REGION H
Water Planning Group

LEGISLATIVE COMMITTEE MEETING MATERIALS

October 2, 2024

Common Region H Terms and Conversion Factors

List of Abbreviations

CRU	Collective Reporting Unit
DCP	Drought Contingency Plan
DFC	Desired Future Condition
DOR	Drought of Record
EA	Executive Administrator
EPA	Environmental Protection Agency
FWSD	Fresh Water Supply District
GAM	Groundwater Availability Model
GCD	Groundwater Conservation District
GMA	Groundwater Management Area
GPCD	Gallons Per Capita Per Day
GRP	Groundwater Reduction Plan
IFR	Infrastructure Finance Report
IPP	Initially Prepared Plan
MAG	Modeled Available Groundwater
MPC	Master Planned Community
MUD	Municipal Utility District
MWP	Major Water Provider
PDSI	Palmer Drought Severity Index
PWS	Public Water Supply
RFPG	Regional Flood Planning Group
RHWPG	Region H Water Planning Group
ROR	Run-of-River
RWP	Regional Water Plan
RWPA	Regional Water Planning Area
RWPG	Regional Water Planning Group
SWIFT	State Water Implementation Fund for Texas
SWP	State Water Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPWD	Texas Parks and Wildlife Department
TWC	Texas Water Code
TWDB	Texas Water Development Board
UCM	Unified Costing Model
URS	Unique Reservoir Site
USS	Unique Stream Segment
WAM	Water Availability Model
WCID	Water Control and Improvement District
WCP	Water Conservation Plan
WMS	Water Management Strategy
WRAP	Water Rights Analysis Package
WUD	Water Utility Database
WUG	Water User Group
WWP	Wholesale Water Provider

Water Measurements

1 acre-foot (AF) = 43,560 cubic feet = 325,851 gallons

1 acre-foot per year (ac-ft/yr) = 325,851 gallons per year = 893 gallons per day

1 gallon per minute (gpm) = 1,440 gallons per day = 1.6 ac-ft/yr

1 million gallons per day (mgd) = 1,000,000 gallons per day = 1,120 ac-ft/yr

Region H Water Planning Group
Legislative Committee
9:00 AM Wednesday
October 2, 2024
San Jacinto River Authority Office
1577 Dam Site Rd, Conroe, Texas 77304

AGENDA

1. Call to order.
2. Introductions.
3. **Receive public comments on specific issues related to agenda items 4 through 6**. (Public comments limited to 3 minutes per speaker)
4. Discuss and consider making recommendations to the Region H Water Planning Group (RHWPG) regarding regulatory, administrative, and legislative recommendations for the 2026 Regional Water Plan (RWP) and the 89th Legislative Session.
5. Discuss and consider making recommendations to the RHWPG regarding Unique Stream Segments and Unique Reservoir Sites for the 2026 RWP.
6. Discuss legislative outreach opportunities for the 89th Legislative Session.
7. **Receive public comments**. (Public comments limited to 3 minutes per speaker)
8. Adjourn.

Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact Sonia Zamudio at (936) 588-3111 at least three business days prior to the meeting so that appropriate arrangements can be made.

Agenda Item 4

Discuss and consider making recommendations to the Region H Water Planning Group (RHWPG) regarding regulatory, administrative, and legislative recommendations for the 2026 Regional Water Plan (RWP) and the 89th Legislative Session.

REGION H
Water Planning Group

Agenda Item 4
Regulatory, Administrative, and Legislative Recommendations

Groundwater

- Support Rule of Capture
- Support GCDs
- GAM Funding

Other Funding

- Ongoing RWPG Activities
- Texas Bays and Estuaries
- Water Supply Project Financing

Conservation

- Ag. Conservation Funding
- Support for Water Conservation
- Water Conservation Research

Other

- Technology in Projections
- Interbasin Transfer rules
- Flood Liability of Reservoirs

Agenda Item 4
Regulatory, Administrative, and Legislative Recommendations

Understanding Water Demand

- Additional funding for 2031 RWP to refine projections
- Funding and data support for assessing emerging technologies

Groundwater Science

- Funding of research and monitoring of Brazos Alluvium

Potentially Infeasible Water Management Strategies

- Further constrain to near-term large projects
- Adjust schedule and/or terminology to avoid confusion

Agenda Item 4
Regulatory, Administrative, and Legislative Recommendations

Conservation

- Recognizing Legislature's efforts on water loss reduction

IBTs

- Removal of requirements placing undue burden on RWPGs

Agency Funding Support Process

- Consideration of consistency vs. inclusion
- RWP or SWP as primary metric
- Addressing aging infrastructure

APPENDIX 8-A

DETAILED DISCUSSION OF OTHER REGULATORY, ADMINISTRATIVE, AND LEGISLATIVE RECOMMENDATIONS

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Recommendation	Type
Quantitative Environmental Analysis	Regulatory and Administrative

Discussion:

The Regional Water Planning Guidelines require that the evaluation of potentially feasible water management strategies include a quantitative analysis of environmental factors including effects on wildlife habitat, cultural resources, and effect of upstream development on bays, estuaries, and arms of the Gulf of Mexico (31 TAC §357.7.(a)(8)(A)). The TWDB has provided detailed guidance on specific study methods to be used in determining population, water demand, project costs, socioeconomic impacts and yield from current and proposed supply sources, but it has not provided similar guidance in the area of environmental impacts. This lack of specificity is resulting in different methods being used in different regions. Additionally, it places the planning groups at risk of needing to conduct additional analysis after state agencies review the Initially Prepared Plans and add those results to the report after the public review period has closed.

Recommendation:

The Region H Water Planning Group recommends that the TWDB determines, in conjunction with the TCEQ and TPWD, which specific environmental studies and analysis are required for each category of management strategy (i.e., new water right, new reservoir, etc.). Furthermore, the guidance should be added to the Planning Guidelines, so that Regional Water Planning Groups can reflect the cost of those requirements in their budgets and scopes of work. Adding environmental guidelines will also make water plans consistent across the state.

Recommendation	Type
Identification of Ecologically Significant River and Stream Segments	Regulatory and Administrative

Discussion:

The Regional Water Planning Guidelines offer planning groups the opportunity to identify river and stream segments of unique ecological value within a planning area (31 TAC §357.43(b)), including those with important biological or hydrologic functions, riparian conservation areas, threatened, endangered, or unique wildlife communities, or other criteria indicative of ecological significance. In prior planning cycles, the planning groups benefitted in this assessment from TPWD's evaluation and recommendation of streams relative to the statutory criteria. TPWD's recommendations for listings of ecologically significant segments were most recently updated in 2003. Due to the continuing growth in the state, the potential for changing stream and riparian conditions, and the importance of protecting ecological function, an updated identification of ecologically significant river and stream segments would be highly beneficial in guiding planning groups in making informed recommendations.

Recommendation:

The Region H Water Planning Group recommends that the TPWD, in cooperation with TWDB and the Regional Water Planning Groups, develop an updated analysis of ecologically significant river and stream segments, including identification of river and stream segments of unique ecological value.

Recommendation	Type
Access to Current Water Availability Models	Regulatory and Administrative
Discussion:	
Water Availability Models (WAMs) are a core component of the regional water planning process and, furthermore, are required by TWDB's rules for plan development. In response to requests by planning groups and others seeking water rights applications, House Bill 723 was adopted to provide for updates to the Brazos, Neches, Red, and Rio Grande River Basins prior to December 1, 2022. These updates will address revised drought conditions and general updates that have been made since the initial development of these WAMS. Due to the vital importance of these tools in statewide water planning, it is imperative that this initiative continue throughout the state and that up-to-date models are made readily accessible through the TCEQ WAM website.	
Recommendation:	
The Region H Water Planning Group recommends that TCEQ continue routine updates to Water Availability Models across the state based on a prioritized methodology based on observed climate conditions and the overall limitation on water resources in each basin. This may be prescribed in future rulemaking. Furthermore, these rules should require that the most recent model for each basin be made available through the TCEQ website for use by both the RWPGs and the public.	

