

Appendix 6-A

Title 31 Texas Administrative Code Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

This appendix includes a matrix highlighting each regulation pertinent to the 2021 Plan in Chapters 357 and 358 of the Texas Administrative Code, Title 31. The matrix is used as a checklist to demonstrate compliance with these regulations.



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Appendix 6-A
Title 31 TAC Chapters 357 and 358 Regulations Pertaining to the 2021 Plan

Regulatory Citation	Summary of Requirement	2021 Plan Compliance (Yes/No)	2021 Location(s) in the Regional Plan and/or Other Commentary
31 TAC §357.11			
(c)(1)-(6)	RWPGs shall adopt, by two-thirds vote, bylaws that are consistent with the chapter and shall provide copies of the bylaws and any revisions thereto to the EA. The bylaws shall at minimum address terms of membership as well as methods to approve items of business, name additional members, record minutes, and resolved disputes.	Yes	The bylaws are in compliance with this requirement and were last updated at a general RWPG meeting dated July 17, 2019. I current copy of the bylaws were provided to the EA on February 25, 2020.
(d)(1)-(12)	RWPGs shall maintain at least one representative of the following interest categories as voting members: public, counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, water utilities, and groundwater management areas.	Yes	Chapter 1, Section 1.1 provides a list of current voting members of the RWPG and their corresponding interest categories.
(e)(1)-(6)	Non-voting members will receive the same meeting notifications and information as voting members. Non voting members are to include: staff members from the Board, from Texas Parks and Wildlife, from the Texas Department of Agriculture, from the State Soil and Water Conservation Board, and from each adjacent RWPG; persons to represent entities which are located in another RWPA but which diverts, supplies, or receives 1,000 acre-feet a year or more from the RWPA.	Yes	Chapter 1, Section 1.1 provides a list of current non-voting members of the RWPG and their professional affiliation.
31 TAC §357.12			
(a)(1)-(4)	Prior to preparing the RWP, the RWPG shall hold at least one public meeting to gather recommendations as to issues that should be addressed or provisions that should be included in the next plan; prepare scope of work that includes detailed tasks and task schedule with responsible parties and budgets; approve amendments to the scope in an open meeting of the RWPG; and designate a Political Subdivision as a representative of the RWPG eligible to apply for financial assistance for scope of work and RWP development.	Yes	Chapter 10, Section 10.2
(b)	A RWPG shall hold a public meeting to determine the process for identifying potentially feasible water management strategies. Input from the public meeting will be documented. All possible water management strategies that are potentially feasible for meeting needs in the region will be listed.	Yes	Chapter 10, Section 10.2
(c)(1)-(8)	The RWPGs shall approve and submit a Technical Memorandum to the EA that includes the most recent TWDB population and water demand projections, updated source water availability utilized in the RWPA, updated existing water supplies, identified water needs/surpluses, the documented process used by the RWPG to identify potential feasible WMSs, the potentially feasible WMSs, list of infeasible WMS (beginning with the 2026 RWP), and RWPG's declaration of intent to pursue simplified planning for planning cycle in each off-census RWP development (if applicable).	Yes	A Technical Memorandum including all required information was submitted to the EA in a submittal dated September 10, 2018.
(d)	If a RWPG rescinds decision to pursue simplified planning, they must do so prior to executing a contract scope of work and budget amendment with the TWDB. The RWPG must discuss any action on the decision in a public meeting.	Yes	The RWPG did not rescind their decision to pursue simplified planning during this planning cycle.
(e)	If applicable, RWPG may implement simplified planning in off-census planning cycles if it has sufficient existing water supplies and there are no significant changes to water availability/supplies/demands.	Yes	The RWPG decided to forgo simplified planning.
(f)(g)(h)	If applicable, RWPG that pursues simplified planning must complete Technical Memorandum in subsection (c), meet new planning requirements, and adopt previous RWP information. RWPG that pursues simplified planning must hold public hearing on the intent to pursue simplified planning. RWPG shall hold a meeting to consider public comments and declare implementation of simplified planning.	Yes	The RWPG decided to forgo simplified planning at its general meeting dated August 15, 2018.
