria for Environmental Flow Needs.

8.3 Legislative and Regulatory Recommendations

Rules in 31 Texas Administrative Code 357.43(d – f) state that regional water planning groups are to consider and make recommendations to the legislature regarding regulatory, administrative, or legislative issues that the group believes are needed and desirable to achieve the stated goals of state and regional water planning, including to:

- (1) Facilitate the orderly development, management, and conservation of water resources;



- (2) Prepare for and respond to drought conditions; or
- (3) Facilitate more voluntary water transfers in the region.

For this update of the regional water plan, the ETRWPG discussed legislative and regulatory recommendations at three meetings, beginning with the January 28, 2015, meeting of the group. The Executive Committee of the ETRWPG also reviewed previous recommendations made pursuant to the planning process and evaluated new potential recommendations. Proposed recommendations were brought to the ETRWPG at the March 11, 2015, meeting for consideration. Following is a list of recommendations adopted by the ETRWPG on April 8, 2015.

8.3.1 Flexibility in Determining Water Plan Consistency

The ETRWPG is concerned that small cities and unincorporated areas that fall under the group of “county-other” may not have specific water needs and water management strategies identified in the regional water plan due to the nature of aggregating these entities. As such, there is concern that these entities may not be eligible for state funding assistance. The ETRWPG is also concerned that there is sufficient flexibility in identifying and implementing water management strategies as it pertains to permitting and funding such projects. Water suppliers need to have a full range of options as they seek to provide new water supplies for Texas’ future. It is impossible to foresee all the possibilities for new water supplies in a planning process such as this, and changing circumstances can change the timing, amounts, and preferred options for new supplies very quickly. The inclusion of alternate strategies in regional water planning is the first step in providing this flexibility. In addition, the ETRWPG recommends that the following steps be taken to address these concerns.

- The TWDB should add language to their guidance for funding that allows entities that fall under the planning limits to retain eligibility for state funding of water related projects without having specific needs identified in the regional water plans.
- The TWDB and the TCEQ should interpret existing legislation to give the maximum possible flexibility to water suppliers as they seek to serve the public and provide new supplies. Changes in the timing of supply development, the order in which strategies are implemented, the amount of supply from a management strategy, or the details of a project should not be interpreted as making that project inconsistent with the regional plan.
- Willing buyer/willing seller transactions of water rights and treated water should not be controlled by this regulation. Such transactions may be beneficial to all concerned and may simply not have been foreseen in the planning process.
- The TWDB and TCEQ should make use of their ability to waive consistency requirements if local water suppliers elect strategies that differ from those in the regional plan.

8.3.2 Continued Funding by the State of the Regional Water Planning Process on a Five-Year Cycle

The ETRWPG believes the grassroots planning effort created by Senate Bill 1 is important to the state of Texas and should be continued. In addition, the ETRWPG believes that the most fair and efficient method of financing continuation of this effort for future planning cycles is to continue funding of this effort by the state with administrative expenses for the region being provided from sources within the region. There are important tasks that need to continue. Improvement of data for the next planning cycle is very important. State funding of those efforts needs to be made available.

8.3.3 Unique Reservoir Designation

The 79th Texas Legislature designated 19 sites as having unique value for the construction of a reservoir. Two of these sites, Lake Columbia and Lake Fastrill are located in the ETRWPA. As part of this designation, efforts to develop the site as a water supply reservoir must be taken by September 2015 or the designation becomes null. Loss of this designation for Lake Columbia or Lake Fastrill could unnecessarily limit the ability of sponsors of these proposed reservoirs to develop these sites. The ETRWPG recommends that the designation of unique reservoir site for Lake Columbia and Lake Fastrill be retained beyond September 2015 and extended to the current planning horizon, 2070.

8.3.4 Water Reuse

The ETRWPG recommends that current regulations as they pertain to the reuse of treated wastewater (i.e., water reuse) should be reviewed and amended, as necessary, to encourage the development of these resources.

8.3.5 Funding

In order to take advantage of the variety of funding options available through the TWDB, increased flexibility by the agency is needed. For example, TWDB guidance currently excludes the replacement of aging infrastructure from eligibility for funding through the existing Water Infrastructure Fund & State Water Implementation Fund for Texas. The ETRWPG recommends that the TWDB expand existing programs to assist entities with funding replacement and repairs to aging infrastructure and/or allow replacement of water supply infrastructure to be funded through the Water Implementation Fund program. This would include existing well fields, transmission lines, and storage facilities.

In addition, the TWDB does not provide for sufficient flexibility in categorical exclusions for Environmental Information Documents that are required for funding of water projects. Increasing flexibility regarding these exclusions could ease the crisis in funding available for water projects.