Recommendation	Type
Availability of Groundwater within Jurisdictions of Groundwater-Regulating Entities	Regulatory and Administrative

Discussion:

During the development of the 2016 Region H Regional Water Plan, it was recognized that the approach to groundwater availability required by TWDB's rules may place an unrealistic limit on groundwater production for various reasons, including local preference for how Desired Future Conditions (DFCs) may be met, differences between average and peak pumping, and the undue pressure on the Groundwater Management Areas (GMAs) to keep up with the regional planning cycle. The TWDB worked to address these issues with the implementation of a Modeled Available Groundwater (MAG) peaking factor that helps align the average conditions considered by GMAs with the peak demand conditions considered by RWPGs. This approach has greatly improved the harmonization of the two planning processes.

Recommendation:

Provide for additional opportunities for Groundwater Management Areas and Regional Water Planning Groups to align their planning through rules that recognize the inherent differences of these processes and account for the timing of the methodologies so that changes in groundwater management can be reflected in the Regional Water Plans.

Recommendation	Type
Promoting OneWater Approaches in Regional Planning	Regulatory and Administrative
Discussion:	
A OneWater or comprehensive approach to water management has demonstrated potential for achieving the highest practicable value to return on investment for managing water, wastewater, recovered water, and stormwater resources. Recently, Austin's Water Forward program has done the most to push Texas toward a comprehensive approach to water management. However, obstacles still exist to implementation of these sorts of programs. First, more can be done to promote these concepts of demand management and water supply development with water suppliers and utilities. Often, this requires utilities to work with regional partners in order to capture the complete water budget into a program. Second, several strategies such as the conjunctive use of water sources and "banked" supplies like aquifer storage and recovery are difficult to incorporate into Regional Water Plans due to their focus solely on drought-of-record supply. Effort should be made to better reflect these opportunities to maximize water supply.	
Recommendation:	
Work with water utilities and planners to identify the limitations of current planning approaches regarding OneWater management and how these programs may best be reflected in regional plans. This will have the added benefit of promoting these options for comprehensive water management.	

Recommendation	Type
Interbasin Transfers	Legislative
Discussion:	
Senate Bill One states that water rights developed as a result of an interbasin transfer become junior to other water rights granted before the interbasin transfer permit. Senate Bill One made obtaining a permit for interbasin transfer significantly more problematic than it was under prior law and thus, it discouraged the use of interbasin transfers for water supply. This is undesirable for several reasons. First, current supplies greatly exceed projected demands in some basins, and the supplies already developed in those basins can only be used via interbasin transfers. Second, interbasin transfers have been used extensively in Texas and are an important part of the State's current water supply. For example, three of the Region H Major Water Providers (City of Houston, Trinity River Authority, and San Jacinto River Authority) maintain current permits for interbasin transfers collectively of over 1,000,000 acre-feet per year. A substantial portion of future water demands within the San Jacinto basin (Harris County in particular) of Region H must rely on interbasin transfers. Third, emerging regional water supply plans for major metropolitan areas in Texas (Dallas-Fort Worth and San Antonio) rely on interbasin transfers as a key component of their plans. It is difficult to envision developing a water supply for these areas without significant new interbasin transfers. Furthermore, the inability to meet demands through transfer of existing supplies may result in the need for development of additional, in-basin projects that may have additional cost and environmental impact.	
Recommendation:	
The Region H Water Planning Group recommends that the Legislature remove the unnecessary and counterproductive barriers to interbasin transfers that exist in current law.	

Recommendation	Type
Texas Bays and Estuaries Program Funding	Legislative
Discussion:	
The Texas 80th Legislature established the current process of assessing the environmental quality of riverine and estuarine systems and applying the "best available science" in prescribing actions to preserve these systems. These recommendations have, in turn, been incorporated into the Regional Water Planning process and serve as a critical standard for the evaluation of future water management strategies. However, the current levels of funding within the State of Texas Bay & Estuary program are insufficient to continue the needed monitoring, study, and development of management strategies for the bay.	
Recommendation:	
The Region H Water Planning Group recommends establishment of additional and dedicated funding to pursue necessary future efforts of the State's bay and estuary programs.	

Recommendation	Type
Rule of Capture	Legislative
Discussion:	
Groundwater is a vital resource within Region H. This is especially true within the rural counties of the region that are predominantly dependent on groundwater. Current groundwater law based on the Rule of Capture has facilitated orderly development of groundwater systems throughout the State of Texas, barred the intrusion of private interests, and it could continue to serve the water usage interests throughout the state. It appears that the Rule-of-Capture could continue per the status quo to serve the groundwater interests within the region.	
Recommendation:	
The Region H Water Planning Group supports continued usage of the Rule of Capture as the basis of groundwater law throughout the State of Texas except as modified through creation of certified groundwater conservation districts.	

Recommendation	Type
Groundwater Conservation Districts	Legislative
Discussion:	
Region H communities, particularly those within the rural areas of the region, are dependent on groundwater supplies. Groundwater is a very valuable resource to this region. Region H contains counties, specifically Austin, Leon and Madison, where some municipalities, water supply corporations, and property owners believe Groundwater Conservation Districts (GCD) are needed to retain long-term groundwater supplies within their respective counties. Region H also has several counties, including Brazoria, Waller and Montgomery, where groundwater supplies will reach their maximum sustainable yield due solely to projected in-county water usage. A GCD is a potential vehicle for these counties to manage and protect groundwater supplies from over-development within each respective county.	
Recommendation:	
The Region H Water Planning Group supports creation of groundwater conservation districts, as necessary, by local subarea water interests. These districts provide a unique opportunity for balancing local management with regional planning through the joint planning exercises of Groundwater Management Areas.	

Recommendation	Type
Water Supply Project Financing Mechanism	Legislative

Discussion:

The Region H Regional Water Plan includes development of several major water supply projects. The capital cost to develop these projects is significantly higher than the historic cost of water supply projects, as future resources are more difficult to perfect than the supplies that have already been developed. The high projected costs can dissuade local communities from making a financial commitment to support future projects and these challenges may delay the implementation of needed projects.

The 80th Texas Legislature (2007) appropriated funding to enable issuance of $440 million in bonds for the Water Infrastructure Fund (WIF) to fund water plan projects. The program is designed with a maximum repayment period of 20 years, which may not be adequate for financing larger projects such as surface water reservoirs.

In 2013, the Texas Legislature created the State Water Implementation Fund for Texas (SWIFT) which was approved by Texas voters to provide $2 billion dollars for the creation of a new loan program for the implementation of the State Water Plan. This program offers low-interest and deferred loan with maturities up to 30 years which enhances the opportunity for finding large, capital projects that are critical to the SWP. In addition, the program also funds the option of State ownership in projects as another alternative for development.

Recommendation:

The Region H Water Planning Group wishes to recognize the Legislature's efforts in implementing the SWIFT program and also supports ongoing and expanded support for financing methods by the State of Texas for development of water supply projects recommended within adopted Regional Water Plans.

Recommendation	Type
Groundwater Availability Modeling Funding	Legislative
Discussion:	
Many areas of Region H are totally dependent on groundwater to support the long-term viability of these areas. The current Groundwater Availability Modeling (GAM) effort is supported since it is the most comprehensive groundwater assessment and analysis effort of the previous 20 years.	
Recommendation:	
The Region H Water Planning Group supports continued funding for the Groundwater Availability Modeling effort and recommends comprehensive analysis of all groundwater resources within the state.	

Recommendation	Type
Agricultural and Irrigation Conservation Funding	Legislative
Discussion:	
The Region H water management plan includes a number of irrigation conservation based water management strategies. It is apparent that adoption of irrigation conservation practices may benefit the irrigation and agricultural industry in addition to local communities that may take advantage of water supply savings resulting from irrigation conservation. Additionally, the RHWPG supports further research and development of water-efficient and drought-resistant crops and species.	
Recommendation:	
The Region H Water Planning Group supports funding of research and development studies associated with the efficient usage of irrigation technologies and practices.	

Recommendation	Type
Water Conservation	Legislative
Discussion:	
The Region H Water Planning Group (RHWPG) strongly supports water conservation at all levels. The RHWPG has incorporated water conservation in the regional water plan as a management strategy. However, realizing advanced conservation savings in municipal county-other areas may be difficult, as these practices require some management, funding, and oversight. While the RHWPG does not advocate a one-size-fits-all conservation program for the State of Texas, they recommend that the Legislature address water conservation and provide some guidance and ability for county and local governments to implement these programs. The 78th Legislature appointed a Water Conservation Task Force to study water conservation policies and best management practices, and to report their results to the 79th Legislature in 2005. The 80th Legislature passed Senate Bill 3 creating a Water Conservation Advisory Council consisting of 23 members to provide a resource with expertise in water conservation. In 2018, TWDB funded the development of a water conservation planning tool specifically constructed for Texas water utilities. These efforts provide significant assistance to water suppliers that lack the resource to plan and implement water conservation approaches independently.	
Recommendation:	
The Region H Water Planning Group supports water conservation and recommends that the Legislature continue to address and improve water conservation activities in the state. In addition, the RHWPG recommends the State consider improvements to statewide efforts and messaging regarding the importance of water conservation.	

