

## State Water Plan Evaluation Framework – 2012 Texas State Water Plan

Revised, November 25, 2014

Section Number	Question	Answer
<b>1.0</b>	<b>CONTACTS: Please list the names, affiliations and contact information for any people within the state that you feel would be able to answer any additional questions.</b>	Andrew Sansom <a href="mailto:andrewsansom@txstate.edu">andrewsansom@txstate.edu</a> Executive Director, Meadows Center for Water and the Environment, Texas State University Formerly Texas Parks and Wildlife Department, The Nature Conservancy
<b>2.0</b>	<b>Who: Governance and Policy</b>	
<b>2.1</b>	What is the general water rights framework within the state, and how is that framework reflected in the way water authority is distributed to regulating entities?	“First in Time – First in Rights”
<b>2.2</b>	In general, what are the authorities within the state responsible for water policy and planning? How to these organizations relate to each other?	<i>Texas Water Development Board (TWDB)</i> – Responsible for the development of and revisions to the Water Plan <i>Texas Water Conservation Advisory Council</i> – Advises TWDB and TCEQ <i>Texas Commission on Environmental Quality (TCEQ)</i> – Issues water rights and responsible for water quality and quantity issues with surface water <i>Texas Department of Agriculture and Texas Parks and Wildlife</i> are also involved as they sit on the Texas Water Conservation Advisory Council.
<b>2.3</b>	To the extent that you can, please describe which entities do the following:	

2.3.1	- planning	Regional Water Planning Groups and the Texas Water Development Board which consists of board members appointed by the governor.
2.3.2	- implementation	Regional Water Planning Groups are responsible for implementing the plan
2.3.3	- enforcement	It appears that supporting regulations are enforceable by the regulating agency such as TCEQ and Texas Department of Parks and Wildlife.
2.3.4	- policy development	<p>Policy recommendations are given by the TWDB in the water plan.</p> <p>TWDB's statutory requirement to develop a state water plan every five years includes provisions that the plan should be a guide to state water policy that includes legislative recommendations that TWDB believes are needed and desirable to facilitate more voluntary water transfers.</p>
2.3.5	- legislation development	Legislature
2.4	Please describe any conflict resolution process the state has specifically related to water issues.	
2.5	What provisions are there for stakeholder participation in water planning and decision making?	<p>The regional planning groups represent at least 11 interests, as required by Texas statute, including agriculture, Industry, Public, Environmental, Municipalities, Business, Water Districts, River Authorities, Water Utilities, Counties and Power Generation.</p> <p>Each step of the process is open to the public and provides numerous opportunities for public input.</p> <p>The [National Research Council] advocates that stakeholder participation in the deliberation stage is critical because</p>

		stakeholders have unique knowledge and perspectives, because they have a right to contribute to plans that will involve them, and because plan execution depends on everyone working together. A coordinated plan is more important than perfect foresight, so the most important planning strategy for reducing risk is stakeholder participation. The regional water planning process is fundamentally based on stakeholder participation by the inclusion of stakeholder interests groups as required by Texas statute.
2.6	What is the relationship between water planning, water policy development and legislation (does the plan include policy or support policy developed elsewhere)	Much of the support policy had been or is being developed elsewhere. Such as water rights and instream flow regulations. Policy recommendations are provided within the plan. Most policy recommendations provided are directly tied to legislation that hinders the plan's ability to carry out the strategies recommended to increase water supply.
2.7	What interstate authorities do these groups work with? What regional entities or agreements does the state participate in?	Texas Department of Agriculture, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department (each of these also have non-voting seats on the Regional Planning Groups)
2.8	Other: please list any other observations related to water governance and policy within the state	
<b>3.0</b>	<b>Planning, Administration and Implementation</b>	
3.1	What is the planning horizon, how many years ahead do they plan for?	50 years
3.2	What is the planning cycle? How often is the plan updated	5 years

3.2	How is water planning funded?	<p>Only funding for water management strategies and infrastructure are addressed in the 2012 plan. How the TSWB is funds data collection and administrative efforts is unclear. A strong assumption can be made that they are funded through the State Water Implementation Fund of Texas (SWIFT).</p> <p>In 2013, the Texas Legislature authorized transferring \$2 billion from the state's "Rainy Day Fund" to create a new loan program, later approved by Texas voters, to fund projects in the state water plan. This original investment in the State Water Implementation Fund for Texas (SWIFT) is designed to fund close to \$27 billion in water supply projects over the next 50 years to ensure that Texas communities have adequate supplies of water during drought.</p>
3.3	What data and models are used and how are they acquired?	<p>Evaluation of population projections, water demand projections and existing water supplies. TWDB supplies this data to the regional planning groups</p>
3.4	How is water allocation policy connected to water planning and legislation development, formally?	<p>Water management strategies are formulated based on supply needs for each region.</p>
3.5	What is the relationship to other planning processes within the state such as land use planning, economic development planning, etc	<p>The water plan is tied to land use planning only in the sense of securing land for reservoir site acquisition. Economic development is closely tied to water supply issues.</p>
3.6	How are stakeholder interests incorporated into the planning process?	<p>The regional planning groups represent at least 11 interests, as required by Texas statute, including agriculture, Industry, Public, Environmental, Municipalities, Business, Water Districts, River Authorities, Water Utilities, Counties and Power Generation.</p> <p>Each step of the process is open to the public and provides</p>

