

REGION C WATER PLANNING GROUP

Senate Bill One Third Round of Regional Water Planning - Texas Water Development Board

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December 14, 2007

Legal Services

Texas Water Development Board

P.O. Box 13231

Austin, Texas 78711-3231

Via e-mail to: rulescomments@twdb.state.tx.us

Re: Comments on Proposed Rules Related to Regional Water Planning Guidelines 31
TAC Chapter 357

Dear Sir or Madam:

The Region C Water Planning Group appreciates the opportunity to submit the following comments on the proposed rules relating to the Regional Water Planning Guidelines published in the Texas Register on November 16, 2007.

Chapter 357

Regional Water Planning Guidelines

1. **Section 357.7(a)(3)(B)**: Under current rules, the regional water plans can report water availability for system yield, which may be greater than the sum of the individual firm yields. A system may include conjunctive use (groundwater and surface water), multiple reservoirs or multiple surface water sources. We request that this section be clarified to allow the reporting of yield from system operation, which may be greater than the sum of individual firm yields.
2. **Section 357.7(a)(8)(I)**: This addition to Section 357.7 allows the planning groups to substitute alternative strategies if conditions change such that a recommended strategy is no longer feasible. We fully support the intent of this addition. However, it includes two elements that we believe should be reworded. While the intent of this language is to provide the planning groups with greater flexibility to address changing conditions, some of the language remains limiting. The phrase “no longer feasible” is not qualified in rule making and may be difficult to demonstrate. A strategy may be technically feasible, but due to changed conditions becomes more difficult to implement or more costly to develop than another strategy. As a result, the strategy becomes less desirable than an alternative strategy. We recommend using the statement “no longer recommended” instead of “no longer feasible”.

Another concern in the proposed language is the limitation of the alternative strategy to 125% of the recognized need of the water user group. Due to the uncertainty of future droughts from the impacts of global warming, the planning groups may chose to recommend water supply development greater than 125% of the projected need. Also, the timing of the projected need and efficiency of the strategy development could result in recommended new supplies that exceed the

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125% limit in some decades. The proposed rules do allow the planning group to exceed the 125% limit with approval of the Executive Director. We suggest that such a waiver should not be needed if the substituted strategy is similar in quantity to the strategy it is replacing, even if it exceeds 125% of the need of the water user group.

To provide increased flexibility for alternative strategies, we suggest that the wording allow the planning groups to substitute one **or more** evaluated strategies if a recommended strategy is no longer **recommended**. If a supply limit must be imposed in the rules, we suggest that the total supply of the substituted strategy or strategies be no greater than **125% of the amount of the original recommended strategy** or 125% of the recognized need of the water user group, **whichever is greater**.

We appreciate the opportunity to provide comments regarding the draft rules for regional water planning. If you have any questions about our suggestions, please call me at (972) 442-5405.

Sincerely,

A handwritten signature in black ink that reads "James M. Parks". The signature is written in a cursive style with a long horizontal line extending to the right.

James M. Parks
Chair, Region C Water Planning Group

cc: RCWPG Members