31 TAC §357.20			
	Development of RWPs shall be guided by the principles stated in Title 31 §358.3 (relating to Guidance Principles).	Yes	See 31 TAC §358.3 below.
31 TAC §357.21			
(a)	Public notice requirements are subject to Chapters 551 and 552. All materials discussed at an opening meeting shall be made available to the public prior to and following the meetings.	Yes	Chapter 10 summarizes compliance with public notice requirements.
(b)	Public notice requirements for regular RWPG meetings and meetings where the following were considered: amendments to the RWP scope or budget, process for identification of potentially feasible water management strategies, member addition or replacement, and adoption of water plans.	Yes	Chapter 10 summarizes compliance with public notice requirements.
(c)	Public notice requirements for meetings where the following items were considered: population projection and water demand projection revisions, substitution of alternative water management strategies, and minor amendments to the RWPs.	Yes	Chapter 10 summarizes compliance with public notice requirements.
(d)	Public notice requirements for holding a preplanning public meeting to obtain public input on development of the next RWP; major amendments to RWPs; holding hearings for IPPs; and requesting research and planning funds from the Board.	Yes	Chapter 10 summarizes compliance with public notice requirements.

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(e)	Public notice requirements for RWPG requesting research or planning fund from the Board: Notice shall be published in a newspaper, include address of eligible applicant, brief description of RWPA, mailed to mayors/county judge/river authority, and posted on website of RWPG	Yes	Chapter 10 summarizes compliance with public notice requirements.
31 TAC §357.22			
(a)	RWPGs shall consider existing local, regional, and state water planning efforts, including water plans, information and relevant local, regional, state and federal programs and goals when developing the regional water plan. RWPGs must also consider:	Yes	Chapter 1, Section 1.8
(a)(1)	water conservation plans;	Yes	Chapter 5C, Section 5C.2 summarizes compliance with this requirement.
(a)(2)	drought management and drought contingency plans;	Yes	Chapter 7, Section 7.2
(a)(3)	information compiled by the Board from water loss audits performed by retail public utilities;	Yes	Chapter 1, Section 1.11 and Chapter 5C, Section 5C.1.2
(a)(4)	publicly available plans for major agricultural, municipal, manufacturing and commercial water users;	Yes	Chapter 1, Section 1.8
(a)(5)	local and regional water management plans;	Yes	Chapter 1, Section 1.8
(a)(6)	water availability requirements;	Yes	Chapter 3, Sections 3.1, 3.2, 3.3, and 3.4 summarize compliance with this requirement.
(a)(7)	the Texas Clean Rivers Program;	Yes	Chapter 1, Section 1.6
(a)(8)	the U.S. Clean Water Act;	Yes	Chapter 1, Sections 1.5 and 1.6
(a)(9)	water management plans;	Yes	Chapter 1, Section 1.8
(a)(10)	other planning goals including regionalization of water and wastewater services where appropriate;	Yes	Chapter 1, Section 1.8
(a)(11)	approved groundwater conservation district management plans and other plans submitted;	Yes	Groundwater Conservation Districts were discussed in Chapters 1, 3, and 5A, 5B, 7, and 8, where appropriate.
(a)(12)	approved groundwater regulatory plans; and	Yes	Chapter 1, Section 1.8
(a)(13)	any other information available from existing local or regional water planning studies.	Yes	Chapter 1, Section 1.8
(b)	The following sections from Title 31 should have a separate chapter in the RWP devoted to their contents: §§357.30, 357.31, 357.32, 357.33, 357.42, 357.43, 357.44, 357.45, 357.50, 357.34, 357.35, 357.40, and 357.41	Yes	The 2021 Plan contains chapters as required by the rules and TWDB Guidance.