		numerous opportunities for public input.
3.7	Are water information security and FOI concerns addressed?	No. Not specifically
3.8	Other: are there any other important aspects of this state's actually planning process that we should note?	
<b>4.0 What Water: Resource Scope</b>		
4.1	What spatial scale is the plan, are the planning units (basins, regions, and/or state)	TWDB designated 16 regional water planning areas taking into consideration river basin and aquifer delineations, water utility development patterns, socioeconomic characteristics, existing regional water planning areas, state political subdivision boundaries, public comments, and other factors
4.4	What water is planned: surface water, groundwater	<p>TWDB seems to have more jurisdiction over surface water. Groundwater is managed by local groundwater management authorities.</p> <p>Groundwater in the state is managed in an entirely different fashion than surface water. Historically, Texas has followed the English common law rule that landowners have the right to capture or remove all of the water that can be captured from beneath their land</p> <p>Today, Texas is the only western state that continues to follow the rule of capture</p> <p>However, local groundwater management plans can dictate limits.</p>

4.3	Whose water is planned: Public vs. private? What is the relationship to water rights?	All surface water is held in trust by the state. The Texas State Water Plan is focused entirely on water supply for human use (drinking water, irrigation, etc)
4.4	Please note how the following potential uses of water are planned for	
4.4.1	<ul style="list-style-type: none"> <li>• withdrawals</li> </ul>	Groundwater management plans differ by region.
4.4.2	<ul style="list-style-type: none"> <li>• discharges</li> </ul>	
4.4.3	<ul style="list-style-type: none"> <li>• stormwater</li> </ul>	
4.4.4	<ul style="list-style-type: none"> <li>• reuse &amp; conservation</li> </ul>	
4.4.5	<ul style="list-style-type: none"> <li>• environmental/instream</li> </ul>	
4.4.6	<ul style="list-style-type: none"> <li>• industry</li> </ul>	
4.4.7	<ul style="list-style-type: none"> <li>• agriculture</li> </ul>	
4.4.8	<ul style="list-style-type: none"> <li>• recreation</li> </ul>	
4.4.9	<ul style="list-style-type: none"> <li>• power generation</li> </ul>	
4.4.10	<ul style="list-style-type: none"> <li>• other</li> </ul>	
4.5	How is water quality addressed in the planning process?	<p>Surface water quality is monitored by Texas Commission on Environmental Quality. TWDB monitors groundwater quality.</p> <p>The state surface water quality programs are based on the federal Clean Water Act and the Texas Water Code, with the Texas Commission on Environmental Quality having jurisdiction over the state's surface water quality programs, as delegated by the U.S. Environmental Protection Agency.</p>
4.6	Other: any other important notes related to the scope of water resources being planned	
<b>5.0</b>	<b>What water issues: are any of the following specifically, intentionally</b>	

<b>addressed in the planning process? To what extent?</b>		
<b>5.1</b>	flood	
<b>5.2</b>	drought	Rather than preparing for every possible outcome, it is more efficient to focus on a benchmark risk. In Texas water planning, the benchmark is the drought of record of the 1950s. The drought of record is better understood than other projected drought risks because it actually happened. If we prepare for the drought of record, then the state will be better positioned to respond to future droughts.
<b>5.3</b>	climate change	TWDB has taken a number of steps to address uncertainty related to climate variability in the regional planning process. The agency monitors climate science for applicability to the planning process, consults with subject experts, and solicits research. TWDB also cohosted the Far West Texas Climate Change Conference in 2008. TWDB will continue to monitor drought conditions to determine if a new drought of record occurs, which would change water planning assumptions.
<b>5.4</b>	water quality	
<b>5.5</b>	instream flow	This will not be addressed until the 2017 Water Plan
<b>5.6</b>	water use prioritization	“First in Time. First in Right”
<b>5.7</b>	other???	
<b>6.0</b>	<b>How/Is the need for public education related to water planning, water use, water issues addressed?</b>	

<b>7.0</b>	<b>Differences with Connecticut: are there any significant differences between the state and Connecticut that may have influenced their plan?</b>
<b>7.1</b>	political
<b>7.2</b>	geology/hydrology
<b>7.3</b>	regulation and allocation (permitting, streamflow)
<b>7.4</b>	water rights framework
<b>7.5</b>	other
<b>8.0</b>	<b>How well does it work?</b>
<b>8.1</b>	If you encounter any information as to how the planning process or the plan itself has actually worked for the state, please include that information here.
<b>9.0</b>	<b>Anything else that you found interesting and would like to share?</b>