

**Lower Colorado Regional Water Planning Group
Legislation and Policy Committee Meeting
AECOM, Treaty Oak Conference Room
January 27, 2020**

1. Jennifer Walker called meeting to order at 1:10 p.m.
2. Attendees (11)
 - Jennifer Walker – Region K, Environmental Rep, Alternate Legislation and Policy Committee Chair
 - David Wheelock – Region K, River Authority Rep
 - Doug Powell – Region K, 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
 - Richard Hoffpauir – Hoffpauir Consulting
 - Cindy Smiley – Smiley Law Firm
 - Daniel Bulovas – Central Texas Water Coalition
3. Public Comments
 - a. None.
4. Minutes Approval
 - a. Draft of December 11, 2019
 - i. David Wheelock motioned to approve the minutes. Jim Brasher seconded. Committee passed.
5. 2021 Draft Policy Recommendations
 - a. Management of Surface Water Resources: Inter-Basin Transfers and Model Linking (8.1.1)
 - i. Policy was previously edited for minor language changes and discussed in committee meetings. Comments from previous meetings were addressed in real-time, including minor language changes.
 - ii. Cindy Smiley believed a BBEST study was relevant to groundwater and surface water model linking. David Wheelock will confirm. Jennifer Walker will also look into the updated webpage for Senate Bill 3 studies.
 - iii. Committee approved policy with the abovementioned changes to be presented to the RWPG.

- b. Environmental – Instream Flows and Freshwater Inflows to Bays and Estuaries (8.1.2)
 - i. Jennifer Walker provided a review of the policy recommendation for clarity and specificity.
 - ii. Committee provided real-time edits including, but not limited to, the following:
 1. Clarify potentially subjective language, edit for consistency, and remove examples that may confuse understanding of policy recommendation.
 2. Revise action item #2 to read, *“The environmental flow standards adopted by TCEQ are due for revision per statute. The State should ensure a prompt and robust revision process for the environmental flow standards designed to produce science-based flow criteria with a goal of protecting a sound ecological environment.”*
 3. Obtaining voluntary return flows commitment for environmental use was removed from action item #4.
 4. In action item #5, environmental flows cannot be a use because it’s not consumed, but they could potentially be considered as a use category.
 5. Committee added recommending the Texas Legislature provide funding for BBASC and Bay and Basin Area Expert Science Teams (BBEST) to aid the revision process.
 - iii. David Lindsay expressed concern that the policy recommendation is in conflict with LCRA Water Management Plan (WMP). Jennifer Walker responded that Senate Bill 3 and environmental flows are outside the WMP and the recommendations and WMP could co-exist.
 - iv. Committee approved policy with the abovementioned changes to be presented to the RWPG.
- c. Environmental – Sustainable Growth, Including Impacts of Growth (8.1.3)
 - i. Jennifer reviewed policy from previous planning cycle and recommended no changes.
 - ii. Committee approved policy to be presented to the RWPG.
- 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 minor language changes to policy, recommending the State GMAs and Texas Legislature continue with the Actions Needed as described in the 2016 RWP.
 - ii. Committee approved policy with the abovementioned changes to be presented to the RWPG.
- e. Recommended Improvements to the Regional Planning Process (8.1.12)
 - i. Lauri Gillam provided a recommendation to improve the regional planning process, proposing the State Legislature amend the Texas Water Code to allow committees or subcommittees of a RWPG to include telephone conference call meeting participation.

- ii. Committee provided real-time edits including, but not limited to, the following:
 - 1. Action item: The Texas Legislature should amend the Texas Water Code to allow for telephone conference calling into committee and sub-committee meetings.
 - 2. Committee requested emphasizing that the Texas Open Meetings Act disproportionately impacts the members and public from remote and outlying areas due to travel distances and time required to travel. Allowing telephone conference call meeting participation facilitates participation by members and the public in remote and outlying areas.
- iii. Teresa Lutes asked for Jaime Burke to send final draft to committee before the next RWPG meeting and asked if David Wheelock can introduce the discussion topic with the Interregional Planning Council.
- iv. Abovementioned changes will be incorporated and sent to committee to finalize for RWPG meeting.
- f. Radionuclides in the Hickory and Marble Falls Aquifers (8.1.13)
 - i. Jaime Burke provided minor language changes to policy based on discussion at Dec. 11, 2019 committee meeting.
 - ii. Committee approved policy to be presented to the RWPG.
- g. Planning for Droughts Worse than the Drought of Record (New)
 - i. Teresa Lutes provided edits to new policy that recommends acting to address potential droughts worse than the drought of record in the development of water supply resiliency.
 - ii. Jim Brasher expressed concern that the RWPG workload would potentially double, as the RWPG would first need to develop a uniform methodology to determine the drought worse than the drought of record, then the RWPG would need to create strategy yields for both the baseline drought of record and the drought worse than the drought of record. Even if a drought worse than a drought of record substituted the baseline drought of record in future plans, it would beget more work since needs would be higher.
 - iii. Teresa Lutes responded that this recommendation affords risk mitigation for wider range of possible futures. State planners are starting to ask the questions regarding droughts worse than the drought of record, and this policy allows them to study the idea to get a better handle on the situation. It is timely to put additional resources toward future cycles. If we don't start now, the consequences of not planning for something worse are greater.
 - iv. Richard Hoffpauir recommended revising the language to state that the State should perform a feasibility evaluation of expanded planning and *consider* planning for a drought worse than the drought of record.
 - v. Committee approved policy with the abovementioned change to be presented to the RWPG.

6. New / Other Business
 - a. Teresa Lutes provided a policy write-up proposing Updating the Unified Costing Model and Funding Criteria for future consideration.
7. Schedule Next Meeting
 - a. At this time, no future Legislation and Policy Committee Meeting are expected.
8. Public Comments
 - a. None.
9. Jennifer Walker adjourned at 3:42 p.m.