The TWDB offers the Economically Distressed Areas Program (EDAP) to certain areas in need of water projects. The EDAP provides grants, loans, or combination grant/loans when requirements are met:

- for water and wastewater services;
- in economically distressed areas; and
- present facilities are inadequate to meet residents' minimal needs.

However, requirements to meet the EDAP are very difficult for local governments and areas to administer, causing otherwise eligible local governmental entities to elect to not pursue the EDAP funding. EDAP requirements should be revised to reduce unnecessary and difficult requirements for eligibility, including requirements for model subdivision planning.

8.3.6 Uncommitted Surface Water

The Texas Water Code currently allows the TCEQ to cancel any water right, in whole or in part, for ten consecutive years of non-use. This rule inhibits long-term water supply planning. Water supplies are often developed for ultimate capacity to meet needs far into the future. Some entities enter into contracts for supply that will be needed long after the first ten years. Many times, only part of the supply is used in the first ten years of operation.



The regional water plans identify water supply projects to meet water needs over a 50-year use period. In some cases, there are water supplies that are not currently fully utilized or new management strategies that are projected to be used beyond the 50-year planning period. To support adequate supply for future needs and encourage reliable water supply planning, the ETRWPG:

- Opposes unilateral cancellation of uncommitted water contracts/rights;
- Supports long term contracts that are required for future projects and drought periods; and
- Supports “interruptible” water supply contracts as a way to meet seasonal and short-term needs before long-term water rights are fully utilized.

8.3.7 Standardized Processes for Regional Water Plan Development

The process of permitting a federal water project, such as a reservoir, is a long, detailed, and resource intensive projects that must follow federal guidelines of the National Environmental Policy Act (NEPA) process. The ETRWPG recommends that the TWDB develop guidelines for regional water planning evaluations of federally permitted water projects that will produce documentation that can be integrated and used in the NEPA process. In addition, the TWDB is encouraged to continue to develop relationships with federal authorities to allow the use of the state and regional water planning population projections in the NEPA process.

8.3.8 Funding for Additional Groundwater Modeling

The ETRWPG recommends that funding for groundwater modeling for development of desired future conditions (DFCs) and modeled available groundwater (MAGs) be provided to the TWDB. This would improve the development of DFCs and MAGs by enabling a consistent, standardized approach across Groundwater Conservation District (GCD) boundaries to groundwater modeling.

8.3.9 Clarification of Unique Stream Segment Criteria

Consideration of the designation of stream segments of unique ecological value (unique stream segments) is a component of regional water planning throughout the State. For some, however, there is a significant concern about the use of unique stream segments because of a lack of clarity about how the designation might be used in the future. In particular, there are concerns about the possibility of restriction of property rights for landowners adjacent to designated unique stream segments. House Bill 1016 of the 84th Texas Legislature proposes language specific to the Region L Water Planning Area, providing clarification by stating that the designation of a river or stream segment as being of unique ecological value:

1. means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment;
2. does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir, a water diversion, flood control, drainage, or water supply system, a low water crossing, or a recreational facility in the designated segment;
3. does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, the 2011 or 2021 Regional Water Plan, and
4. does not alter any existing property right of an affected landowner.

The ETRWPA supports the proposed clarifications found in House Bill 1016 and recommends that these clarifications be incorporated into the regional water planning process on a statewide basis.

8.3.10 Recommendations Regarding Water Management Strategy Prioritization

The ETRWPG has previously commented on the prioritization process that was required in 2013 by the 83rd Texas Legislature through House Bill 4.1. The Region's comments and concerns about the prioritization process are included as Appendix 8-B of the 2021 Plan. Specific recommendations of the ETRWPG associated with the referenced technical memorandum include the following:

- **Project Description:** Care should be taken in development of the DB17 to provide more clarity, resolve problems, and minimize risk of inappropriate scoring. In addition, a commentary section should be added to the scoring template to enable additional detail to be added by the RWPG as necessary.
- **Scoring to Minimize Ties:** Water planning regions should be allowed to add their own unique scoring criteria to be used specifically for the purpose of breaking scoring ties.
- **Uniform Standard 2A:** Uniform Standard 2A should be modified to provide for a maximum score for new surface water sources if modeling suggests a sufficient quantity of water would be available.
- **Uniform Standard 3C:** This standard should be modified to eliminate the advantage in scoring given to project sponsors with only one recommended WMS.
- **Uniform Stand 3D:** A more detailed scoring breakdown is needed to distinguish between two WUGs served and numbers of WUGs greater than two.
- **Projects Shared across Regions:** Clarification is needed on how projects serving more than one region will be integrated into one list.
- **Evaluation across Water Type and Water Use Categories:** The prioritization process should be modified to minimize the comparison of raw water and treated water strategies or water use categories.
- **Rolled up Projects:** The TWDB should clarify the definition of what constitutes a rolled-up project.