Recommendation	Type
Water Conservation Research Funding	Legislative
Discussion:	
The Water Conservation Implementation Task Force identified numerous best management practices in *TWDB Report 362 – Water Conservation Best Management Practices Guide*. The Best Management Practices outlined in the report were developed using information compiled from past research and studies along with information provided by the task force members. Additional water-saving technologies may still be developed in the future.	
Recommendation:	
The Region H Water Planning Group recommends that the State fund research into advanced conservation technologies.	

Recommendation	Type
Flood Liability of Water Supply Reservoirs	Legislative

Discussion:

Flood control reservoirs are generally drawn down at the beginning of the annual wet season so that when large rain events occur, the runoff may be captured and later released more slowly into the receiving stream. These reservoirs therefore reduce downstream flood levels and prevent inundation in low areas. In contrast, water supply reservoirs are operated to capture and retain as much stream flow as allowable under their permits in order to have supply available during periods of high demand. This practice results in less available storage volume to capture runoff during major storms. When a major storm event occurs upstream or above a water supply reservoir, the reservoir operator must sometimes release flood flows during and after the event to prevent flooding upstream of the reservoir or to prevent damage to the dam and other facilities associated with the reservoir. Although this flood flow can contribute to downstream flooding, most reservoirs actually reduce the amount of flooding which could have occurred had the reservoir not been constructed.

In recent years, plaintiffs with property in the downstream floodplains have brought multiple lawsuits against major water supply reservoir operators. Some recent court decisions have held the operators liable for damages to the downstream properties. If this trend is allowed to continue, it will increase insurance rates for these entities and will force operational changes to occur that may result in less available water supply for periods of need. The net effect to water users will be an increase in the cost of surface water throughout the state.

Recommendation:

The Region H Water Planning Group recommends that the State consider legislation clarifying the liability exposure of reservoir operators for passing storm flows through water supply reservoirs.

Recommendation	Type
Incorporation of Technology Advancements in Projections	Legislative
Discussion:	
Current population projections based on traditional historic growth patterns may not accurately reflect the changes likely to occur in the future as digital connectivity continues to alter our economic, educational, and social institutions.	
Recommendation:	
The Region H Water Planning Group recommends that the State direct the State Demographer's office to explore the potential changes in population distribution made possible by rapid advancements in information technology.	

Recommendation	Type
Ongoing RWPG Activities	Legislative

Discussion:

It is apparent that the RWPGs will have to meet periodically to address changed conditions related to the adopted regional water management plans. Ongoing activities will include, but not be limited to:

1. Consideration of additions and modifications to the adopted plans
2. Serving as communications liaisons with the water user communities within each region
3. Assisting in the reconciliation of inter-regional water issues

It will be necessary to consider additional and adequate funding to support maintenance of the RWPGs.

Recommendation:

The Region H Water Planning Group recommends that the TWDB request additional and adequate funding and the adoption of the appropriate administrative procedures from the Legislature to facilitate ongoing activities of the RWPGs. Funding should be made available throughout the entirety of the planning cycle without funding gaps that make it difficult for planning groups to accomplish their ongoing efforts.

Recommendation	Type
State Revolving Fund Programs (Drinking Water State Revolving Fund and Clean Water State Revolving Fund)	Infrastructure Finance

Discussion:

These programs provide loans at subsidized interest rates for the construction of water treatment and distribution systems and for source water protection (DWSRF) and for wastewater collection and treatment systems (CWSRF). As the loans are paid off, the TWDB uses the funds to make new loans (thus the name Revolving Fund). State funds for the program receive a federal match through the Environmental Protection Agency. These loans are intended for projects to bring existing systems into compliance with rules and regulations, and are available to political subdivisions, water supply corporations, and privately-owned water systems. Applications are collected at the beginning of each year, given a priority ranking, and funded to the extent possible. Projects not funded in a given year may carry forward into the next year's ranking.

These programs are important in that they assist sub-standard water systems in attaining the minimum water quality mandated by Federal and State regulations, but they are not intended to fund system expansions due to projected growth. However, these programs may apply to individual systems in the Region experiencing water quality declines, or to those systems affected by the changed standard for Arsenic. The SRF Fund may also provide assistance to water providers with aging treatment systems and transmission lines.

Recommendation:

The Region H Water Planning Group recommends increasing the funding of the State Revolving Funds Program in future decades and expand the program to include coverage for system capacity increases to meet projected growth for communities.

Recommendation	Type
Agricultural Water Conservation Loan Program	Infrastructure Finance

Discussion:

This program provides loans to soil and water conservation districts, underground water conservation districts and districts authorized to supply water for irrigation. These districts may further lend the funds to private individuals for equipment and materials, labor, preparation, and installation costs to improve water-use efficiency related to irrigation of their private lands. There is also a grant program for equipment purchases by eligible districts for the measurement and evaluation of irrigation systems and agricultural water conservation practices, and for efficient irrigation and conservation demonstration projects, among others. However, these grants are not available to individual irrigators. Similar Federal loan and grant programs are available but require a 25% to 50% local match.

In the Region H Water Plan, irrigation conservation is a recommended strategy in eight counties (Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Waller). In some cases, the conservation of water through these agricultural programs provides additional water for use by municipalities that also use groundwater supplies. As it is unlikely that municipalities will seek out and fund irrigation conservation projects, the task of encouraging conservation will fall to the wholesale water providers and those government entities with jurisdiction in those counties. Even with Agricultural Water Conservation Loan Program assistance, irrigators will be slow to invest in water-conserving equipment until water rates increase, making it economically advantageous to do so. The difficulty increases in areas where groundwater is the primary supply source for irrigation.

Additionally, irrigators in Region H also find it difficult to access funding programs as these typically require ownership of the irrigated property. Much of the production within the region is performed by farmers who lease land from others, making them ineligible for these programs.

Eligible districts will need to act as conservation brokers, identifying those irrigators with the potential to reduce water demand through equipment improvements, and matching them with available loans. To assist with the immediate adoption of these improved conservation practices, a one-time grant or subsidy program for water-efficient equipment purchases may help by reducing the loans amounts required by each irrigator. If the requirements of an existing Federal loan or grant program could be met, the State could provide all or part of the local matching share. Since the methods used by irrigators vary across the state, such a program would need to be flexible, with local oversight provided by those districts currently eligible for the Agricultural Water Conservation Loan Program. Consistency with the applicable Regional Water Plan may be included as a prerequisite for this program, as it is for other State grants and loans.

Recommendation:

Provide a mechanism to leverage federal grant programs for agriculture by providing the local matching share. Increase funding of associated loan programs and consider adding a one-time grant or subsidy component to stimulate early adoption of conservation practices by individual irrigators. Provide opportunities for joint cooperation between growers and landowners to facilitate the use of funding programs for property under long-term lease agreements.

Recommendation	Type
Texas Community Development Program	Infrastructure Finance
Discussion:	
The federal Community Development Block Grant program provides grants and loans to low-income communities for certain projects, including water and wastewater infrastructure. It is administered in Texas under the Office of Rural Community Affairs as the Texas Community Development Program. The Small Town Environment Program (STEP) under the TCDP provides water and sewer system grants to cities and counties not eligible for funding under the Colonias or Economically Disadvantaged Areas Programs (EDAP). Within Region H, there are no Colonias or EDAP-eligible communities, but STEP grants may be obtained.	
Recommendation:	
The Region H Water Planning Group recommends continued state and federal support of the Texas Community Development Program and increasing the allocation of funds for the Small Town Environment Program.	

Recommendation	Type
Water and Waste Disposal Loans and Grants from the USDA Rural Utilities Service	Infrastructure Finance

Discussion:

This Federal program provides loans and grants in rural areas and communities of up to 10,000 people for water, wastewater, storm water, and municipal solid waste projects. The program is intended for communities that cannot obtain commercial loans at reasonable rates. Loans are made at or below market rates, depending upon the eligibility of the recipient. Grants can cover up to 75% of project costs when required to reduce user costs to a reasonable level. A separate program of Emergency Community Water Assistance Grants (up to $500,000 per project) is also available to communities experiencing rapid declines in water quality or quantity.

