



Region C Water Planning Group

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10 Plan Approval Process and Public Participation

This section describes the plan approval process for the Region C Water Plan and the efforts made to inform the public and encourage public participation in the planning process. Special efforts were made to inform the general public, water suppliers, and others with special interest in the regional water plan and to seek their input.

10.1 Regional Water Planning Group

The legislation for Senate Bill One and the Texas Water Development Board (TWDB) planning guidelines establish regional water planning groups to control the planning process⁽¹⁾. Each regional water planning group includes representatives of twelve designated interest groups:

- General public
- Counties
- Municipalities
- Industrial
- Agricultural
- Environmental
- Small businesses
- Electric generating utilities
- River authorities
- Water districts
- Water utilities
- Groundwater Management Areas (GMAs)

Table 10.1 lists the members of the Region C Water Planning Group as of March 2015 and the interests they represent. For most of the fourth round of planning, Jim Parks was the Chair of the Region C Water Planning Group, Jody Puckett was Vice-Chair, and Russell Laughlin was Secretary. A number of planning group members did not seek reelection to the Region C Water Planning Group as their terms expired during this planning cycle. They were Bill Lewis, Paul Phillips and Mary Vogelsson. Members elected to fill their respective positions were Steve Mundt, James Hotopp, and Thomas LaPoint. Several members

resigned during the planning cycle. They were Jim Parks, Jerry Chapman, Danny Vance, Steve Berry, Frank Crumb, and Thomas LaPoint. Members elected to fill their respective positions were Tom Kula, Drew Satterwhite, Kevin Ward, Bob Riley, John Carman, and John Lingenfelder.

**Table 10.1
Current Members of the Region C Water Planning Group (March 2015)**

Member	Interest
Jody Puckett, Chairman	Municipalities
Russell Laughlin, Vice Chair	Industry
Kevin Ward, Secretary	River Authorities
David Bailey	Groundwater Management Areas (GMA12)
John Carman	Municipalities
Bill Ceverha	Public
Gary Douglas	Groundwater Management Areas (GMA11)
James Hotopp	Municipalities
Tom Kula	Water Districts
Harold Latham	Groundwater Management Areas (GMA8)
John Lingenfelder	Public
G.K. Maenius	Counties
Howard Martin	Municipalities
Jim McCarter	Water Utilities
Steve Mundt	Small Business
Bob Riley	Environment
Drew Satterwhite	Water Districts
Bob Scott	Environment
Gary Spicer	Electric Generating Utilities
Connie Standridge	Water Utilities
Jack Stevens	Water Districts
Dr. Tom Woodward	Agriculture

10.2 Outreach to Water Suppliers, Water User Groups, and Regional Planning Groups

The Region C Water Planning Group made special efforts to contact water suppliers and water user groups in the region and neighboring regional water planning groups to obtain their input in the planning process. Water suppliers and water user groups were surveyed and contacted on a number of occasions to solicit information on their current situation and their future water plans. Region C coordinated with Regions D, G, H, and I regarding shared resources and water user groups that were located in multiple regions.

Five of the largest wholesale water providers in the region (Dallas Water Utilities, Tarrant Regional Water District, North Texas Municipal Water District, Fort Worth, and Trinity River Authority) were represented on the water planning group. In addition, the planning group encouraged the Region C consultants to keep in touch with wholesale water providers and other water suppliers as planning proceeded. Water suppliers were included on the mailing list for Region C newsletters (discussed below under outreach to the public). Other specific measures to obtain input from water suppliers and from other regional water planning groups are discussed below.

Questionnaires

A number of questionnaires have been sent to the Region C water user groups and wholesale water providers. Appendix D includes copies of the questionnaires that were mailed in early 2013 to all Region C cities with populations over 500 and retail water suppliers (supplying over 0.25 mgd) located in Region C. The questionnaires sought information on population and demand projections, current water supplies, future water management strategies, conservation, and other water planning issues. Following the deadline for this questionnaire, the consultants called each entity whose survey response had not been received. The follow-up phone calls resulted in increased participation rate and additional information acquired. The overall response rate for the population and water planning issues questionnaire was 55 percent.

