

**Lower Colorado Regional Water Planning Group  
Legislation and Policy Committee Meeting  
AECOM, Barton Springs Conference Room  
November 1, 2019**

1. Lauri Gillam called meeting to order at 1:13 p.m.
2. Attendees (9)
  - Lauri Gillam – Region K, Small Municipalities Rep, Legislation and Policy Committee Chair
  - Doug Powell – Recreation Rep
  - Jim Brasher – Region K, GMA 15
  - Teresa Lutes – Region K, Municipalities Rep
  - David Lindsay – Region K, Recreation Rep (Alternate)
  - Jaime Burke – AECOM
  - Alicia Smiley – AECOM
  - Rebecca Batchelder – LCRA
  - Helen Gerlach – Austin Water
3. Public Comments
  - a. Edited policy recommendations will be emailed to committee members.
4. Minutes Approval
  - a. Draft of October 9, 2019
    - i. Jim Brasher motioned to approve the minutes. Doug Powell seconded. Committee passed.
5. 2021 Draft Policy Recommendations
  - a. Groundwater (8.1.4)
    - i. Jim Brasher provided minor language changes to policy, expanded discussion on Modeled Available Groundwater (MAG) Peak Factors, and provided discussion on the utilization and permitting of brackish water.
    - ii. *“The LCRWPG does not support under any circumstances utilizing the MAG Peak Factor when such use could reasonably be expected to contribute to subsidence.”*
      1. Doug Powell recommended changing to read, *“The LCRWPG does not support utilizing the MAG Peak Factor when such use could be expected to contribute to subsidence.”*
    - iii. Committee discussed whether MAG peak factors were limited within a time frame. While there are no state-mandated limits, peak factors are meant to be a short-term policy. Ultimately, Groundwater Conservation Districts (GCDs) are the responsible party and may have rules that preclude the policy.

- iv. *“Potential brackish water zones may be beyond the normal ‘window’ where computer modeling runs are performed to determine water availability.”*
    - 1. David Lindsay asked if the GCDs align with brackish water zones. Jim Brasher responded that GCDs will be more involved when brackish water becomes increasingly important as a source.
    - 2. Teresa Lutes asked if the RWPG should recommend that MAGs separate fresh water and brackish water in the modeling process. Jim Brasher responded that brackish water is becoming increasingly identified as a strategy, but TWDB will need to continue efforts to improve modeling in brackish zones. There are already separate rules put forth by the Legislature for brackish zones so GCDs and modeling should treat fresh and brackish water separately.
  - v. Lauri Gillam noted the RWPG should consistently refer to itself as LCRWPG rather than Region K.
  - vi. *“The LCRWPG encourages TWDB to: Review and revise its regional water planning rules to allow more flexibility in aquifer management during times of drought, where deemed appropriate by the local GCD.”*
    - 1. Jaime Burke mentioned that action item #3 is addressed through the MAG Peak Factor. Committee agreed to delete action item; Jim Brasher will follow up with David Van Dresar.
  - vii. Committee approved policy with the abovementioned changes to be presented to the RWPG.
- b. Brush Control (8.1.9)
- i. David Lindsay coordinated with the Texas State Soil and Water Conservation Board (TSSWCB) in updating the Brush Control policy. The Water Supply Enhancement Program (WSEP), the TSSWCB program funding brush control measures, was de-funded for 2020-2021. The policy reflects TSSWCB’s support in the value of brush management.
  - ii. Jim Brasher requested that WSEP and TSSWCB be spelled out at the beginning of each section.
  - iii. Jaime Burke noted that updated information from the WSEP Annual Report (2013/2014) would be available. She will update policy with information from 2016/2017.
  - iv. Committee agreed to change title to “Brush Management.”
  - v. Committee approved policy with the abovementioned changes to be presented to the RWPG.
- c. Inflows to Highland Lakes (8.1.10)
- i. David Lindsay provided policy write-up requesting a hydrologic study of the watershed providing inflows to the Highland Lakes.
  - ii. Rebecca Batchelder requested that the first paragraph be deleted as it focuses on rainfall patterns, while the second paragraph clearly defines the issue of the decline of inflows over time. Jim Brasher said while there may be other