31 TAC §357.30			
	The description of the RWP area must include a description of the following 12 criteria:	Yes	Chapter 1
(1)	social and economic aspects of a region such as information on current population, economic activity and economic sectors heavily dependent on water resources;	Yes	Chapter 1, Section 1.1
(2)	current water use and major water demand centers;	Yes	Chapter 1, Section 1.2
(3)	current groundwater, surface water, and reuse supplies including major springs that are important for water supply or protection of natural resources;	Yes	Chapter 1, Section 1.3
(4)	Major Water Providers;	Yes	Chapter 1, Section 1.4
(5)	agricultural and natural resources;	Yes	Chapter 1, Section 1.5
(6)	identified water quality problems;	Yes	Chapter 1, Sections 1.3.1, 1.3.3, 1.5.2, 1.5.3, 1.5.7, 1.5.9, 1.6.1, and 1.7.1
(7)	identified threats to agricultural and natural resources due to water quantity problems or water quality problems related to water supply;	Yes	Chapter 1, Section 1.7
(8)	summary of existing local and regional water plans;	Yes	Chapter 1, Section 1.8
(9)	the identified historic drought(s) of record within the planning area;	Yes	Chapter 1, Section 1.9
(10)	current preparations for drought within the RWPA;	Yes	Chapter 1, Section 1.10
(11)	information compiled by the Board from water loss audits performed by retail public utilities; and	Yes	Chapter 1, Section 1.11
(12)	an identification of each threat to agricultural and natural resources and a discussion of how that threat will be addressed or affected by the water management strategies evaluated in the plan.	Yes	Chapter 1, Section 1.12
31 TAC §357.31			
(a); (f)	RWPs shall present projected Population and Water Demand projections for each Planning Decade for WUGs and MWPs.	Yes	Chapter 2
(b)	RWPs shall present projected water demands associated with MWPs by category of water use, including municipal, manufacturing, irrigation, steam electric power generation, mining, and livestock for each county or portion of a county in the RWPA.	Yes	Chapter 2, Section 2.4
(c)	RWPs shall evaluate the current contractual obligations of WUGs and WWP to supply water in addition to any demands projected for the WUG or WWP.	Yes	Chapter 2, Section 2.3.7
(d)	Municipal demands shall be adjusted to reflect water savings due to plumbing fixture requirements identified in the Texas Health and Safety Code, Chapter 372.	Yes	Chapter 2, Section 2.1
(e)(1)-(2)	RWPs are to use population and water demands developed by the EA for the next water plan or use population and water demands revisions (only if requested).	Yes	Chapter 2, Section 2.1

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31 TAC §357.32			
(a)(1)-(2)	RWPGs shall evaluate the source water availability and existing water supplies that are legally and physically available to WUGs and wholesale water providers during drought conditions.	Yes	Chapter 3
(b)-(d)	RWPG evaluations shall consider surface water (firm yield unless otherwise requested) and groundwater (modeled, Board-issued) data from the state water plan, existing water rights, contracts and option agreements relating to water rights, other planning and water supply studies, and analysis of water supplies existing in and available to the RWPA during drought of record conditions.	Yes	Chapter 3, Sections 3.1, 3.2, 3.3, and 3.4
(e)-(g)	RWPGs shall evaluate the existing water supplies for each WUG and WWP; existing contractual agreements should be taken into account. Evaluation results shall be reported by WUG and MWP	Yes	Chapter 3, Sections 3.5 and 3.6
31 TAC §357.33			
(a)	RWPs shall include, for each planning decade, comparisons of existing water supplies with projected demands	Yes	Chapter 4, Section 4.1
(b)	RWPs shall include, for each planning decade, comparisons of projected water demands to determine whether WUGs will experience water surpluses or needs for additional supplies. Results will be reported for WUGs and for WWPs by use categories, county, and basin as described in §357.31 (b)	Yes	Executive Summary, Appendix ES-A, Report 06
(c)	Social and economic impacts of water shortages will be evaluated.	Yes	Per TWDB Exhibit C, Second Amended General Guidelines for Fifth Cycle of Regional Water Plan Development dated April 2018, this requirement is met in Chapter 6, Section 6.4.
