

**Minutes of the North East Texas Regional Water Planning Group  
October 4, 2023 – 10:00 A.M.**

The North East Texas Regional Water Planning Group (NETRWPG) – Region D met in an open meeting on Wednesday, October 4, 2023, at 10:00 A.M. The meeting was held at the Region 8 Education Service Center, 4845 US 271 N, Pittsburg, TX 75686. Notice of the meeting was legally posted.

Jim Thompson called the meeting to order at 10:01 A.M. and welcomed everyone. Introductions were made and a quorum was present. Twenty members of the planning group were present in person or represented by a designated alternate.

The following voting members were present:

David Aikin	Brandon Belcher	John Brooks	Joe Coats
Kevin Chumley	Andy Endsley	Nicolas Fierro	Richard Garza
Cindy Gwinn	Billy Henson	Conrad King	Richard LeTourneau
Janet McCoy	Fred Milton	Ned Muse	Sharron Nabors
George Otstott	Jim Thompson		

The following alternates were present:

Joel Murray	Greg Carter
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The following voting members were absent:

Russell Acker	Allen Beeler	Joe Bumgarner	Donnie Duffie
Bob Tardiff	Harlton Taylor		

The public was provided with an opportunity for comment prior to any action being taken by the planning group. There were no public comments at this time.

Jim Thompson opened the discussion on replacing expiring voting member positions. Terms of each position are for 3 years, commencing on October 1, 2023. The selection process for positions will consider any additional nominations from voting members. Positions to be appointed include positions currently held by Janet McCoy, Donnie Duffie, Allen Beeler, Fred Milton, Russell Acker, George Otstott, Ned Muse, and Harlton Taylor. Donnie Duffie, current incumbent, nominates Greg Carter to take his position. Hattie Hackler and George Otstott are both nominated for the position currently held by Mr. Otstott. The Executive Committee met before this meeting to discuss a recommendation to make to the full board. The Executive Committee recommends the following list to positions on the board: Janet McCoy, Greg Carter, Robert Hurst, Fred Milton, Russell Acker, Hattie Hackler, Ned Muse, and Harlton Taylor. Greg Carter made the recommendation that Mr. Otstott keep his position. Sharon Nabors made a motion to accept the list as recommended by the Executive Committee. Billy Henson seconded the motion. Motion carries, with 17 voting aye, 2 voting nay.

Jim Thompson opened the discussion regarding appointment of successor for the unexpired term of voting member position currently held by Bob Tardiff. Mr. Tardiff has resigned, and

the Mayor of Lindale has recommended Cory Moose to take his place. Sharon Nabors made a motion to accept the recommendation of Cory Moose to replace resigning board member Bob Tardiff. Kevin Chumley seconded the motion. Motion carried, all voting aye.

Fred Milton made a motion to approve the minutes from the July 12, 2023 meeting. Greg Carter seconded the motion. Motion carried, all voting aye.

Ron Ellis with the Texas Water Development Board (TWDB) provided an update. The Interregional Planning Council met on 11/9/22, 3/9/23, 5/30/2023, and 8/15/2023. They will meet again on 11/30/23. Resources are posted on TWDB IPC web page: <http://www.twdb.texas.gov/waterplanning/rwp/ipc/index.asp>. Upcoming critical deadlines and upcoming activities, prior to 3/4/2024 technical memo deadline, are to approve projections revision requests, assess availability and supplies, approve and submit hydrologic variance requests, present the process for identifying potentially feasible strategies for the 2026 regional water plan, and identify infeasible strategies and projects from 2021 regional water plan. There was a request for information published on September 29, 2023 regarding a review of the feasibility of the Marvin Nichols reservoir. Information can be found at <https://www.twdb.texas.gov/waterplanning/rwp/feasibility/index.asp> The deadline to submit responses is December 1, 2023. The identification of infeasible Water Management Strategies (WMSs) from the 2021 plan is a new process for everyone. This review was created by Senate Bill 1511 in 2017 in the 85<sup>th</sup> Legislative Session. The concept is that planning groups will look back at the previous plan and apply feasibility tests to certain strategies and projects in that plan to determine if the plan needs to be amended to change the online decade of a certain project because it is not on track to meet the timing laid out in the plan or if it needs to be removed and replaced by something else that is more feasible. Infeasible projects can be defined as those where the sponsors have not taken affirmative vote or other action to make expenditures necessary to construct or filed applications for permits required in connection with implementation of the project on a schedule in order for the project to be completed by the time the project is needed to address drought. Planning groups are to present the results of their 2021 infeasibility analysis at the same public meeting where the planning group also presents methodology for identifying potentially feasible projects in the 2026 Regional Water Plan. There is a 14-day notice required for that meeting. Analysis must be completed by March 4, 2024 when the technical memo is due because it must be included in that technical memo. The adopted 2021 Regional Water Plan must be turned in to TWDB by June 5, 2024. There will be a Marvin Nichols Feasibility Review completed with funds from this budget cycle. Out of funds appropriated in House Bill 1 of the 88<sup>th</sup> Legislative Session, the TWDB shall evaluate the feasibility of the proposed Marvin Nichols Reservoir project to be located on the Sulphur River and upstream of the confluence of the White Oak Creek in Franklin, Titus, and Red River Counties. The review, completed by agency staff, will analyze the implementation timeline, associated costs, land acquisition considerations, and the economic impact of the proposed project. A report regarding the findings of the review shall be prepared and submitted by TWDB to the Legislative Budget Board and Governor no later than January 5, 2025. Feasibility review information will be augmented by information received from stakeholders through a request for information that was posted in the Texas Register September 29, 2023, and is posted on the TWDB website. Relevant information must be submitted by December 1, 2023 to [feasibility@twdb.texas.gov](mailto:feasibility@twdb.texas.gov). The TWDB anticipates making the draft feasibility report