- contributing factors to runoff, a stronger link should be made between precipitation and runoff as the relationship between the two is changing during drought conditions. Rebecca Batchelder will rewrite the first paragraph.
- iii. Jim Brasher requested noting the relationship of streamflows and precipitation, to read, *“In the August 2017 Phase I report (KRC, 2017), it was noted that observed flows in the Upper Colorado River watershed declined at all study sites over the period 1940-2016, **despite an increasing frequency of rain events.**”*
  - iv. Lauri Gillam requested that all references to “flows” be changed to “streamflows” to differentiate from inflows. Rebecca Batchelder clarified that rainfall-runoff is aggregated into inflows.
  - v. Alicia Smiley requested Brazos Basin and Bay Area Stakeholder Committee (BBASC) be spelled out.
  - vi. *“The LCRWPG recommends the State provide funding for a targeted hydrologic study of the watershed providing inflows to the Highland Lakes, incorporating the recommended study aspects listed in TWDB project #1800012283 “Evaluation of Rainfall-Runoff Trends in the Upper Colorado River Basin (Phase Two)” and additional research of the impacts of groundwater pumping on streamflows.”*
    1. Rebecca Batchelder suggested changing language to, *“... recommends the State **continue to provide funding...**”*
    2. Rebecca Batchelder requested to clarify that that the first four recommended investigations are from the TWDB project #1800012283 and the fifth recommendation is from the RWPG.
    3. Alicia Smiley requested the policy clarify that the State would provide funding to the TWDB to complete the hydrologic studies.
  - vii. Rebecca Batchelder suggested altering *“...by adjusting both surface water WAMs and groundwater GAMS to better model historical streamflow and aquifer recharge...”* to *“...by adjusting both surface water WAMs and groundwater GAMS to better **adjust the historical streamflow record to account for current conditions** and aquifer recharge...”*
  - viii. *“Given the magnitude of the diminished inflows to the lakes, analyses and evaluations should begin immediately to provide critical data for more accurate hydrologic modeling and planning.”*
    1. Committee agreed to change *“magnitude”* to *“trend.”*
  - ix. Jaime Burke requested that the contents of the “Policy Statement” and “Actions Needed” be switched to better match the layout of all policy recommendations.
  - x. Abovementioned changes will be incorporated and presented at next committee meeting.
- d. Coordination of Planning Cycles for Determination of Desired Future Conditions (DFCs) by GCDs and Generation of the Regional Water Plan by RWPGs (8.1.11)
- i. Jim Brasher provided changes to policy, recommending the DFC be delayed two years in order to sync with 2031 RWP cycle.

- ii. Alicia Smiley noted that a delay in the DFC process would also delay the MAG process, which is used by the RWPG to develop supplies. David Lindsay suggested that rather than a two-year delay, the RWPG should recommend aligning the schedule for developing MAG reports with the regional water planning process. Because the TWDB develops the MAG, it would be their responsibility to compress time between DFC and MAG development. Jim Brasher noted the development of the DFC is the responsibility of the GMA, so it may be a question of the GMA supplying DFCs in a sufficiently timely manner to be incorporated in the MAG process. Jim Brasher to revise Actions Needed.
    - iii. Abovementioned changes will be incorporated and presented at next committee meeting.
  - e. Recommended Improvements to the Regional Planning Process (8.1.12)
    - i. Lauri Gillam provided a write-up outlining recommendations related to the difficulties adhering to the Texas Open Meetings Act requirements.
    - ii. Committee discussed benefits of allowing remote participation by conference call at LCRWPG committee meetings.
      - 1. Rather than allowing *“an exception to the Texas Open Meetings Act,”* Teresa Lutes requested a language change to *“an enhancement to the Texas Open Meetings Act.”*
      - 2. Jim Brasher noted the current requirement of in-person presence adds a geographic bias to the meeting attendance, as it’s difficult to traverse the planning area. Doug Powell added that opening remote participation would significantly improve participation from outlying areas at either end of the region.
      - 3. Teresa Lutes noted that a phone-in number for public participation would need to be included in meeting announcement and agenda for committee meetings.
    - iii. Abovementioned changes will be incorporated and presented at next committee meeting.
  - f. Potential Impacts to Agricultural and Rural Water Supplies (8.1.5)
    - i. Policy reviewed by David Van Dresar and Jim Brasher. No changes recommended.
    - ii. Committee approved policy to be presented to the RWPG.
  - g. Agricultural Water Conservation (8.1.6)
    - i. Policy reviewed by David Van Dresar and Jim Brasher. Jim Brasher recommended deleting reference to LCRA-SAWS project.
    - ii. Committee approved policy with the abovementioned change to be presented to the RWPG.

6. New / Other Business

- a. None.

7. Schedule Next Meeting
  - a. Another committee meeting is expected to be scheduled for December 2019. Jaime Burke will send out a Doodle poll to committee.
  
8. Public Comments
  - a. None.
  
9. Lauri Gillam adjourned at 3:16 p.m.