In addition, the ETRWPG recommends that, for purposes of prioritization of water management strategies identified in a regional water plan, the definition of a "project" be clarified to exclude strategies that do not have a capital cost associated with them. This will significantly reduce the effort required to prioritize identified projects by eliminating the requirement to prioritize strategies that will not need to seek funding anyway.

1 The ETRWPG provided the results of the prioritization of water management strategies identified in the 2011 Plan in a letter dated August 29, 2014, to the TWDB. The letter included a number of exhibits including a technical memorandum dated August 29, 2014, entitled Regional Water Planning Group Comments and Concerns.



8.3.11 Allow Groundwater Supplies to Exceed the Modeled Available Groundwater

TWDB policy regarding the use of MAGs in regional water planning currently states that the MAG values are a cap for water supply and strategy development. However, the MAG is not necessarily considered a cap for permitting purposes by GCDs according to Chapter 36 of the Water Code. In addition, MAGs are unenforceable in areas with no groundwater regulation (i.e., with no GCDs). Chapter 36 describes the process of managing to DFCs. The MAG is an estimate of the groundwater availability based on the DFC but Chapter 36 provides flexibility for GCDs to permit above or below the MAG based on local knowledge, usage patterns, and other factors. The ETRWPG recommends that the TWDB allow groundwater supplies to exceed the MAG in the regional water plan if the Regional Water Planning Group obtains written agreement from the relevant GCD. This approach assumes that the strategy is consistent with the management plan of the GCD, but allows for minor shortages to be covered without excessive administrative actions, such as alternate strategies that would ultimately require a plan amendment. It also allows a GCD to apply local knowledge to account for variations in permitting approaches and usage patterns, while honoring the DFCs associated with the aquifer. This approach could also be used in areas with no GCDs if the Regional Water Planning Group demonstrates compliance with the DFCs.



Agenda Item No. 11

Consideration and Approval for the City of Nacogdoches to amend and execute the Regional Water Planning Contract with TWDB for additional funding – Cynthia Syvarth

Recommendation:

Approve as presented or as may be amended.

**Region I DRAFT
Amendment No. 3**

Contract Identification	TWDB Contract Value	Distribution of Funding		
		City of Nacogdoches (Committed)	Consulting Team (Committed)	Uncommitted Funding
Original Contract	\$ 117,891.00	\$ 12,500.00	\$ 105,391.00	\$ -
Amendment No. 1	\$ 1,009,734.00	\$ 12,500.00	\$ 391,394.00	\$ 605,840.00
Amendment No. 2	\$ -	\$ -	\$ 403,894.00	\$ 201,946.00
PROPOSED Amendment No. 3	\$ -	\$ -	\$ 201,946.00	\$ -
Total Contract Value	\$ 1,127,625.00	\$ 25,000.00	\$ 1,102,625.00	\$ -



Agenda Item No. 12

Consideration and Approval of the FY 2020 Annual Budget – Mark Dunn

Recommendation:

Approve as presented or as may be amended.



Agenda Item No. 13

Consider and Possible Approval of a change in By-Laws to allow for the designation of Alternate Voting Members – David Alders

Recommendation:

Approve as presented or as may be amended.



Regional Water Planning Groups, Alternates, and the Open Meetings Act

1 message

Lann Bookout <Lann.Bookout@twdb.texas.gov>

Thu, Jun 20, 2019 at 10:13 AM

To: "kholcomb@anra.org" <kholcomb@anra.org>, Stacy Corley <corleys@ci.nacogdoches.tx.us>, "alders.david@gmail.com" <alders.david@gmail.com>

Cc: "rex hunt (rhunt@apaienv.com)" <rhunt@apaienv.com>

Kelly; We asked the TWDB General Counsel the RWPG's question poised by David Alders here is his response to staff.

You have asked me if a member of a Regional Water Planning Group (RWPG) may delegate their authority to deliberate and vote to an alternate or proxy.

The issue has been raised because of a statement in the Attorney General's 2018 Open Meetings Handbook, "A board member may not delegate his or her authority to deliberate or vote to another person, absent express statutory authority to do so." As authority to the statement the handbook cites Texas Attorney General Opinion JM-903 (1988). The opinion concluded that the comptroller's chief clerk could perform the comptroller's duties when the comptroller was absent from meetings of the Texas Racing Commission, because of a statute that provided the Comptroller's chief clerk can perform the duties of the comptroller when the comptroller is absent or incapable of discharging those duties. The opinion went on to say that other members of the Racing Commission could not delegate their duties as members of the commission, because of their lack of statutory authority.