Another questionnaire was sent to all water user groups and wholesale water providers via email prior to the publication of Region C's Initially Prepared Plan (IPP). This questionnaire asked for either agreement or further input on the entities' recommended water management strategies.

Lastly, a questionnaire was mailed to water user groups and wholesale water providers after the publication of the IPP. This questionnaire was developed by TWDB and sought input regarding how much, if any, TWDB funding each entity will likely pursue to develop the strategies outlined in this plan and when that funding would be needed. The results of this survey are compiled and discussed in Chapter 9 and in Appendix R of this report.

Meetings with Wholesale Water Providers and Other Suppliers

The consultants met in person with many of the wholesale water providers and with water user groups that were interested in meeting. The consultants spoke with wholesale water providers by phone when the provider thought that an in-person meeting was not necessary.

During the planning process, the consultants met with or held conference calls with the following water

suppliers on one or more occasions. Discussion topics included current water supplies, current customers, population and demand projections, recommendations in the 2011 Plan, future water supplies, water treatment plant capacity and planned expansions, and additional wholesale customers. The consultants held meetings (unless noted, the meeting was in-person) with the following water suppliers:

- Arlington
- Athens MWA and City of Athens (teleconference)
- Corsicana
- Dallas County Park Cities Municipal Utility District (teleconference)
- Dallas Water Utilities
- Denton
- Fort Worth
- Grand Prairie
- Greater Texoma Utility Authority
- Irving
- North Texas Municipal Water District
- Rockett SUD
- Sabine River Authority (teleconference)
- Tarrant Regional Water District
- Trinity River Authority
- Upper Neches River Municipal Water Authority (teleconference)
- Upper Trinity Regional Water District
- Walnut Creek SUD
- Waxahachie
- Weatherford
- Wise County Water Supply District (teleconference)

The meetings with the providers listed above provided a better understanding of the current water supplies and the manner in which they are used, the current customers, current infrastructure limitations, potential future customers, and planned water supply and infrastructure improvement projects. These meetings were useful in determining recommended strategies for the Region C Water Plan.

10.3 Outreach to the Public

Newsletters

The Region C Water Planning Group published newsletters throughout this fourth round of the Regional Water Planning process to keep the public informed on the progress of the planning process, as well as to educate the public about water management strategies under consideration, water conservation issues and other water-related topics. The newsletters were sent to:

- Water User Groups
- Wholesale Water Providers

- Other water right holders
- County judges
- Mayors and officials of cities in the region
- Other water planning regions
- Texas Water Development Board staff
- Approximately 200 media representing more than 175 media outlets in North Central Texas
- Any person who asked to be on the mailing list.

A total of 8 newsletters have been produced and distributed on behalf of the Region C Water Planning Group during the fourth round of water planning. Appendix T includes copies of the Region C newsletters. The newsletters are distributed electronically to about 600 email users, and about 1,625 paper copies of each newsletter are distributed by mail. The newsletters are also posted on the Region C web site.

Media Outreach

The media outreach plan for Region C called for using a number of communication vehicles to keep the media, and hence the public, informed of the progress and activities of the Region C Water Planning Group:

- **Newsletters.** Newsletters were sent to approximately 200 media representing more than 175 media outlets in North Central Texas, as well as to members of the general public on the mailing list.
- **Public hearings.** The media were invited through printed public meeting notices and press releases to attend the public hearings regarding the approval of the scope of work and the Initially Prepared Plan.
- **Press materials.** Updated press kit materials on Region C's water planning effort were developed during the fourth round of Regional Water Planning and provided to media throughout the planning period. The press kit includes frequently asked questions and answers, a summary of the planning process, list of key water management strategies under consideration, Regional Water Planning fact sheet, list of RCWPG members and contact information, copies of the newsletters, and a glossary of key water planning terms.
- **Press releases and media advisories.** Press releases and/or media advisories were issued prior to every meeting of the RCWPG during the fourth round of regional water planning. These notices alerted the media of the opportunity to attend and cover these public meetings, as well as requesting the media to include meeting notices in their public calendars to encourage public attendance and participation.
- **Ongoing media relations.** Among other key media outlets, reporters from *The Dallas Morning News*, *Star-Telegram*, *Dallas Business Journal* and *Fort Worth Business Press* have been proactive in attending the public meetings and have diligently covered the issues and activities surrounding the Region's water planning efforts. Significant coverage of Region C water planning efforts has also appeared in countless other community newspapers, magazines, websites and blogs.