(d)	Results of evaluations shall be reported by WUG in accordance with 357.31(a) and MWP in accordance with 357.31(b)	Yes	Chapter 4, Sections 4.3 and 4.4
(e)	RWPGs shall perform a secondary water needs analysis (calculating water needs remaining after all conservation and direct reuse strategies are implemented) for all WUGs and WWPs for which conservation water management strategies or direct reuse water management strategies are recommended.	Yes	Chapter 4, Section 4.5
31 TAC §357.34			
(a) & (b)	RWPGs shall identify and evaluate potentially feasible water management strategies for all WUGs and WWPs with identified water needs. The strategies shall meet new water supply obligations necessary to implement recommended water management strategies of WWPs and WUGs. RWPGs shall plan for water supply during Drought of Record conditions. In developing RWPs, RWPGs shall provide WMSs to be used during	Yes	Chapters 5A and 5B
(c)(1)-(6)	Potentially feasible WMSs may include expanded use of existing supplies; new supply development; conservation and drought management measures; reuse; interbasin transfers of surface water; emergency transfers of surface water.	Yes	Chapter 5A
(d)	All recommended WMSs and WMSPs that are entered into the State Water Planning Database and prioritized by RWPGs shall be designed to reduce the consumption/loss of water, improve efficiency in the use of water or develop/deliver/treat additional water supply volumes to WUGs or WWPs in at least one planning decade such that additional water is available during Drought of Record conditions.	Yes	Chapters 5A and 5B
(e)	Evaluations of potentially feasible water management strategies shall use the Commission's most current Water Availability Model and shall include the following analyses:	Yes	Chapter 5B
(e)(2)	An equitable comparison between and consistent evaluation and application of all water management strategies the RWPGs determine to be potentially feasible for each water supply need	Yes	Chapter 5B
(e)(3)(A)-(C); (e)(5)	A quantitative reporting of: the net quantity, reliability, and cost of water delivered and treated for the end user's requirements during drought of record conditions; all applicable environmental factors; and impacts to natural and agricultural resources (including threats).	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(e)(4); (e)(7)	A discussion of this RWP's impact on other water resources of the state and on local third-party social and environmental impacts.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(e)(8)	A description of the major impacts of recommended water management strategies on key parameters of water quality, comparing current conditions to recommended strategies.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(e)(9)	Consideration of water pipelines and other facilities that are currently used for water conveyance.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(e)(10)	Other factors deemed relevant by the RWPG including recreational impacts.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(f)	RWPGs shall evaluate and present potentially feasible WMSs and WMSPs with sufficient specificity to allow state agencies to make financial or regulatory decisions to determine consistency of the proposed action before the state agency with an approved RWP.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(g)(1); (g)(2)(A)-(D)	Conservation, Drought Management Measures, and Drought Contingency Plans shall be considered by RWPGs when developing the regional plans. Water conservation practices shall be included for each WUG beyond minimum requirements. Any interbasin water transfers will also include a water conservation strategy. Any water loss audits shall be addressed.	Yes	Chapter 5C

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(h)	RWPs shall include a subchapter consolidating the RWPG's recommendations regarding water conservation.	Yes	Chapter 5C
31 TAC §357.35			
(a);(b);(c);(f)	RWPGs shall recommend water management strategies to be used during a drought of record. Potentially feasible water management strategies shall be specific, cost effective, environmentally sensitive, and consistent with the long-term protection of the state's water, agricultural, and natural resources. Strategies shall protect existing water rights, water contracts, and option agreements.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(d)	Water management strategies shall meet all water needs for drought conditions, except when no water management strategy is feasible or when a political subdivision that provides water explicitly does not participate.	Yes	Chapter 5B, Appendices 5B-A and 5B-B
(g)(1)	RWPGs shall report recommended water management strategies and the associated results of all the potentially feasible water management strategy evaluations by WUG and MWP.	Yes	Executive Summary, Appendix ES-A, Report 13 and Chapter 5B, Tables 5B.1 and 5B.2
(g)(2)	Calculated supply factors for each WUG and MWP, by entity and planning decade, shall be calculated based on the sum of the total existing water supplies, plus all water supplies from recommended water management strategies; divided by total projected water demand.	Yes	Calculated supply factors are included in the Executive Summary, Appendix ES-A Report 17 for WUGs and Chapter 5B, Appendix 5B-C for MWPs.