This program is similar to the state loan and revolving fund programs. It offers another option to small communities and rural areas unable to finance required infrastructure without assistance. However, this is a nationwide program, and the competition for available funds is correspondingly greater. Colonias and border areas are specifically identified as target areas for the grant portion of this program, and it is therefore in the State's interest to support its continued funding.

Recommendation:

The Region H Water Planning Group recommends continued support and increased funding of Water and Waste Disposal Loans and Grants from USDA Rural Utilities Service at the federal level.

Recommendation	Type
Innovative Water Technologies	Infrastructure Finance
Discussion:	
The Texas Water Development Board's Innovative Water Technologies Program has provided technical assistance for development of seawater desalination, brackish groundwater, rainwater harvesting, water reuse, and aquifer storage and recovery programs. This has included several statewide feasibility studies and participation in site-specific demonstration programs. These and similar projects will be an essential resource in progressing the status of innovative water supply projects that will form a critical component of the overall water budget as Texas continues to grow.	
Recommendation:	
Provide technical assistance grants for the advancement of desalination water supplies and implementation of new desalination technologies available to wholesale and retail water suppliers. Provide resources for identification and feasibility assessment of opportunities for aquifer storage and recovery projects. Continue to fund appropriate demonstration facilities to develop a customer base and pursue federal funding for desalination programs.	

Recommendation	Type
Regionalization	Infrastructure Finance

Discussion:

As communities assess the growing costs of water infrastructure, economies of scale can be realized by combining the needs of water user groups into larger, more efficient water supply, treatment and distribution facilities. Regional facilities offer interconnections between existing systems, which can increase overall reliability. The individual system connections to these systems can be phased over time to meet regional demands with less impact on individual systems than each individually trying to expand. In areas where groundwater limits are being reached, regional groups can identify areas where surface water supply is most needed, and allow other areas to remain on groundwater systems. Sharing costs across a wide customer base keeps rates comparable between service areas.

A range of cooperative options exists, including formation of regional authorities, inter-local agreements, public-private partnerships, local government corporations, and public contracting with a private regional supplier. The optimal arrangement between political subdivisions depends upon the specific project and the goals of the parties. Partnerships with private investors through public-private partnerships and direct contracting with privately-owned facilities offer an advantage of using private financing to meet part of the initial planning and construction costs. The regulations governing these partnerships must protect the public represented by the partnership, but if too restrictive, may prevent the partnership from realizing potential cost savings through the use of private-sector procurement and construction practices.

Consideration should be given to reducing procurement restrictions for Local Government Corporations to encourage the pooling of resources for funding regional projects. Also, existing assistance programs should remain available when political subdivisions enter into public/public or public/private partnerships.

Recommendation:

Region H supports the forming of regional partnerships and encourages the State to allow them the greatest possible latitude for financing in their governing regulations. Additionally, funding opportunities should be made available to these public/private partnerships and to private nonprofit water supply corporations.

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Agenda Item 5

Discuss and consider making recommendations to the RHWPG regarding Unique Stream Segments and Unique Reservoir Sites for the 2026 RWP.

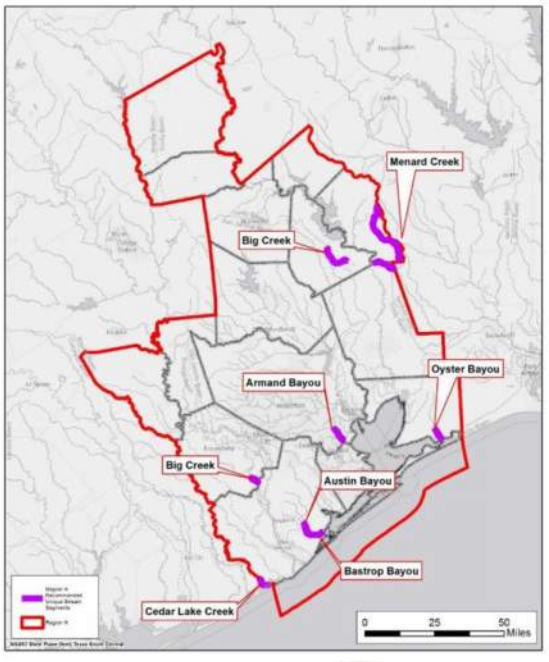
REGION H
Water Planning Group

Agenda Item 5
USS and URS

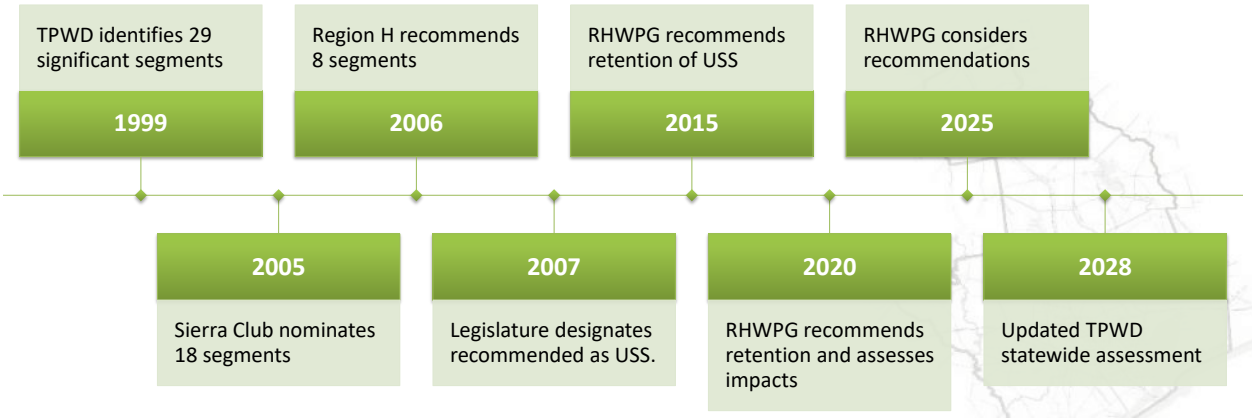
- Unique Stream Segment - ecological
  - Biological Function
  - Hydrologic Function
  - Riparian Conservation
  - High Water Quality / Exceptional Aquatic Life / High Aesthetic Value
  - T&E/ Unique Communities

Agenda Item 5
USS and URS

- Part of TWC 16.051
- Designated by Legislature
- State agency or political subdivision cannot finance reservoir in designated segment
- Impacts of WMS must be assessed



Agenda Item 5
USS and URS

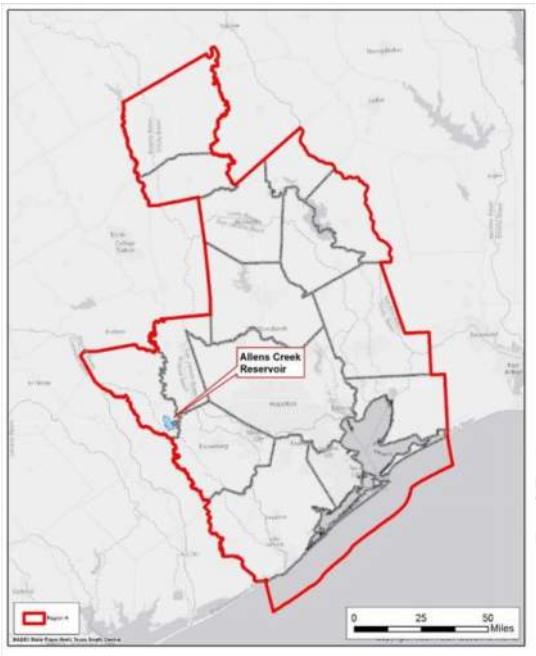


Agenda Item 5
USS and URS

- Unique Reservoir Site – supply
  - Recommended WMS or URS
  - Location
  - Hydrology and water availability
  - Geology and topography
  - Water quality
  - Environmental characteristics
  - Cultural characteristics
  - Development properties

Agenda Item 5
USS and URS

- Part of TWC 16.051
- Designated by Legislature
- State agency or political subdivision cannot obtain fee title or easement that significantly prevents