The Region C Water Planning Group and its efforts have netted a significant amount of press coverage since the fourth round of water planning began. The following are some of the media outlets that have produced stories on the Region C planning process in the last few years:

- Allen American
- Athens Daily Review
- Azle News
- Bonham Daily Favorite
- Bridgeport Index
- Carrollton Reader
- Celina Record
- Colleyville Courier
- Collin County Business Press
- Coppell Gazette
- Corsicana Daily Sun
- D Magazine
- Dallas Business Journal
- Dallas Morning News
- Denton Record-Chronicle
- Flower Mound Leader
- Fort Worth Business Press
- Fort Worth Star-Telegram
- Fort Worth Weekly
- Frisco Enterprise
- Gainesville Daily Register
- Grapevine/Colleyville/Southlake Community Impact News
- Greenville Herald Banner
- KDFW Fox 4 TV
- KRLD News Radio 1080 AM
- KTVT CBS-11 TV
- KXAS NBC-5 TV
- Lewisville Leader
- Little Elm Journal
- Longview News Journal
- Lufkin Daily News
- McKinney Courier-Gazette
- Mesquite News
- Mount Pleasant Daily Tribune
- Nacogdoches Daily Sentinel
- North Texas e-News
- Oak Cliff Tribune
- Plano Star-Courier
- Rowlett Lakeshore Times
- Sanger Courier
- Sherman Herald-Democrat

- Texarkana Gazette
- Texas Tribune
- Tyler Morning Telegraph
- WBAP 820 AM
- WFAA Channel 8
- Wise County Messenger
- Wylie News.

Region C Web Site

In order to make the *2016 Initially Prepared Region C Water Plan* more accessible to the public, the draft plan was made available on the Region C web site, www.regioncwater.org, in May 2015. The web site has been used extensively throughout the fourth round of regional water planning, with all key documents uploaded to the site for public review. The site has also provided updates on upcoming meetings and key dates in the water planning process, as well as contact information for RCWPG members and consultants.

Members of the public have the opportunity to view current and past issues of the RCWPG newsletter on the web site. Members of the press have also been able to access press kit materials and submit requests for press kits or interviews via the web site.

This Final *2016 Region C Water Plan* is also publicly available on the Region C web site as required.

10.4 Public Meetings and Public Hearings

Initial Public Hearing

As required by Senate Bill One rules, the Region C Water Planning Group held an initial public hearing to discuss the planning process and the scope of work for the region on April 25, 2011. The scope of work was approved by the Region C Water Planning Group. The public were notified by the notice that was published in accordance with Texas Water Development Board (TWDB) guidelines ⁽¹⁾.

Regular Public Meetings

The Region C Water Planning Group held regular meetings during the development of the plan, receiving information from the region's consultants and making decisions on planning efforts. These meetings were open to the public, proper notice was made under Senate Bill One guidelines ⁽¹⁾, and these meetings met all requirements of the Texas Open Meetings Act. All of the Region C Water Planning Group meetings were held at the Trinity River Authority (TRA) Central Wastewater Treatment Plant in Grand Prairie, a central location in the region. The water planning group met regularly, approximately every two to three months. The following is a list of the dates of the Region C Water Planning Group meetings during this

round of planning:

- March 21, 2011
- October 25, 2011
- April 30, 2012
- December 3, 2012
- March 25, 2013
- August 5, 2013
- December 2, 2013
- March 31, 2014
- May 19, 2014
- August 18, 2014
- October 27, 2014
- January 26, 2015
- March 2, 2015
- April 20, 2015
- September 28, 2015
- November 9, 2015

Public Hearing on Initially Prepared Plan

The public hearing on the *2016 Initially Prepared Region C Water Plan* was held on June 24, 2015, at the Bob Duncan Community Center in Arlington. Official public notice was posted in accordance with the TWDB requirements ⁽¹⁾ and the public meeting met all requirements of the Texas Open Meetings Act.