The Attorney General's Opinion is distinguishable from the situation raised by your question in several regards. RWPG members derive their authority from Water Code §16.053(c). Unlike the Racing Commission, that statute does not create the positions that will serve on the government body. Instead the statute gave the Texas Water Development Board (TWDB) the authority to name an initial coordinating body, which then had the power to name additional representatives as necessary to ensure adequate representation from interests in the area. So, the regional water planning positions are not set by the statute, rather the statute sets up a process for the TWDB and the initial coordinating body to do that job.

The statute goes on to provide that the regional water planning group has the express duty to, "maintain adequate representation from those interests."

In a further distinction from the statutes at issue in the Attorney General's Opinion, Water Code §16.053(f) requires the TWDB to adopt rules, "to govern procedures to be followed in carrying out responsibilities of this section." Pursuant to this express statutory authority, the TWDB has adopted rules that require the RWPGs to adopt bylaws that: define a quorum to conduct business; methods to name additional members; terms; and conditions of membership. 31 TAC §357.119(c). The TWDB's Model By-Laws provides that RWPG members may designate alternative representatives to serve and vote when the member is unable to attend. Model By-Laws, Article VII.

In brief, the Attorney General's Opinion dealt with state officers whose positions, manner of appointment, terms of service, and manner of removal were all set by statute. For RWPG members, while their office was created by legislation, the Legislature expressly delegated to the TWDB and to the RWPGs the authority to set procedures to carry out their responsibilities under the statute. Therefore pursuant to this legislation and TWDB rules, RWPGs can adopt in their by-laws the ability of a member to have another person deliberate and vote on their behalf while there are absent. If the Legislature had defined RWPG members and responsibilities as is typical for a state officer, I would reach a different result.

Therefore, RWPG members may designate another to deliberate and vote for them as long as that delegation is allowed in the RWPG's by-laws and the process in the by-laws is followed.

Please let me know if you have additional questions.

Todd Chenoweth

Texas Water Development Board

General Counsel

[illegible]

Hope that answers the question sufficiently.

Lann Bookout

Project Manager, Regional Water Planning

Texas Water Development Board

Lann.Bookout@twdb.texas.gov<<mailto:Lann.Bookout@twdb.texas.gov>>

512-936-9439



Agenda Item No. 14

Consider and possible Approval of nominations to serve on the Interregional Planning Council

Recommendation:

Approve as presented or as may be amended.

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

July 8, 2019

Dear Regional Water Planning Group Chairs:

House Bill (HB) 807, as passed by the 86th Texas Legislature, directs the Texas Water Development Board (TWDB) to appoint an Interregional Planning Council (Council). In accordance with HB 807, the purposes of the Council are to

- improve coordination among the Regional Water Planning Groups (RWPG), and between the RWPGs and the TWDB in meeting goals of the state water planning process;
- facilitate dialogue regarding regional water management strategies; and
- share operational best practices of the regional water planning process.

Additionally, HB 807 requires the Council to

- hold at least one public meeting; and
- prepare a report to the TWDB Board on the Council's work.

To support the Council's directive to facilitate dialogue regarding regional water management strategies, TWDB is initiating the Council establishment process so that information from the initially prepared plans may be discussed in early spring 2020. Although RWPGs may nominate more than one member to serve on the Council, the Council as appointed by the TWDB Board will consist of one member from each RWPG. Council membership will be appointed each five-year cycle prior to the adoption of a new state water plan and appointments will expire once a new state water plan is adopted. The Board will take into consideration nominations from each RWPG in appointing the Council, and Council appointments are anticipated to occur by the end of 2019.

To meet the goal of appointing the Council by the end of this year, we request that each RWPG take appropriate action at their next RWPG meeting to nominate one or more members. Please provide the nomination information, including the interest category the individual represents, committee membership (if applicable), a brief background statement including time served on the RWPG, contact information (email, phone number, and mailing address), and any other supporting information deemed relevant by the RWPG to Sarah Backhouse at Sarah.Backhouse@twdb.texas.gov.

The TWDB offers to facilitate the required public meeting and assist in development of the report, as requested by the Council. The TWDB also offers to assist with any supporting information the Council may deem necessary. Information for coordination of meeting time

Our Mission

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas

Board Members

Peter M. Lake, Chairman | Kathleen Jackson, Board Member | Brooke T. Paup, Board Member
Jeff Walker, Executive Administrator

July 8, 2019

Page 2

and logistics as well as support services or materials will be distributed in Council member appointment notification letters later this year. If your RWPG has any opinions on meeting timelines or goals that they would like to share with TWDB, you may include such information in your nomination packet.

Thank you for your participation in the regional water planning process and consideration of this request. Please contact Sarah Backhouse at Sarah.Backhouse@twdb.texas.gov or at (512) 936-2387 with any questions you might have.

Sincerely,



Jeff Walker
Executive Administrator

cc: Designated Political Subdivisions for RWPGs