(g)(3)	Fully evaluated Alternative Water Management Strategies included in the adopted RWP shall be presented together in one place in the RWP.	Yes	Executive Summary, Appendix ES-A, Report 15
31 TAC §357.40			
(a)	RWPs shall include a quantitative description of the socioeconomic impacts of not meeting the identified water needs.	Yes	Chapter 6, Section 6.4 and Appendix 6-B
(b)(1)-(6)	RWPs shall include a description of the impacts of the RWP regarding agricultural resources, other water resources of the state, threats to agricultural and natural resources, third-party social and economic impacts resulting from voluntary water redistributions, water quality, and effects on navigation.	Yes	Chapter 5B, Appendices 5B-A and 5B-B and Chapter 6, Sections 6.1 and 6.2
(c)	RWPs shall include a summary of the identified water needs that remain unmet by the RWP.	Yes	Chapter 6, Section 6.3
31 TAC §357.41			
	RWPGs shall describe how RWPs are consistent with the long-term protection of the state's water resources, agricultural resources, and natural resources.	Yes	Chapter 6, Section 6.2
31 TAC §357.42			
(a)	RWPs shall consolidate and present information on current and planned preparations for, and responses to, drought conditions in the region including drought of record conditions based on the following subsections:	Yes	Chapter 7, Sections 7.1 and 7.8
(b);(c)	RWPGs shall conduct an overall assessment of current preparations for drought and develop drought response recommendations for groundwater and surface water sources.	Yes	Chapter 7, Section 7.2
(d);(e)	RWPGs will collect (in a closed meeting) and submit (separately to the EA) information on existing major water infrastructure facilities that may be used for interconnections in event of an emergency shortage of water and will provide descriptions of local drought contingency plans that involve making emergency connections.	Yes	This correspondence was provided to the EA February 25, 2020.
(f)	RWPGs may designate recommended and alternative Drought Management Water Management Strategies and other recommended drought measures in the RWP	Yes	Chapters 5A, 5B, and 7, Section 7.7
(g)	The RWPGs shall evaluate, for all applicable municipal WUGs, potential emergency responses to local drought conditions or loss of existing water supplies, including identification of potential alternative water sources that may be considered for temporary emergency use.	Yes	Chapter 7, Section 7.3
(h)	RWPGs shall consider any relevant recommendations from the Drought Preparedness Council.	Yes	Chapter 7, Section 7.8
(i)(1)-(4)	RWPGs shall make drought preparation and response recommendations regarding local drought contingency plans; current drought management preparations, including drought response triggers and responses to drought conditions; and The Drought Preparedness Council and the State Drought Preparedness Plan.	Yes	Chapter 7, Sections 7.2, 7.5, and 7.8
(j)	The RWPGs shall develop region-specific model drought contingency plans.	Yes	Chapter 7, Section 7.6
31 TAC §357.43			
(a); (d)	The RWPs shall contain any regulatory, administrative, or legislative recommendations developed by the RWPGs, including those that the RWPG believes are needed and desirable to facilitate the orderly development, management, and conservation of water resources and prepare for and respond to drought conditions.	Yes	Chapter 8, Section 8.3
(b); (c)	If "Ecologically Unique River and Stream Segments" and "Unique Sites for Reservoir Construction" are designated by the RWPGs, the RWP should include relevant descriptions, value, and other relevant criteria, as described in this section.	Yes	Chapter 8, Sections 8.1 and 8.2
(f)	RWPGs should consider making legislative recommendations to facilitate more voluntary water transfers in the region.	Yes	Chapter 8, Section 8.3

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31 TAC §357.44			
	RWPGs shall assess and quantitatively report on how individual local governments, regional authorities, and other political subdivisions in their RWPA propose to finance recommended water management strategies. The assessment shall describe the role for the state in financing recommended WMSs.	Yes	Chapter 9
31 TAC §357.45			
(a)	RWPGs shall describe the level of implementation of previously recommended water management strategies, recommended in the previous RWP, including conservation and drought management water management strategies; and the implementation of projects that have affected progress in meeting the state's future water needs.	Yes	Chapter 11, Section 11.1
(b)(1)-(4)	RWPGs shall provide a brief summary of how the RWP differs from the previously adopted RWP with regards to: water demand projections; drought of record and hydrologic and modeling assumptions used in planning for the region; groundwater and surface water availability, existing water supplies, and identified water needs for WUGs and WWP; and recommended and alternative water management strategies.	Yes	Chapter 11, Section 11.2
31 TAC §357.46			
(a)	The RWPGs shall prioritize recommended WMSs in its respective RWP and submit the prioritization separately with its adopted RWP. The RWPG must prioritize the WMSs in accordance with the uniform standards, developed by the stakeholders committee established under the Texas Water Code in effect at the time it adopts its RWP	No	Prioritization of 2021 WMSs is due October 14, 2020.
