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**Water Information Integration and
Dissemination
(TWDB WIID System)
<http://wiid.twdb.state.tx.us/>**



AMENDING AN APPROVED REGIONAL WATER PLAN

BACKGROUND

Every five years, the 16 regional water planning groups (RWPGs) must develop and adopt regional water plans, which are submitted to the Texas Water Development Board (TWDB) for approval. The TWDB then compiles the regional water plans into a state water plan. During the five-year span between regular adoption of regional water plans, there may be occasions to amend regional water plans to secure long-term water supplies.

HOW IS AN AMENDMENT TO A REGIONAL WATER PLAN INITIATED?

A RWPG may initiate an amendment on its own, or a political subdivision of the State of Texas in the regional water planning area may request an amendment from the RWPG based on changed conditions or new information.¹ A RWPG uses the following process to review amendment requests:

- The RWPG must formally consider the request within 180 days after its submittal.
- The RWPG may, at its discretion, accept or reject the proposed amendment.
- The political subdivision may petition the TWDB Executive Administrator for agency review if the political subdivision is not satisfied with the RWPG's decision.²
 - A. The Executive Administrator may request the RWPG to make a revision.
 - B. If the revision is not made within 90 days, the matter is presented to the TWDB, which can order a revision to the regional water plan and state water plan based on changed conditions or new information.

WHAT ARE THE WAYS THAT A REGIONAL WATER PLAN MAY BE MODIFIED?

Revisions to Population or Water Demand Projections, which may be requested from the TWDB whenever current projections are no longer reasonable due to changed conditions or the availability of new information.³

The process requires the following:

- A RWPG must submit a revision request, usually based on a request from a political subdivision, to the TWDB.
- The RWPG must provide at a least 14-day notice for a meeting and make the proposed population and/or water demand projection



revisions available for public inspection prior to the meeting.⁴

- The RWPG must accept oral and written public comments at the meeting in which the request is considered and written comments for 14 days following the meeting.
- The RWPG submits the revision request to the TWDB, including a summary of all comments received by the RWPG at the meeting and during the 14-day comment period.
- The TWDB consults with other state agencies and, within 45 days of receipt of a revision request from a RWPG, the Executive Administrator will respond to the request.
- All requested revisions will be presented for consideration of Board approval at the next scheduled TWDB meeting. TWDB staff will recommend to the Board a consensus recommendation from the TWDB, the Texas Department of Agriculture, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department.

Substitutions of water management strategies that have already been fully evaluated and are explicitly included as identified “alternative” water management strategies in adopted regional water plans if⁵

- the water management strategy originally recommended is no longer recommended, and
- the proposed substitution does not result in a water management strategy that is in excess of 125 percent of the recognized needs of the water user group for which the substituted strategy is recommended unless good cause can be demonstrated by the RWPG.

The process requires the following:

- A political subdivision requests the RWPG to make a substitution.
- The RWPG considers the substitution request as an action item on an agenda at a regular public RWPG meeting.⁶
- Substitution materials are submitted to the TWDB for Executive Administrator consideration.⁷
- The Executive Administrator approves the substitution if in accordance with 31 TAC § 357.7(a)(7)(H).
- The RWPG adopts the substitution at a regular public RWPG meeting and submits evidence of adoption to the TWDB.⁸

Minor amendments to incorporate changes that do not:

- result in over allocation of an existing or planned source of water;
- relate to a new reservoir;
- have a significant effect on instream flows, environmental flows, or freshwater flows to bays and estuaries;
- have a significant substantive impact on water planning or previously adopted management strategies; or,
- delete or change any legal requirements of a plan.⁹

The process requires the following:

- A political subdivision requests the RWPG to make an amendment.
- The RWPG considers the request and takes action to pursue the amendment at a regular public RWPG meeting.
- Amendment materials are prepared in accordance with TWDB rules and guidance and a request for a “minor amendment determination” is submitted to the TWDB’s Executive Administrator.

- The Executive Administrator reviews the request and responds within 30 days.
- If the Executive Administrator determines that it is a “minor amendment,” the RWPG considers adopting the amendment at a regular public meeting with an opportunity for public input. This meeting requires at least a 14-day notice.¹⁰ The RWPG considers public comments and may adopt the amendment at the meeting.¹¹
- The RWPG submits the adopted minor amendment materials, including a summary of public comments, to the TWDB for approval.
- The TWDB reviews the adopted minor amendment and, if acceptable, approves it at its next regular Board meeting.
- The TWDB amends the state water plan to incorporate the minor amendment.