Public Input

The Region C Water Planning Group encouraged the public to participate in the planning process by providing an opportunity for the public to speak to the Group at each public meeting during the planning cycle. The public was allowed to address the planning group on each action item prior to the Group taking action. The public was also invited to speak on any topic prior to the conclusion of each meeting.

After the May 1, 2015 submittal of the Initially Prepared Plan (IPP) to TWDB, Region C distributed copies of the IPP to the required locations, including county clerks offices in all 16 Region C Counties and at least one public library in each of the 16 Region C Counties. These copies were made available to the public at these locations at least 30 days prior to the June 24, 2015 Public Hearing. Public notice for this hearing was made as required by TWDB (TAC 357.21), including notices in both the Dallas Morning News and the Fort Worth Star Telegram. In this public notice, the public was made aware of: where to access the IPP, the opportunity to comment on the IPP at the June 24, 2015 public hearing, and the opportunity to submit written comments up to 60 days after the public hearing (through August 24, 2015).

The public was invited to speak to the Planning Group at all of the public hearings. Oral comments at the public hearing regarding the IPP were recorded by a court stenographer and are included in Appendix V of this report. Written comments were also accepted by the planning group and are included in Appendix V of this plan. Responses to the written comments are incorporated in Appendix W.

10.5 Region C and the Region D Interregional Conflict in the 2011 Regional Plans

The following text is an excerpt from the May 19, 2014 TWDB Executive Administrator (EA) final recommendation on Conflict, Background section ⁽²⁾.

Senate Bill 1 (SB 1) in 1997 created the current state water planning process. Before the implementation of SB 1, Marvin Nichols was recommended as a water management strategy in the 1968 State Water Plan, the 1984 State Water Plan, and the 1997 State Water Plan. Under SB 1, the first Region D Regional Water Plan in 2001 recommended that Marvin Nichols be developed to provide a source of future water supply for water users both within Region D and in Region C. The 2001 Plan was later amended to remove support for the development of Marvin Nichols, however. The 2006 Region D Regional Water Planning Group took the position that Marvin Nichols should not be included in any regional plan or in the State Water Plan as a water management strategy. Further, the Region D Regional Water Planning Group expressed the opinion that the inclusion of Marvin Nichols in the Region C Regional Water Plan constituted an interregional conflict. Following the policy established with the first series of water plans, the Texas Water Development Board (TWDB) approved both the Region C and Region D 2006 Regional Water Plans because it did not find an over-allocation of a source of supply--the TWDB's definition of an interregional conflict.

In 2007, the 80th Legislature established a study commission on Region C Water Supply that consisted of members appointed by the regional water planning groups of Regions C and D. The Study Commission was charged with reviewing the water supply alternatives available to the Region C Regional Water Planning Area. But the Study Commission was unable to reach a consensus on its findings and recommendations, so a final report was not delivered to the 82nd Legislature.

In 2011, the Region C Regional Water Planning Group again adopted Marvin Nichols as a recommended strategy and Region D reiterated concerns it had raised previously. Region D again expressed the opinion that including Marvin Nichols in the Region C Regional Water Plan constituted an interregional conflict. The TWDB approved the Region D Regional Water Plan in October 2010, and the Region C Regional Water Plan in December 2010, finding again that there was no over-allocation of supply sources. To date, Marvin Nichols has not been constructed and no permits for its development have been sought from the Texas Commission on Environmental Quality (TCEQ) or the U.S. Corps of Engineers.

Private parties in Region D (Ward Timber et al) filed suit in District Court in Travis County in January 2012, seeking judicial review of the TWDB's decision approving the Region C Regional Water Plan. In its order issued on December 5, 2011, the District Court declared that an interregional conflict existed, reversed the TWDB's decisions approving the two regional plans, and remanded the case to the TWDB for resolution. The TWDB appealed. The 11th Court of Appeals heard the case and affirmed the district court's ruling on May 23, 2013. No further motions were filed.

The TWDB contracted for a mediator and arranged for a mediation between Region C and Region D members appointed by their respective regional planning groups. The mediator reported on December 17, 2013 that the parties did not reach agreement in the mediation. Thus, under the statute and the Court's Order, the TWDB is to resolve the conflict.

The core dispute between Region C and Region D is whether Marvin Nichols should be developed in the north-central part of Region D to serve the water needs in Region C.