available for public comment prior to it being finalized and the approved report delivered to the Legislative Budget Board and the Governor. There was not a specific amount or a category of funds allotted to fund this feasibility review. The review will be completed with the existing TWDB staff and budget. This review will not have an impact on the Region D contract with TWDB nor the funds within this planning process. This will be a review of all available information. No new studies will be conducted. For more information, please visit the TWDB website and navigate to the 6th planning cycle page. The new webpage can be found here:

<https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/index.asp>

This page will be updated throughout the cycle with important documents, the working schedule, task organization, newsletters, as well as contract and administrative documents. No action taken.

There were no reports from GMA 8, or GMA 11.

There were no reports from Region C or Region I.

Jim Thompson opened the discussion regarding authorizing Riverbend to execute amendments to the TWDB contract. This item would authorize Riverbend to negotiate and execute any and all required amendments to the TWDB contract for the remainder of the 6th Cycle of Planning. Ned Muse made a motion to authorize Riverbend to execute amendments to the contract with TWDB. Fred Milton seconded the motion. Motion carried, all voting aye.

Jim Thompson opened the discussion regarding offering comments back to TWDB on the process of developing municipal population and demand projections. At the last meeting of the interregional planning committee, discussions were held regarding dissatisfaction with how the municipal populations were recently presented. Neighboring regions planned to come up with some language to address the concerns that weren't being addressed with respect to counties with more rural populations. Mr. Thompson suggests Region D waits to see what other regions come up with to comment and then go from there. No action taken.

David Harkins, Carollo Engineers, provided an update on the current plan schedule and the planning budget process. Mr. Harkins also provided a summary of Hydrologic Variance Request for determining water availability for existing sources and WMSs as well as the methodology for determining water availability. They look at firm yield in a reservoir which is available 100% of the time as well as the run of the river which is the available monthly diversion during the driest period of record. Existing surface water supply in the regional planning process is based on current infrastructure and the assumption that all senior downstream water rights are being fully utilized. In the river basins of Cypress Creek, Red, Sabine, Sulphur, Neches and the Trinity Rivers there are 35-40 surface water sources to be evaluated using TCEQ Water Availability Models. The Run 3 version of used for permitting surface water in Texas. It is all water rights fully utilizing all authorized amounts, all applicable permit conditions are met not including return flows, and it uses all original reservoir capacities. Regional Water Planning Groups can request a Hydrologic Variance to modify the WAM Run 3. The request is made for the use of alternative methodology, for any criteria that varies from base requirements, or is expected to have significant effects on

existing supply estimates. The planning groups must ensure that any estimates are reasonable for drought planning purposes and that they will reflect conditions expected in the event of near-term, actual drought conditions. The modifications Region D is requesting is the inclusion of return flows for existing surface water rights utilizing return flows for evaluation of existing and strategy supplies. This will include evaluations of existing reuse and reuse strategies, consistent with TCEQ approach for evaluations of reuse permit applications. We will also be requesting modified WAM to reflect updates sedimentation effects on existing and strategy reservoir firm yields. Sedimentation levels should also be considered as a modification. Groundwater availability is determined by Modeled Available Groundwater (MAG) which is a joint planning process. It's based on Desired Future Conditions (DFC) through actions of Groundwater Conservation Districts (GCD) and Groundwater Management Areas (GMA). While Region D is required to align with MAGs for relevant Aquifers in adjacent areas regulated by a GCD, we are not regulated by GCDs. After the completion of the presentation, Sharron Nabors made a motion to authorize the technical consultant, Carollo Engineers, to submit a hydrologic variance request to the TWDB on behalf of Region D consistent with the information provided in this meeting and approve for the consultant to work with the Chair and Administrator to submit further revisions and make responses to revision requests by TWDB. Cindy Gwinn seconded the motion. Motion carried, all voting aye.