31 TAC §357.50			
(a)	The RWPGs shall submit their adopted RWPs to the Board every five years on a date to be disseminated by the EA.	Yes	The 2021 IPP has been adopted in accordance with a schedule provided by the EA.
(b);(c)	Prior to the adoption of the RWP, the RWPGs shall submit concurrently to the EA and the public an IPP. The IPP shall be distributed in accordance with Title 31 §357.21(d)(5).	Pending	Satisfaction of this requirement is pending distribution of the IPP.
(d)(1)-(3)	Within 60 days of the submission of IPPs to the EA, RWPGs shall submit to the EA the identification of potential Interregional Conflicts by: Identifying the specific recommended WMS from another RWPG's IPP; providing a statement of why the RWPG considers there to be a conflict; and providing any other information that is relevant to the board's decision.	Pending	Satisfaction of this requirement is pending distribution of the IPP.
(e)	The RWPGs shall seek to resolve conflicts with other RWPGs and participate in any Board sponsored efforts to resolve Interregional Conflicts	Yes	Region I coordinated with all applicable Regions to ensure consistency across plans.
(f)(1)-(5)	When adopting a RWP the RWPGs shall solicit, and consider properly submitted written comments from the EA and from any federal or Texas state agency; and properly submitted written or oral comments from the public. The RWPG shall revise their IPPs to incorporate negotiated resolutions	Pending	Satisfaction of this requirement is pending distribution of the IPP.
(g)(1)-(2)	When submitted, RWP shall include: a technical report, an executive summary, and summaries of and responses to all comments (written and oral). The RWP shall be submitted on date disseminated by the EA unless an extension is approved and all relevant data shall be uploaded to Board's State Water Planning Database.	Pending	Satisfaction of this requirement is pending distribution of the IPP.
31 TAC §358.3			
	Development of the state water plan shall be guided by the following principles:		
(2)	The regional water plans and state water plan shall serve as water supply plans under drought of record conditions.	Yes	Chapter 1, Section 1.9, Chapter 2, Section 2.3, Chapter 3, Section 3.1, Chapter 7, Section 7.1
(4)	Regional water plans shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions so that sufficient water will be available at a reasonable cost to satisfy a reasonable projected use of water to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the regional water planning area.	Yes	Chapter 5B
(5)	Regional water plans shall include identification of those policies and action that may be needed to meet Texas' water supply needs and prepare for and respond to drought conditions.	Yes	Chapters 5B, 5C, and 7
(6)	RWPG decision-making shall be open to and accountable to the public with decisions based on accurate, objective and reliable information with full dissemination of planning results except for those matters made confidential by law.	Yes	Chapter 10
(7)	The RWPG shall establish terms of participation in its water planning efforts that shall be equitable and shall not unduly hinder participation.	Yes	Chapter 10

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(27)	RWPGs shall conduct their planning to achieve efficient use of existing water supplies, explore opportunities for and the benefits of developing regional water supply facilities or providing regional management of water facilities, coordinate the actions of local and regional water resource management agencies, provide substantial involvement by the public in the decision-making process, and provide full dissemination of planning results.	Yes	Chapters 1, 3, 7, 10
(28)	RWPGs must consider existing regional water planning efforts when developing their plans.	Yes	Chapter 1