Major amendments to incorporate changes that cannot be addressed through a minor amendment.¹²

The process requires the following:

- A political subdivision requests the RWPG to make an amendment.
- The RWPG considers the request and takes action to pursue the amendment at a regular public RWPG meeting.
- Amendment materials are prepared in accordance with TWDB rules and guidance for consideration at a public hearing.
- The RWPG holds a public hearing on the proposed amendment.¹³ This requires 30 days between the mailed and published notice of the hearing and the hearing date and a 30-day comment period following the hearing.
- The RWPG considers all public comments received and may adopt the regional water plan amendment at a regular RWPG meeting¹⁴ after the 30-day comment period.¹⁵
- The RWPG submits the adopted amendment materials, including a summary of public comments, to the TWDB for approval.¹⁶
- The TWDB reviews the adopted amendment and considers approving the adopted regional water plan amendment.
- The TWDB then amends the state water plan, which requires a 30-day public notice for the hearing on the proposed state water plan amendment prior to its adoption.

WHO PAYS FOR AN AMENDMENT?

The RWPG may ask the political subdivision requesting the amendment to pay for study costs related to the request. Limited TWDB funds may be available to pay for plan amendments. Unsolicited proposals requesting TWDB funding for an amendment may be submitted at any time using the standard grant application instruction sheet. Proposals must include a scope of work, task items, and expense budgets for the work to be performed. Allocation of funds requires Board approval and is variable based on the extent of the scope of work presented with the request and the availability of funds.

WHY MIGHT A REGIONAL WATER PLAN NEED TO BE AMENDED?

If a project sponsor seeks a) funding from the TWDB for a water supply project; or b) a water rights permit from the Texas Commission on Environmental Quality, the proposed project must be found to be “consistent” with the approved regional water plan and state water plan.

If the proposed project is not already “consistent” and the sponsor cannot wait to incorporate the proposed project into the next adopted regional water plan, the existing regional water plan must be amended, or a waiver of statutory requirements regarding consistency with such plans must be obtained from the TWDB and/or Texas Commission on Environmental Quality.¹⁷

STATUTE AND RULES

- Title 2, Chapter 16 of the Water Code:
<http://tlo2.tlc.state.tx.us/statutes/docs/WA/content/htm/wa.002.00.000016.00.htm#16.053.00>
- Chapter 357, Part 10, Title 31 of the Texas Administrative Code:
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=31&pt=10&ch=357&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=31&pt=10&ch=357&rl=Y)
- For more information on regional water planning and related guidance, please visit the following Web site: <http://www.twdb.state.tx.us/wrpi/rwp/rwp.htm>

Note: This guidance document does not cover all procedural and substantive requirements applicable to water plan amendments. For this reason, this document should not be used as a substitute for the regulations as written. In case of doubt, consult the statutes in Chapter 16 of the Texas Water Code and Title 31, Chapter 357 of the Texas Administrative Code. Regional water planning groups or political subdivisions with legal questions regarding changes to the regional water plans should consult with their own attorneys or the Texas Attorney General Office.

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- ¹ Per 31 TAC § 357.11(f)(g). Any amendment proposed must meet rules and guidelines for development of a regional water plan (RWP).
 - ² The petition must be provided to the RWPG and must include: the changed condition or new information that affects the approved RWP; the specific sections and provisions of the approved RWP that are affected by the changed condition or new information; the efforts made with the RWPG to obtain an amendment; and the proposed amendment to the approved RWP [31 TAC § 357.11(g)(1)].
 - ³ Per 31 TAC §357.5(d)(2).
 - ⁴ Per 31 TAC §357.5(d)(2).
 - ⁵ 31 TAC. § 357.7(a)(7)(H).
 - ⁶ Posted under the Texas Open Meetings Act; See also, 31 TAC § 357.12.
 - ⁷ Per criteria under 31 TAC Ch. §357.7(a)(7)(H).
 - ⁸ Posted under the Texas Open Meetings Act.
 - ⁹ Per 31 TAC Ch. §357.16.
 - ¹⁰ Per 31 TAC §357.16(d), §357.12(a)(c)(d) and posted under the Texas Open Meetings Act.
 - ¹¹ Amendment adoption must include response to public comment, and otherwise comply with TWDB technical guidelines.
 - ¹² Per 31 TAC §357.11(f).
 - ¹³ Per 31 TAC §357.11(f); §357.12(a)(4)-(6); §357.12(a)(4)(5)(6)(b)(c)(d).
 - ¹⁴ Posted under the Texas Open Meetings Act; See also, 31 TAC § 357.12.
 - ¹⁵ Amendment adoption must include response to public comment, and otherwise comply with TWDB technical guidelines.
 - ¹⁶ Amendments to an approved RWP shall include a technical report and data in accordance with TWDB specifications, executive summary, and summaries of all written and oral comments received with a response. Data must be transferred to TWDB (31 TAC § 357.10).
 - ¹⁷ Per 31 TAC §357.13(c).