David Harkins, Carollo Engineers, provided a summary of identified Wholesale Water Providers (WWP) and Major Water Providers (MWP), the status of the identification of infeasible strategies, the preliminary process for identifying potentially feasible strategies, and ongoing engagement efforts for the purposes of the 2026 Region D Water Plan. He provided a list of previous WWPs and MWPs with 2026 additions. Potential feasible WMSs must follow TWC §16.053(e)(5) and 31 TAC §357.34(c). Planning Groups must consider but are not limited to considering 24 types of WMSs for all identified water needs. Technical Memorandum, IPP, and Final RWP must include the documented process used by the RWPG to identify potentially feasible WMS, the list or table of all identified WMSs that were considered potentially feasible, to date, for meeting a need in the region per 31 TAC §357.12(b) and if no potentially feasible WMSs are identified or recommended for an identified water need, then the RWP must document the reason. Our focus must be on reviewing 2021 plan strategies and projects that require a permit and or involve construction. In addition, the strategies must show to be online in the 2020 or 2030 decade, be related to new major reservoirs, seawater desalination, direct potable reuse, brackish groundwater, aquifer storage and recovery, and out of state water transfers. Those that are on plan for 60 years out may not be feasible for the 2026 water plan. The feasibility or infeasibility of some of the strategies may not be possible due to the lack of information. There are 64 potentially infeasible WMSs. Five of them are related to a reduction in demand, 59 of them are source related. Conservation strategies do not require construction or a permit. Strategies for county aggregates are excluded from a look-back. For those projects that do require construction or a permit, affirmative actions include project constructed, funding applications submitted, partial implementation, purchase of sites, permitting underway, feasibility/design underway, test wells constructed, redevelopment of existing wells to increase capacity at same source. Per 31 TAC §357.12(b) there must be a public meeting to determine the process for identifying potentially feasible WMSs. The process must be documented, and input received must be incorporated. A list of all potentially feasible WMSs must be made. When

identifying and evaluating WMSs, TWDB allows for flexibility in selecting the method to determine feasibility meaning the criteria can be determined by the Planning Group. The Planning Group should receive public comment on the proposed process. The process should be equitable and consistent for all potentially feasible WMSs for each water supply need. The TWDB has guidelines for identifying feasible WMSs. They range from environmental impact to third party social and economic impacts resulting from voluntary redistribution of water. Feasible WMSs may include system optimization and conjunctive use of water resources or reallocation of reservoir storage to new uses, or development of new supply including brush control, rainwater harvesting or aquifer storage and recovery. For WMSs, Region D has historically used groundwater, surface water, advanced water conservation, and water reuse. The path forward is to identify the sources we have, engage on what those supplies are and how we use them, continue to look at infeasible strategies, database entry by Carollo, analyze our needs and then move forward with the preparation with the technical memorandum. No action taken.

Kyle Dooley presented invoices from Carollo Engineers for payment approval. The invoices are for work spanning from May of 2023 to July of 2023. The total for the invoices is \$16,945.01. David Aikin made a motion to authorize Kyle Dooley to pay the invoices to Carollo. Greg Carter seconded the motion. Motion carried, all voting aye.

Kyle Dooley provided that no administrative expenses have been submitted. This agenda item is an annual placeholder in case any major expenses arise. Other than room rental and small amounts for printing and mailing notices we have not had any costs to submit. Riverbend has about \$5000 in funds set aside for administrative costs for Region D. the plan is to look at those funds when we get to the last year of planning and see if there are funds available to reimburse Riverbend. Ned Muse made a motion to certify the administrative operations thus far. Janet McCoy seconded the motion. Motion carried, all voting aye.

The public was provided with a second opportunity to make comments. No public comments were made.

The next meeting is tentatively scheduled for February 21, 2024.

With no further business to discuss, Jim Thompson adjourned the meeting at 11:47 a.m.

  
Secretary

  
Date