

# Chapter 10

## Public Participation and Adoption of Plan

---

Regional water planning in Texas is a public process, requiring strategy for ensuring that each region's citizens are able to participate in the process. Title 31 of the Texas Administrative Code defines the Notice and Public Participation requirements of the process in §357.21. Holding a public meeting or hearing with an opportunity for public comment is required:

- Prior to preparation of the next regional water plan;
- During declaration to pursue simplified planning (if applicable);
- When proposing major amendments to the previous regional water plan (if applicable); and
- Following adoption of an initially prepared plan (IPP).

In addition, opportunities for public participation and input have specific requirements regarding public notice and open meetings in the State of Texas. The rules call for the following:

- Public meetings and hearings noticed and held in accordance with the Texas Open Meetings Act and the Texas Public Information Act, including the following items:
  - Every regular meeting was open to the public and complied with all the requirements of the Act.
  - Meeting information was posted on the planning group's website at least 72 hours prior to the meeting.
  - Any emergency meetings to address imminent threats to public health and safety or urgent public necessity was called at least one hour in advance with a notice that identifies the nature of the emergency.
  - Meetings were convened with the presence of a quorum in the meeting room.
  - Only present members of a governmental body in the meeting were able submitted their written vote.
  - Meeting location was accessible to the public.
  - Members of the public were able to address comments on any subject to the governmental body during "public comment" or "public forum" sessions.
  - The public was not able to choose the items to be placed on the agenda for discussion at the meeting.
  - Members of the public had permission to record open meetings with a recorder or a video camera.
  - The minutes and recordings of the meeting were published for public inspection and copied on request to the governmental body's chief administrative officer or the officer's



designee. The minutes stated the subject and indicated each vote, decision, or other action taken.

- Agendas, meeting notices, materials presented or discussed at meetings, IPP, and final regional water plan published on the internet.
- Copies of the IPP made available for public viewing.

This chapter addresses the East Texas Regional Water Planning Group’s (ETRWPG) strategy for public involvement and participation in the development and adoption of the 2021 East Texas Regional Water Plan (2021 Plan). The strategy included regular meetings of the ETRWPG, consultation with representatives of the major water user groups (WUG), distribution of press releases when required, and maintenance of a website for the East Texas Regional Water Planning Area (ETRWPA). Copies of public notices and corresponding press releases are included in Appendix 10-A. A description of the ETRWPG and the process follows.

## 10.1 East Texas Regional Water Planning Group Members

Original legislation for the 1997 Texas Legislature Senate Bill 1 and the Texas Water Development Board (TWDB) planning guidelines establish regional water planning groups (RWPG) to manage the planning process in their respective regions. The RWPGs include representatives of twelve specific community interests. Table 10.1 lists members of the ETRWPG and the interests they represent.

**Table 10.1 Voting Members of the East Texas Regional Water Planning Group**

Member	Interest
David Alders	Agricultural
Josh David	Agricultural
Judge Chris Davis	Counties
Fred Jackson	Counties
Randy Stanton	Electric Power
Dr. Matthew McBroom	Environmental
John McFarland	Groundwater Management Areas
John Martin	Groundwater Management Areas
Darla Smith	Industries
David Gorsich	Industries
David Brock	Municipalities
Gregory M. Morgan	Municipalities
Stevan Gelwicks	Public
Terry Stelly	Public
David Montagne	River Authorities
Monty Shank	River Authorities
Kelley Holcomb	River Authorities
Scott Hall	River Authorities
Mark Dunn	Small Business
Worth Whitehead*	Water Districts
Roger Fussell	Water Utilities

\*Retired from the RWPG prior to final approval



The ETRWPG appointed a Technical Committee comprised of individuals within the planning group. The charge to the Technical Committee was to work with the ETRWPG consulting team to develop recommended population and water demand projections, review work produced by the consulting team, and provide technical advice to the planning group. Members of the Technical Committee include:

- Scott Hall
- John Martin
- Dr. Matthew McBroom

The ETRWPG also worked closely with water planning staff at the TWDB during the planning process. TWDB water planning staff provided valuable technical and regulatory guidance to the ETRWPG regarding the 2021 Plan.

## **10.2 Preplanning for the 2021 Plan**

Rules in Title 31 of the Texas Administrative Code §357.12 define tasks that must be performed prior to development of the regional water plan. These rules include the following requirements:

- A public meeting to discuss recommendations and suggestions of issues that should be addressed in the regional or state water plan.
- Prepare a scope of work including a detailed description of tasks to be performed.
- Approve any amendments to scope of work in an open meeting.
- Designate a political subdivision as a representative of the RWPG.
- Determine a process for identifying potentially feasible water management strategies (WMS).