Agenda Item 5
USS and URS

2001 — Legislature designates Allens Creek as URS

2005 — RHWPG Recommends 4 sites

2008 — TWDB Reservoir Site Protection Study

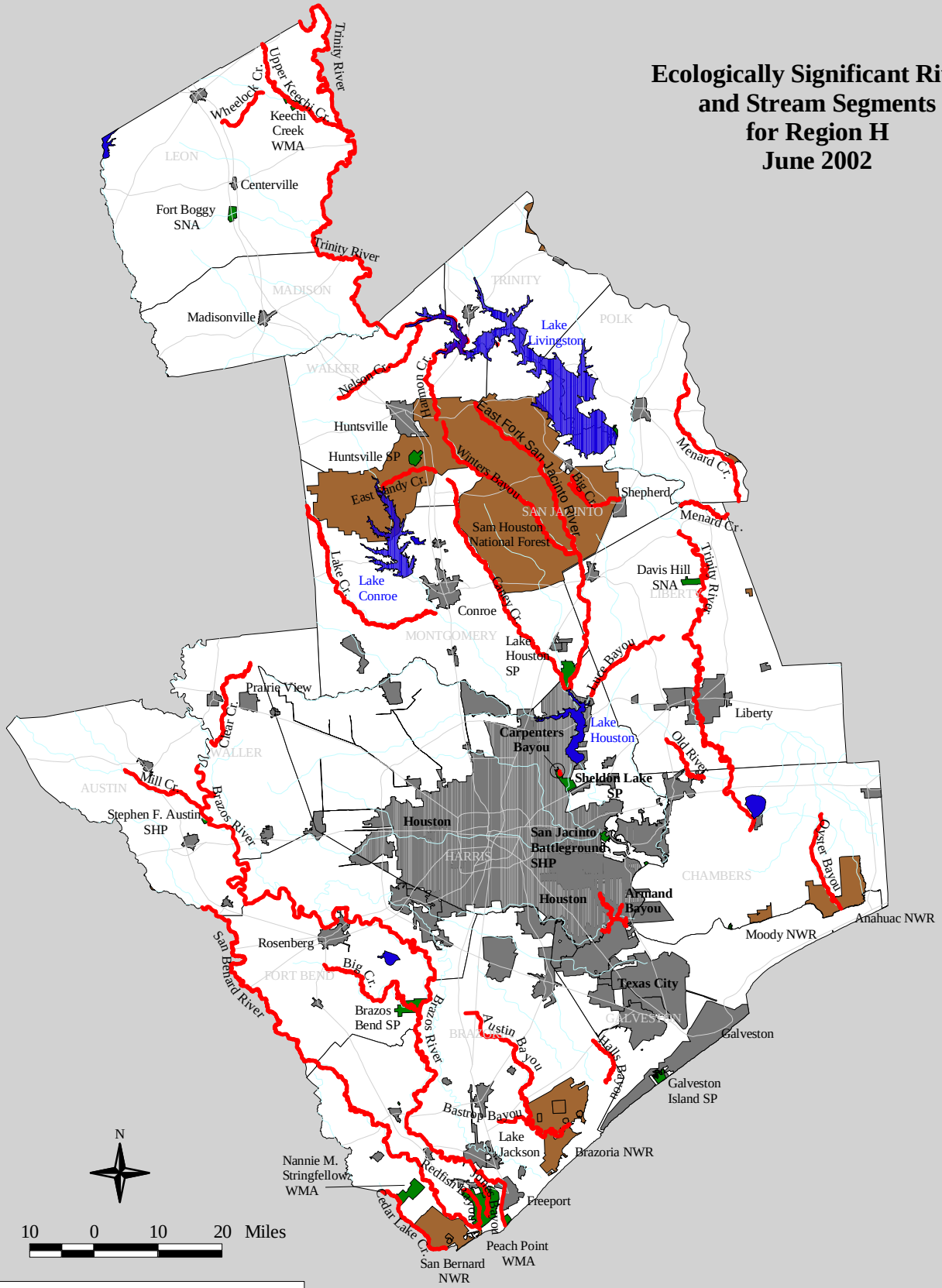
2010 — Region H recommends 4 sites

2015 — RHWPG recommends retaining Allens Creek

2020 — RHWPG recommends retaining Allens Creek

2025 — RHWPG considers recommendation

Ecologically Significant River and Stream Segments for Region H June 2002



Map compiled by the Water Resources Branch, TPWD. No claims are made as to the accuracy of the data or to the suitability of that data to a particular use.

Ecologically Significant River and Stream Segments – Region H

Authors: Chad W. Norris and Gordon W. Linam

Introduction

Texas is a rapidly growing state that in 1992 surpassed New York to become the second most populated state in the United States. Texas population has doubled in the past 35 years from 9.5 million in 1960 to over 19 million today. The State Water Plan (TWDB1997) predicts that Texas population will double again in the next 50 years, increasing to over 36 million residents by the year 2050. Many problems are associated with such rapid population growth, none of which are more important than water resource issues. Water is a dynamic resource that is crucial to the State's economic development. Competition over limited water resources is sure to increase as rapid population growth continues. Water supply is dependent upon several factors including the amount of precipitation, evaporation, stream flow, and absorption into the ground. Climatic variations coupled with rapid population growth and economic development has resulted in increasing water quality and quantity problems for the state of Texas.

Water quality problems arise from natural and manmade pollution that can render water unusable or too costly to use. As populations and economic development continue to increase, so will associated pollution problems and water supply shortages. Shortages in water supplies required to meet municipal, industrial, and agricultural needs have already occurred in many regions of the state as evidenced during the drought of 1995-1996, which resulted in an estimated economic impact of $6 billion (TWDB 1997). These water supply shortages and accompanying economic losses that occurred between 1995 and 1996 can partially be attributed to the fact that Texas is one of three Western states without a State Drought Contingency Plan.

In response to the need for improved water management, the 75th Texas Legislature passed the water resource management legislation Senate Bill 1. This landmark legislation addresses many different aspects of water management and calls for grass roots water resource planning. Regional water plans from across the state will be merged to form the new State Water Plan by January 2002. Regional water planning areas were designated according to 31 TAC § 357.3 (a) taking into consideration the following factors:

1. river basin and aquifer delineations
2. water utility development patterns
3. socioeconomic characteristics
4. existing regional water planning areas
5. political subdivision boundaries
6. public comment; and
7. other factors the Texas Water Development Board (TWDB) deemed relevant.

The Region H Regional Water Planning Area includes the greater Houston metropolitan area and consists of 15 counties (Figure 1). The counties included in Region H are: Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Leon, Liberty, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker and Waller. Polk and Trinity Counties are the only two counties that are not included in their entirety and are divided among regions by watersheds.

After the designation of regional water planning areas, the TWDB designated "regional water planning group representatives . . . to serve as the initial coordinating body to include one representative from each of the 11 interests listed in Texas Water Code § 16.053 (c)" (31 TAC § 357.4 (a)). The regional water planning groups (RWPG) consist of representatives from the public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities within the regional water planning area.

The goals of the regional water plans are consistent with that of the State Water Plan under Section 1.01 of Senate Bill 1. This section states that:

The state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state.

Senate Bill 1 brings a new aspect to Texas water resource management by calling for the protection of the "natural resources of the entire state." Environmental water needs of the state's natural resources must be considered while planning for future water development. The guidelines for the development of regional water plans, 31 TAC § 357.5, states that the RWPG should "recommend potentially feasible strategies that are cost effective and environmentally sensitive" and "consider environmental water needs" in their plans. Likewise, 31 TAC § 357.7, states that "regional water plan development shall include a description of ... natural resources ... and identified threats due to water quality or quantity problems."

