

# BRAZOS G

WATER PLANNING GROUP

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## COUNTIES

Bell  
Bosque  
Brazos  
Burleson  
Callahan  
Comanche  
Coryell  
Eastland  
Erath  
Falls  
Fisher  
Grimes  
Hamilton  
Haskell  
Hill  
Hood  
Johnson  
Jones  
Kent  
Knox  
Lampasas  
Lee  
Limestone  
McLennan  
Milam  
Nolan  
Palo Pinto  
Robertson  
Shackelford  
Somervell  
Stephens  
Stonewall  
Taylor  
Throckmorton  
Washington  
Williamson  
Young

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Carolyn Brittin  
Deputy Executive Administrator  
Water Resources Planning & Information  
Texas Water Development Board  
1700 North Congress Avenue  
P.O. Box 13231  
Austin, Texas 78711-3231

**RE:** Senate Bill 660, Texas 82 (R) Legislative Session

Dear Ms. Brittin:

The purpose of this letter is to outline the Brazos G Regional Water Planning Group's (Brazos G) position with respect to the requirements related to regional water planning found in Senate Bill 660 (SB 660) adopted during the 82 Regular Session of the Texas Legislature. It is our understanding that this legislation will become effective September 1, 2011. We have carefully reviewed this legislation and have identified portions of SB 660 that will impact the regional water planning process.

Brazos G requests that the Texas Water Development Board (TWDB) clarify what actions regional water planning groups will need to take to meet the following requirements found in Section 8 and Section 9 of SB 660 with respect to the development of regional water plans. Section 8 includes additional requirements for completion of the state water plan by amending Section 16.051 of the Texas Water Code to include the following:

- Evaluation of the state's progress in meeting future water needs, including an evaluation of the extent to which water management strategies and projects implemented after the adoption of the preceding state water plan have affected that progress;
- Analysis of the number of projects included in the preceding state water plan that received financial assistance from the board.; and
- The process through which the TWDB board will obtain implementation data from the regional water planning groups.

Section 9 also includes two other provisions that will impact the regional water planning process. Section 9 (2-a) includes a requirement that regional water planning groups submit regional water plans that are consistent with the desired future conditions adopted under Section 36.108 for the relevant aquifers located in the regional water planning area. Section 9 (3) (A) references that Modeled Available Groundwater, a term that replaces Managed Available Groundwater, will be used in the development of regional water plans.

One of the more significant requirements of SB 660 can be found in Section 9 (c) which amends Section 16.053 (c) of the Texas Water Code by adding the following language:

*"...In addition, the groundwater conservation districts located in each management area, as defined by Section 36.001, located in the regional water planning area shall appoint one representative of a groundwater conservation district located in the management area and in the regional water planning area to serve on the regional water planning group."*

Brazos G finds this language to be somewhat ambiguous, but believes it has already met the intent of the legislation. In 2004, Brazos G recognized the importance of groundwater sources and management, and its effect on the regional water planning process. This resulted in the creation of a Groundwater Conservation District voting member position to represent groundwater management interests in the Brazos G Area. The voting member representing Groundwater Conservation Districts has been actively involved in the planning efforts of Brazos G since that time.

The interpretation provided by the TWDB in its July 22, 2011 letter to regional water planning groups will significantly affect Brazos G's voting member composition. This view appears to be inconsistent with the bottom-up, stakeholder driven planning process envisioned for regional water planning.

Brazos G voting members are carefully selected through a public process based on their ability to represent one of the interest categories defined in Texas Administrative Code (TAC) Chapter 357.4 (a). In addition to this, Brazos G considers geographic, gender, and ethnic diversity in the selection process. To our knowledge, there are no requirements that individual entities have a voting member slot designated specifically for them. Under the TWDB's interpretation of the requirements of SB 660, however, Groundwater Management Areas will have multiple voting member positions set-aside specifically for their benefit, with selection of these voting-members made outside of the Brazos G voting member selection process. As originally conceived, planning group members represent specific constituencies encompassing well-defined groups, e.g., water districts, river authorities, groundwater conservation districts, etc.; they do not represent specific, individual entities. However, these changes to the makeup of the planning groups will provide certain groundwater management entities with specific, individual representation on the planning groups. This is far different than originally conceived by Senate Bill 1 in 1997.

If more representation is needed, regional water planning groups already have the flexibility to add voting members under TAC 357.4(e). It is also important to point out that the addition of these new voting member positions may have several unintended consequences:

- Slant representation to groundwater interests.
- Dilute the consensus building process among competing interests.
- Reduce already limited funds available to perform technical regional water planning work since more funds will likely be needed to cover travel & administrative costs of additional members.
- Increase in-kind costs to Brazos G's Administrative Agent.
- Generate interest among other Brazos G voting members to increase representation for their category.

The Brazos G Regional Water Planning Group spent considerable effort to craft by-laws defining term limits for its members that ensure smooth transitions as planning members rotate off of staggered terms. Only a few members rotate off the planning group at any one time. There are other by-laws that the planning group members also have to adhere to regarding attendance, substitute representation, and other issues. Will the representatives from the GMA groups be required to adhere to the planning group's existing by-laws?

Brazos G appreciates the TWDB's leadership on state and regional water planning and looks forward to addressing the provisions outlined in SB 660. Please contact us if we need to discuss any of these matters further.

Sincerely,



SCOTT DIERMANN