Timeline of Conflict and Resolution

The following text is from the TWDB web site ⁽³⁾.

March 4, 2014 - *The preliminary recommendation from TWDB EA (Kevin Patteson) is posted on the agency website and provided to the chairs of the C and D regional water planning groups and the parties to the Ward Timber litigation through their attorney. The TWDB begins receiving comments.*

April 29 and 30, 2014 - *public hearings for Region D and Region C on the preliminary recommendation.*

May 2, 2014 - *Comment period on Preliminary Recommendation closed.*

May 19, 2014 - *The Executive Administrator submits a final recommendation to the Board and issues a letter soliciting briefs.*

August 7, 2014 - *Board considered TWDB Executive Administrator's final recommendation.*

On August 7, 2014, the Board considered TWDB Executive Administrator's final recommendation regarding the interregional conflict between the Region C and Region D Regional Water Plans. The Board determined that there was inadequate analysis and quantification of the impact of the Marvin Nichols Reservoir Water Management Strategy on the agricultural and natural resources of Region D and the State.

August 8, 2014 - *Board Interim Order issued.*

On August 8, 2014 it was ordered that Region C conduct such analysis and quantification and submit same to the Board by November 3, 2014. It was further ordered that upon receipt of the analysis and quantification, the Executive Administrator and Region D would be given the opportunity to submit a written response to the submission, and the matter would be scheduled for Board consideration.

November 3, 2014 - *Additional quantitative analysis of agricultural and natural resource impacts of the Marvin Nichols Water Management Strategy by Region C due to TWDB.*

Region C submitted its analysis and quantification to the Board on October 29, 2014

December 17, 2014 - *Region D and the Executive Administrator responded to Region C's quantitative analysis.*

January 8, 2015 – Order issued by the Texas Water Development Board. The Board found that Region C's 2011 Regional Water Plan together with the analysis and quantification submitted on October 29, 2014, meets the applicable statutory and regulatory criteria. Further, the Board found that in accordance with Texas Water Code (TWC) §§ 16.051 and 16.053, the interregional conflict as asserted by Region D is hereby resolved with the inclusion of the Marvin Nichols Reservoir Project as a recommended water management strategy in the 2011 Region C Regional Water Plan.

Pursuant to the January 8, 2015, TWDB Order, Region C revised the 2011 Region C Water Plan to reflect the conflict resolution. In addition, a public hearing was held on February 27, 2015 at the Bob Duncan Community Center in Arlington to solicit public comment on the proposed revisions to the 2011 Region C Water Plan based on the Board's January 8, 2015 order. There was one individual in attendance and there were no public comments. One written comment was received.

A Region C Water Planning Group meeting was held on March 2, 2015 to consider approval and adoption of the revisions to the 2011 Region C Water Plan, related to TWDB's final resolution of the interregional conflict between Region C and Region D regarding the Marvin Nichols Reservoir Water Management Strategy. The group unanimously adopted the revisions to the 2011 Plan. The proposed revisions and the transcript from the public hearing were submitted to the TWDB on March 11, 2015. All of the items related to the interregional conflict can be found on the Region C web site (regioncwater.org), as well as the TWDB's web site (<http://www.twdb.texas.gov/home/tabs/doc/hot/RegionCandDConflict.asp>).

10.6 Region C and the Region D Interregional Conflict in the 2016 Initially Prepared Regional Plans

All documents pertaining to the 2016 Interregional Conflict Resolution are included in Appendix Z. Underlined items in the text below indicate a document that is included in Appendix Z.

The 2016 *Initially Prepared Region C Water Plan* (IPP) contained a strategy called "Sulphur Basin Supplies" which consisted of the combination of supply from raising the conservation pool at Lake Wright Patman (to elevation 232.5 msl) and from a proposed Marvin Nichols Reservoir at elevation 313.5 msl (41,722-acre footprint). In the IPP, Sulphur Basin Supplies was a recommended strategy for Tarrant Regional Water District, North Texas Municipal Water District, and Upper Trinity Regional Water District, and was an alternative strategy for the cities of Dallas and Irving. This strategy was shown to be online by 2050.