The ETRWPG held a public meeting, in conjunction with the regular RWPG meeting, on May 18, 2016, to discuss issues and provisions important to the ETRWPA that should be included in the 2021 Plan. As a result of this public meeting, a scope of work was prepared by the consulting team. The scope detailed tasks and activities to be performed during the planning cycle, including expense budgets, schedule, and description of reports to be developed as part of the planning process. The City of Nacogdoches was designated as the political subdivision representative of the ETRWPG, responsible for applying for financial assistance for the scope of work and regional water plan development.

On December 11, 2017, the ETRWPG held a regular public meeting to determine a process for identifying potentially feasible WMSs. The consultant team presented a proposed methodology for identifying strategies. Recommendations from the ETRWPG were incorporated into the methodology; no public comments were received. The ETRWPG approved the draft process to identify and select WMSs at a subsequent public RWPG meeting on December 11, 2017.

## **10.3 Opportunities for Public Input**

The ETRWPG utilized various types of media and outreach to keep the public informed and to receive input throughout the development of the 2021 Plan, including the following:

- Water user group involvement



- Press releases
- ETRWPA website – [www.etexwaterplan.org](http://www.etexwaterplan.org)
- Public meetings
- Public hearings

These means of media and outreach are described below.

### **10.3.1 Contact with Water User Groups**

The ETRWPG made special efforts to contact WUGs in the region and obtain their input in the planning process.

### **10.3.2 East Texas Regional Water Planning Website**

The ETRWPA website, [www.etexwaterplan.org](http://www.etexwaterplan.org) was regularly updated to inform the public of scheduled meetings and to provide meeting notices, agenda, minutes, presentations, memoranda, press releases, documents submitted to the TWDB on behalf of the ETRWPG, and copies of correspondence sent to WUGs.

### **10.3.3 Regular Meetings of the East Texas Regional Water Planning Group**

In execution of its duties as the water planning organization for the region, the ETRWPG held regular meetings during the development of the 2021 East Texas Regional Water Plan (2021 Plan), received information from the region’s consultants, accepted public comment on issues relevant to water planning, reviewed proposed planning elements, and made decisions on planning efforts. ETRWPG meetings were open to the public, with notice made in accordance with the ETRWPG By-Laws, the Texas Open Meetings Act, and the Texas Public Information Act. Regular meetings were held on the following dates:

- May 18, 2016
- November 9, 2016
- August 16, 2017
- December 11, 2017
- February 21, 2018
- May 16, 2018
- August 15, 2018
- April 17, 2019
- July 17, 2019
- October 15, 2019
- November 20, 2019



- January 15, 2020
- February 19, 2020
- July 15, 2020
- September 16, 2020
- January 15, 2020
- February 19, 2020
- August 5, 2020
- September 16, 2020

### **10.3.4 Public Hearings for the Initially Prepared Plan**

The 2021 Initially Prepared Plan was published for public review and a public hearing to receive comments was held virtually on May 14, 2020 using computer teleconferencing software. Appropriate public notice was provided for the hearing (see Appendix 10-A). The presentation and minutes from the public hearing are included in Appendix 10-B. The submittal letter to the TWDB for the 2021 Initially Prepared Plan is included in Appendix 10-C.

### **10.4 Public Comment**

As a public planning process, the ETRWPG must accept comments by the public and state agencies regarding the plan. The public are invited to provide comments at each regularly scheduled meeting of the ETRWPG. Likewise, comment in the form of letters, emails, or by telephone may be received.

Comments received through the end of the public comment period will be reviewed and evaluated by the ETRWPG and consulting team. The ETRWPG will modify the IPP as necessary, in response to comments. Copies of written comments are provided in Appendix 10-D. A summary of the official IPP comments received by the ETRWPG and the action taken to address the comments are included in Appendix 10-E.

### **10.5 Final Adoption of the 2021 Plan**

The ETRWPG reconvened following the public comment period to review comments and proposed modifications to the IPP. The final 2021 Plan was adopted by the ETRWPG on September 16<sup>th</sup>, 2020 and published to the internet for public viewing shortly thereafter. The final 2021 Plan was submitted electronically to the TWDB by the extended deadline of November 5<sup>th</sup>, 2020.



*This page intentionally left blank*