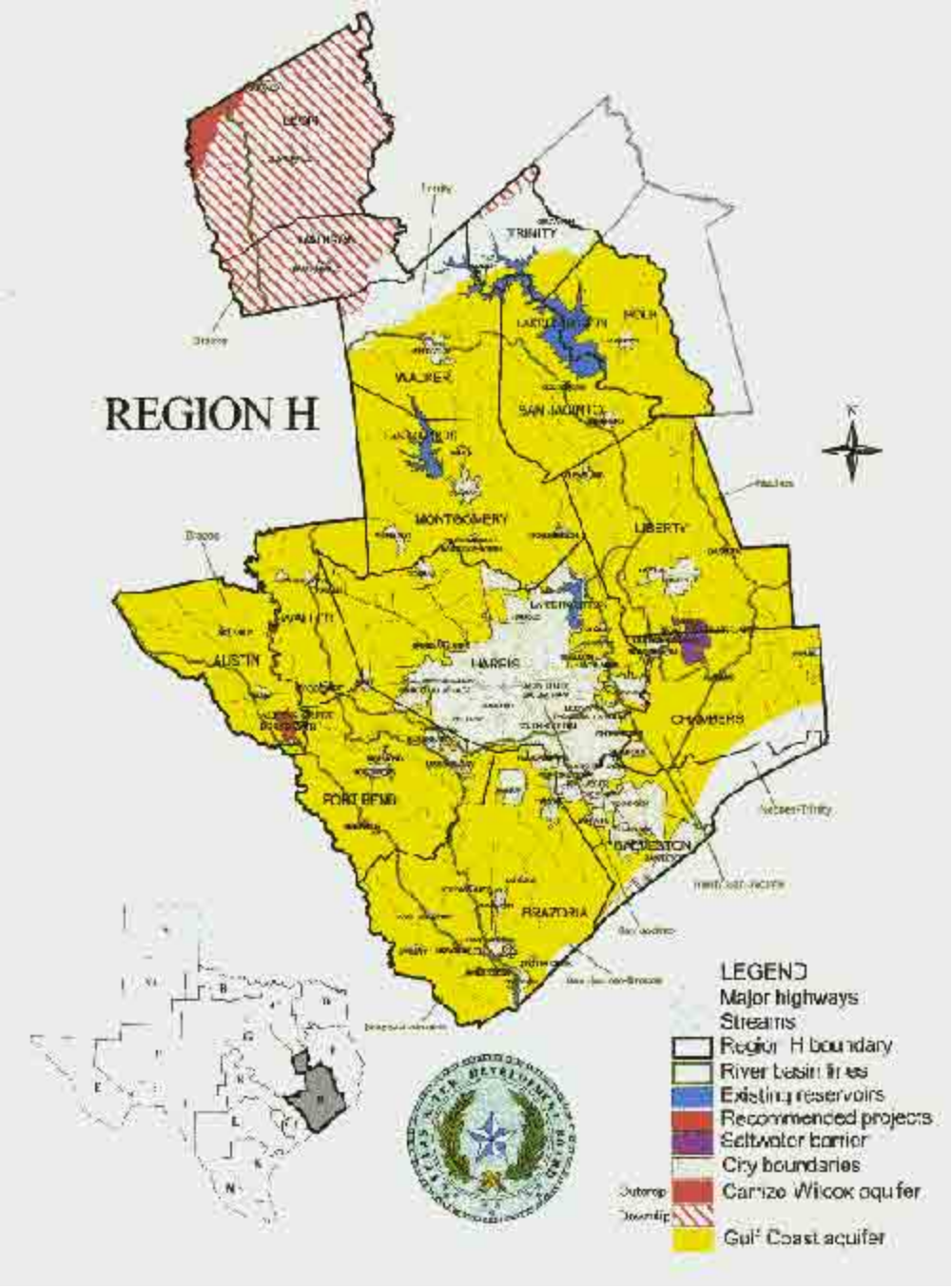


Figure 1. Boundaries of the Region H Water Planning Area and Counties Included[19]

Furthermore, Senate Bill 1 offers the RWPG the opportunity to identify river and stream segments of unique ecological value. The details and criteria for this section are as follows: 31 TAC § 357.8 Ecologically Unique River and Stream Segments (a) Regional water planning groups may include in adopted regional water plans recommendations for all or parts of river and stream segments of unique ecological value located within the regional water planning area by preparing a recommendation package consisting of a physical

description giving the location of the stream segment, maps, and photographs of the stream segment and a site characterization of the stream segment documented by supporting literature and data. The recommendation package shall address each of the criteria for designation of river and stream segments of ecological value found in subsection (b) of this section. The regional water planning group shall forward the recommendation package to the Texas Parks and Wildlife Department and allow the Texas Parks and Wildlife Department 30 days for its written evaluation of the recommendation. The adopted regional water plan shall include, if available, Texas Parks and Wildlife Department's written evaluation of each river and stream segment recommended as a river or stream segment of unique ecological value. (b) A regional water planning group may recommend a river or stream segment as being of unique ecological value based upon the following criteria:

(1) biological function--stream segments which 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 which 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 which 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.

Objective

The purpose of this report is to identify those river and stream segments that meet the outlined criteria and to prepare a report documenting those streams that are deemed to be of significant ecological value.

Methods

Aerial photographs, maps and the Gazetteer of Streams and Rivers of Texas (Draft Version)17 were used to identify the boundaries of the Region H Regional Water Planning Area and the major water courses contained within. Each of the criteria listed in 31 TAC § 357.8 (b) was addressed individually in an effort to identify all rivers or streams that meet the criteria (Tables 1- 5).

State and federal agencies and universities were contacted to solicit river and stream segment information along with supporting data and documentation for inclusion in the final report. Those contacted included the Texas Natural Resource Conservation Commission (TNRCC), Texas Parks and Wildlife Department (TPWD), Houston-Galveston Area Council, United States Fish and Wildlife Service (USFWS), United States Forest Service, Texas A&M University and the University of Texas.

National Wetland Inventory Maps and USFWS documents and resources were used to identify river or stream segments that are bordered by wetlands displaying "significant overall habitat value" (31 TAC § 357.8 (b) (1)). Significant wetland habitat within Region H was determined to include any freshwater wetlands that offer valuable habitat. Forested wetlands were determined to be the most important of these habitat types.

National Wetland Inventory Maps were also used to identify those river or stream segments that "perform valuable hydrologic functions relating to water control and flood attenuation" (31 TAC § 357.8 (b) (2)). A map of aquifer outcrop areas20 was used to identify significant stream or river segments performing a valuable hydrologic function relating to groundwater recharge.

River and stream segments fringed by significant riparian conservation areas were identified with maps and through personal communication with government agencies and conservation groups. River and stream segments deemed significant due to "unique or critical habitats and exceptional aquatic life uses dependent on or associated with high water quality" (31 TAC § 357.8 (b) (4)) were located through personal communication with government agencies and universities. Likewise, unique communities and "sites along

streams where water development projects would have significant detrimental effects on state or federally listed threatened and endangered species" (31 TAC § 357.8 (b) (5)) were identified through personal communication with TPWD and USFWS staff. Habitats that support threatened and endangered species were identified using TPWD and USFWS documentation and reports.

After identifying all of the river and stream segments meeting the criteria, a preliminary list consisting of those segments thought to be most "significant" and "valuable" was compiled. The list consists of those segments that are thought to best fit the criteria and does not include all segments that meet the criteria. Among the segments included are those that the TPWD in cooperation with the TNRCC identified as ecoregion streams. Ecoregions, as delineated by Omernik (1987), are based upon land surface form, land use, soils, and potential natural vegetation. The joint project identified streams within each of the respective ecoregions that were minimally or only slightly disturbed in order to develop a potential list of reference stations that could be used to evaluate the conditions of other streams within the ecoregion. The criteria for becoming an ecoregion stream included the lack of urban development in their watershed, no point sources of pollution, no channelization, and no atypical non-point sources of pollution. These ecoregion streams serve as examples of what the physical habitat, physiochemical character, and biological attributes for other streams within their respective ecoregions could likely attain under the right set of circumstances.

The list of river and stream segments has been compiled to provide the Region H RWPG with the technical information necessary to prepare a recommendation package of ecologically significant river and stream segments under 31 TAC 357.8(a), which may be included in the regional water plan. The state water plan, which will be based on the regional water plans, will identify river and stream segments of unique ecological value that the Texas Water Development Board recommends for protection. The TWDB has agreed to coordinate with the TPWD and the TNRCC in identifying any river, stream segment or site that warrants protection because of its unique ecological value in the state water plan. Streams designated "ecologically unique" by the legislature would be protected from a state agency or political subdivision obtaining a fee title or an easement that would destroy the ecological value of a river or stream segment. Obtaining a fee title means the property has been purchased outright, while an easement means that certain uses of the property have been limited.