On July 21, 2015, the Region D (North East Texas) Water Planning Group notified TWDB (by letter) of their objection to the inclusion of the Marvin Nichols Reservoir in the 2016 Region C Initially Prepared Plan. On August 6, 2015 TWDB responded with a memorandum to Regions C and D regarding a Potential Interregional Conflict between Regional Water Plans for Regions C and D. In this memo, TWDB invited

Regions C and D to submit briefs on the issue of whether an interregional conflict exists and notified the Regions that TWDB (the Board) would consider the matter of whether an interregional conflict did exist at its Board Meeting on September 9, 2015. Each Region was invited to give a 15 minute oral presentation to the TWDB Board at that meeting.

On August 24, 2015 Region C submitted a letter brief to TWDB asserting that an interregional conflict did not exist on the basis that the Board had previously reviewed and resolved the interregional conflict in the 2011 Regional Plan ruling in favor of keeping the Marvin Nichols strategy in the regional plan (See Section 10.5 above). On September 1, 2015 the Sulphur River Basin Authority (SRBA) submitted a letter to TWDB regarding the Potential Interregional Conflict between Regional Water Plans for Region C and D. In this letter, SRBA added its support of the Marvin Nichols Reservoir being included in the regional plans, stating that “it is crucial that all the water supply strategies in the Sulphur River Basin Feasibility Study that are listed in the Texas State Water Plan remain in the plan”.

On September, 9, 2015 TWDB held a Board meeting at which the Board heard presentations from both Region C and D. The minutes from this meeting reflects that TWDB found that an interregional conflict did exist between the 2016 Region C and Region D Initially Prepared Plans and set forth a path by which Regions C and D would participate in mediation to resolve the conflict. TWDB directed each region and TWDB to designate representatives to participate in this mediation. At its September 28, 2015 public meeting, the Region C Planning Group designated four representatives to participate in this mediation.

Mediation took place on October 5, 2015 resulting in an agreement to resolve the conflict. The terms of the agreement are as follows:

- Region C will move the Marvin Nichols Reservoir as a designated strategy to the year 2070 in its 2016 regional water plan;
- Region C will support Region D’s effort to obtain Texas Water Development Board funding to study alternative water supplies to Marvin Nichols Reservoir for the process of the 5th cycle of regional water planning for Regions C and D, resulting in the development of the 2021 regional water plans;
- Region C will adopt a resolution to recommend that water suppliers in Region C not submit any water rights applications for new reservoirs that would be located in Region D through the end of the 5th cycle of regional water planning; and
- Region D agrees that it will not challenge Marvin Nichols Reservoir as a unique reservoir site through the end of the 5th cycle of regional planning.

Both Regions C and D were to seek ratification of the agreement by their respective regional water planning groups and to seek inclusion of the language relating to the terms of the agreement in their

region's adopted 2016 regional water plans. At their November 9, 2015 public meeting the Region C Water Planning Group adopted two resolutions, one ratifying the mediation agreement and the other recommending that water suppliers in Region C not submit any water rights applications for new reservoirs that would be located in Region D through the end of the 5th cycle of regional water planning. Revisions were made to the final 2016 Region C Water Plan to reflect the terms of the agreement, particularly that the Marvin Nichols Reservoir portion of the Sulphur Basin Supplies strategy was moved to begin in 2070 rather than 2050. The Wright Patman portion of the Sulphur Basin Supplies strategy is still shown beginning in 2050.

CHAPTER 10

LIST OF REFERENCES

- (1) Texas Water Development Board, *Exhibit C First Amended General Guidelines for Regional Water Plan Development* (October 2012), Austin, [Online] Available URL: http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2016/doc/current_docs/contract_docs/2012_exhC_1st_amended_gen_guidelines.pdf, January 28, 2013.
- (2) Patteson, K. *Resolution of the Interregional Conflict between the 2011 Region C and the Region D Regional Water Plans* [Memorandum]. Austin: Texas Water Development Board. [Online] Available URL: <http://www.twdb.state.tx.us/board/2014/08/Board/Brd01.pdf>, December 19, 2014.
- (3) Texas Water Development Board, *Region C and Region D Interregional Conflict* (January 2015), Austin, [Online] Available URL: <http://www.twdb.texas.gov/home/tabs/doc/hot/RegionCandDConflict.asp>, February 3, 2015.