Results

Two hundred fifty-nine streams were identified within the boundaries of the Region H Regional Water Planning Area. Twenty-nine streams were found to meet the biological function criteria (Table 1). These streams "displayed significant overall habitat value...considering the degree of biodiversity, age and uniqueness." The hydrologic function criteria was met by twenty-seven streams (Table 2), which "perform valuable hydrologic functions relating to water quality, flood attenuation, flow stabilization or groundwater recharge/discharge." Sixty-three streams met the conservation area criteria (Table 3). Only twelve streams met the high water quality/exceptional aquatic life/high aesthetic value criteria (Table 4), while the threatened or endangered species/unique communities criteria was met by twelve streams (Table 5). Of these streams, only twenty-seven segments were chosen for inclusion in the table of ecologically significant river and stream segments (Table 6).

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Acknowledgements

The authors would like to thank Dr. Jim Lester of the University of Houston Clear Lake and the Environmental Institute of Houston for his valuable input on methods for researching the outlined criteria. Thanks to all those listed in the reference section for their help in gathering supporting data and information on the listed stream segments. Thanks to Alex

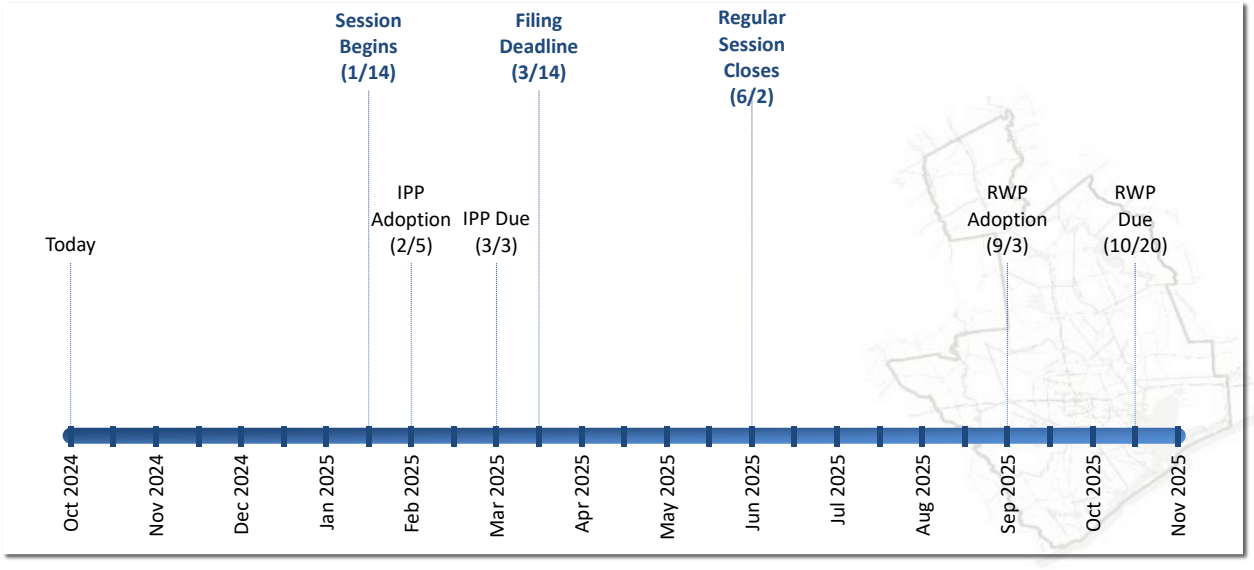
Burnett for his help in locating and photographing the included stream segments and Stephanie Stasny whom assisted with formatting the document. We would also like to thank Kay V. Jenkins, Jarrett (Woody) Woodrow, Cindy Loeffler, and Dan Moulton for reviewing and editing draft versions of the report and providing valuable input.

Agenda Item 6

Discuss legislative outreach opportunities for the 89th Legislative Session.

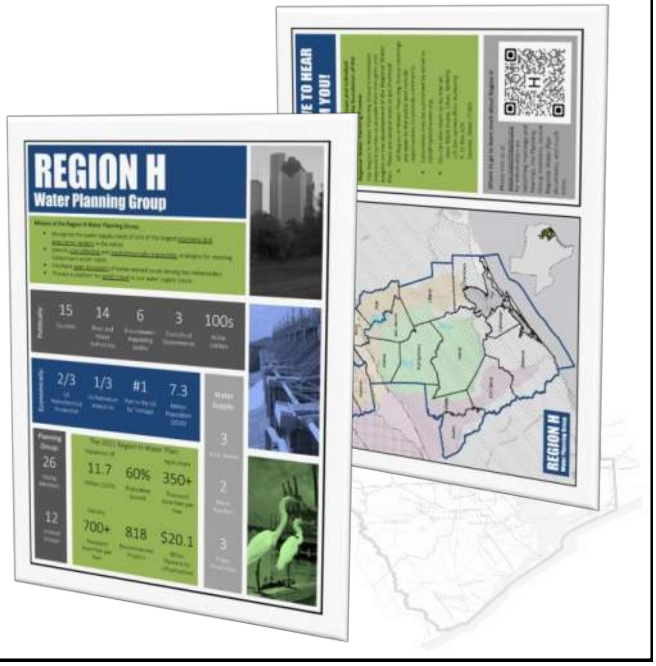
REGION H
Water Planning Group

Agenda Item 6
Legislative Outreach



Agenda Item 6
Legislative Outreach

- Messaging priorities
- Approach
- Resources



REGION H
Water Planning Group

Mission of the Region H Water Planning Group:

- Recognize the water supply needs of one of the largest economic and population centers in the nation
- Identify cost-effective and environmentally responsible strategies for meeting tomorrow's water needs
- Facilitate open discussion of water-related issues among key stakeholders
- Provide a platform for public input to our water supply future

Politically:

15	14	6	3	100s
Counties	River and Water Authorities	Groundwater-Regulating Bodies	Councils of Governments	Water Utilities

Economically:

2/3	1/3	#1	7.3
US Petrochemical Production	US Petroleum Industries	Port in the US by Tonnage	Million Population (2020)

Water Supply:

3
River Basins

2
Major Aquifers

3
Major Reservoirs

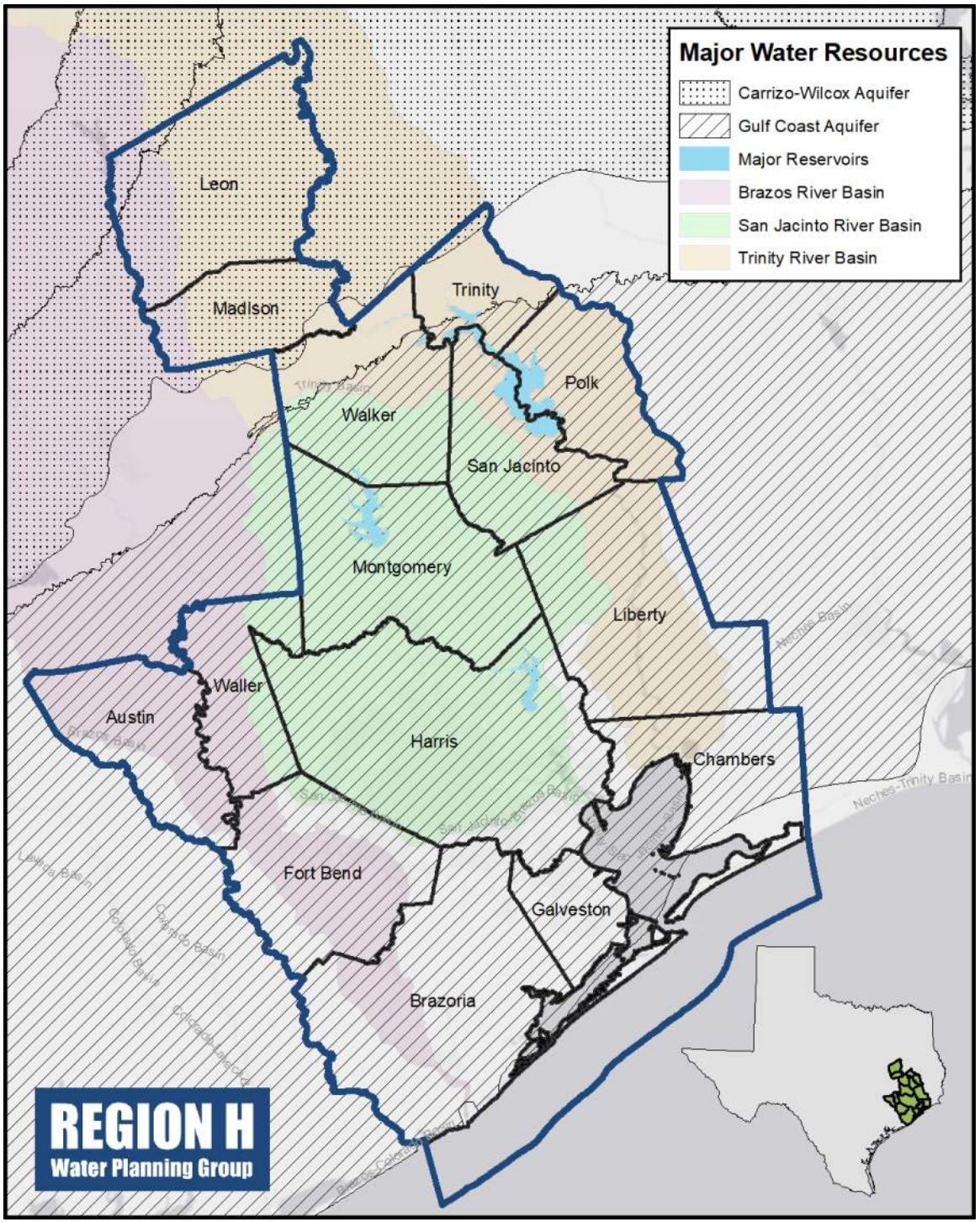
Planning Group:

26
Voting Members

12
Interest Groups

The 2021 Region H Water Plan:

Population of		Agriculture
11.7	60%	350+
Million (2070)	Population Growth	Thousand Acre-Feet per Year
Industry		
700+	818	$20.1
Thousand Acre-Feet per Year	Recommended Projects	Billion Planned for Infrastructure



WE'D LOVE TO HEAR FROM YOU!

Input from stakeholder groups and individual members of the public is the foundation of the Regional Water Planning Process.

The Region H Water Planning Group encourages interested parties to provide their thoughts and insights on the development of the Regional Water Plan. There are several ways to get involved:

- All Region H Water Planning Group meetings are open to the public and include opportunities to provide comments.
- Comments may be submitted by email to *info@regionhwater.org.*
- You can also reach us by mail at:
  Hon. Mark Evans, Chair, RHWPG
  c/o San Jacinto River Authority
  P. O. Box 329
  Conroe, Texas 77305

Where to go to learn more about Region H

Please visit us at *www.regionhwater.org* for information on upcoming meetings and hearings, the Planning Group members, recent Regional Water Plan documents, and much more.

DATES OF INTEREST | 89TH LEGISLATURE

Interim

Tuesday, March 5, 2024

Primary election to select political party candidate for federal, state, and county officers.

[Sec. 41.007(a), Election Code]

Saturday, May 4, 2024

Uniform election date for elections held by a political subdivision, other than a county, or ordered by the governor.

[Sec. 41.001(a)(2), Election Code]

Tuesday, May 28, 2024

Runoff primary election to select political party candidate for the November general election for federal, state, and county officers.

[Sec. 41.007(b), Election Code]

Tuesday, November 5, 2024

General election for federal, state, and county officers.

[Sec. 41.001(a)(3), Election Code]

Monday, November 11, 2024

First day legislators and legislators-elect may file bills for the 89th Legislature.

[House Rule 8, Sec. 7; Senate Rule 7.04(a)]

Regular Session Begins

Tuesday, January 14, 2025 (1st day)

89th Legislature convenes at noon.

[Sec. 5(a), Article III, Texas Constitution; Sec. 301.001, Government Code]

Friday, March 14, 2025 (60th day)

60-day deadline for bill filing.

[House Rule 8, Secs. 8 and 10(c); Senate Rule 7.07(b); Senate Rule 10.01 subjects joint resolutions to the rules governing proceedings on bills]

Monday, June 2, 2025 (140th day)

Sine die. (Last day of 89th Regular Session)

[Sec. 24(b), Article III, Texas Constitution]

updated May 11, 2023

88th Legislature, Regular Session
Deadlines for Action Under House and Senate Rules

MAY 2023

This deadlines calendar is intended to be a practical summary guide to the end-of-session deadlines. It is not intended as an interpretation of the rules of the House or Senate.

A red box indicates the last day for a chamber to take certain actions.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
118th day 7	**119th day** 8 Last day for House committees to report HBs/HJRs **(See Note 1)**	**120th day** 9 By 10 p.m.—last House daily calendar with HBs/HJRs must be distributed (36-hour layout) **(See Note 2)**	**121st day** 10 By 9 a.m.—last House local and consent calendar with **consent** HBs must be distributed (48-hour layout) **(See Note 2)**	**122nd day** 11 Last day for House to consider 2nd reading HBs/HJRs on daily or supplemental calendar	**123rd day** 12 Last day for House to consider **consent** HBs on local and consent calendar on 2nd and 3rd reading and **ALL** 3rd reading HBs/HJRs on supplemental calendar	**124th day** 13
125th day 14	**126th day** 15 *First day Senate can consider bills and resolutions on the first day they are posted on the Notice of Intent Calendar*	**127th day** 16	**128th day** 17 By 9 a.m.—last House local and consent calendar with **local** HBs must be distributed (48-hour layout) **(See Note 2)**	**129th day** 18	**130th day** 19 Last day for House to consider **local** HBs on local and consent calendar on 2nd and 3rd reading	**131st day** 20 Last day for House committees to report SBs/SJRs **(See Note 1)**
132nd day 21 By 10 p.m.—last House daily calendar with SBs/SJRs must be distributed (36-hour layout) **(See Note 2)**	**133rd day** 22 By 9 a.m.—last House local and consent calendar with SBs must be distributed (48-hour layout) **(See Note 2)**	**134th day** 23 Last day for House to consider 2nd reading SBs/SJRs on daily or supplemental calendar	**135th day** 24 Last day for House to consider **local and consent** SBs on 2nd & 3rd reading and **ALL** 3rd reading SBs/SJRs on supplemental calendar *Last day for Senate to consider **ALL** bills & JRs on 2nd or 3rd reading* **(See Note 3)**	**136th day** 25 ***Before*** midnight—Senate amendments must be distributed in the House (24-hour layout)	**137th day** 26 ***Before*** midnight—***House*** copies of conference committee report (CCR) on the general appropriations bill must be distributed (48-hour layout) Last day for House to act on Senate amendments ***Before*** *midnight—**Senate** copies of CCRs on tax, general appropriations, and reapportionment bills must be distributed (48-hour layout)* **(See Note 4)**	**138th day** 27 ***Before*** midnight—***House*** copies of CCRs on JRs and bills other than the general appropriations bill must be distributed (24-hour layout) ***Before*** *midnight—**Senate** copies of CCRs on JRs and bills other than tax, general appropriations, and reapportionment bills must be distributed (24-hour layout)*
139th day 28 Last day for House to adopt CCRs or discharge House conferees and concur in Senate amendments *Last day for Senate to concur in House amendments or adopt CCRs*	**140th day** 29 Corrections only in House and Senate Last day of session (Sine die)					

In reviewing this calendar, all members should consider, in addition to the stated deadline, the time needed for the preparation of any ancillary documents related to the bill, any printing time, and any applicable layout rule.

Note 1: The House rules do not contain an express deadline for committees to report measures, but, technically, this is the last day for a House committee to report a measure in order for the measure to have any chance of being placed on a House calendar. ***However***, this deadline ***does not*** take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the House as required by the rules. ***Realistically***, it normally takes a full day ***or more*** for a measure to reach the Calendars Committee after the measure has been reported from committee.

Note 2: The House rules do not have an express deadline for distributing calendars on the 120th, 121st, 128th, 132nd, and 133rd days. This calendar presumes that the House will convene at 9 a.m. for a local and consent calendar and at 10 a.m. for a daily or supplemental calendar.

Note 3: The Senate deadline for passing all bills and joint resolutions ***does not*** take into consideration the House deadline for passing Senate bills and joint resolutions. ***Realistically***, to be eligible for consideration by the House under its end-of-session deadlines, Senate bills and joint resolutions must be passed by the Senate and received by the House ***before*** the 130th day.

Note 4: Both Senate and House rules require a 48-hour layout for a resolution suspending limitations on a conference committee considering the general appropriations bill, if such a resolution is necessary. Neither rule has an express deadline for considering that resolution, which should occur before consideration of the general appropriations bill.