

Enhancing Interregional Coordination (EIC) Committee Meeting Minutes

August 28, 2020, 10:00 a.m. held via GoToWebinar

Committee Members present (3 of 5): Gail Peek, Chair; Jim Thompson; Patrick Brzozowski. Scott Reinert and Ray Buck were absent.

Senators/Representatives/Other VIPs in Attendance: N/A

TWDB Board Members and Staff: Participants: Matt Nelson, Ron Ellis, and Suzanne Schwartz.

MEETING GENERAL: Ron Ellis (TWDB) checked roll and determined that a quorum was present.

AGENDA ITEMS

- 1. Call to Order and Welcome** – Chair Gail Peek called the meeting to order and welcomed the committee members.
- 2. Public Comment** – None.
- 3. Consider Minutes for August 6, 2020 Meeting** – There were no comments on the draft minutes. *Jim Thompson made a motion to approve the minutes as amended, and Patrick Brzozowski seconded. The motion was approved.*
- 4. Committee recommendations and observations for the Interregional Planning Council regarding Enhancing Interregional Coordination** – Suzanne Schwartz began the discussion by pointing the committee members to the revised problem statement. She reminded them that the Interregional Planning Council (IPC) had noted that the problem statement presented solutions and not just problems. She noted that the revised text in the document was an attempt to correct that. Patrick Brzozowski commented that the second sentence, beginning with “coordinating” seemed to contain two distinct thoughts. The members agreed to split it into two sentences by adding a period after the word “rule”. The committee members didn’t have any further changes and agreed that it was ready to forward to the IPC.

Ron Ellis explained that the document format was changed to the council report format. He gave a high-level overview of the new document format and each of the draft recommendations. Suzanne Schwartz then walked the committee members through each draft recommendation for comments. She told them that TWDB staff would capture their comments and send out an updated draft for them to review and edit.

Gail Peek asked if the first recommendation begins the coordination process early enough. Mr. Brzozowski responded yes and suggested that the concept of a WMS “using” water in another region needed to be better defined. The members discussed the question and agreed that “use” should be changed to “develop or use” in two locations in the recommendation. Ms. Schwartz suggested that TWDB staff would identify additional places in the document where this change should be made.

Jim Thompson asked what is the “strategy information” referred to in Sections 4.1(a)(2). Ron Ellis explained that the strategy information would be list of strategies in a report compiled by TWDB that could include those strategies reported as opportunities or issues by all regions or additional information from the planning database. Mr. Thompson then asked if stakeholders would be involved in the pre-planning meeting referred to in 4.1(a)(3). Ron Ellis responded that the pre-planning meeting is a public meeting that requires significant public notice, so anyone could participate and give input. He added that the pre-planning meeting would be an initial consideration of strategies, and if there is an issue identified, it could necessitate a separate stakeholder process. Suzanne Schwartz then walked the committee through the rest of the recommendation and there were no additional comments from the committee members.

Suzanne Schwartz moved on to the second recommendation, and Mr. Thompson asked whether the definition of stakeholder would include impacted parties. Matt Nelson responded that it would include anyone the committee wants it to be, but it would include the public. Gail Peek added that it could be anyone in the public who has an interest in the project, and we want them to know as early as possible whether for or against it. Mr. Thompson then asked what committees were referred to in Section 4.2(a)(1). Ron Ellis replied they are standing RWPG committees and that some have several and others just an Executive Committee. He added that a list of current RWPG is in the meeting materials. Matt Nelson edited the recommendation to specify “RWPG” committees. Suzanne Schwartz then walked the committee through the rest of the recommendation and regarding Section 4.2(b), Patrick Brzozowski asked if we envisioned this recommendation costing money. Matt Nelson responded that TWDB is trying to be cognizant of the fact that the number of tasks for planning groups has increased somewhat but funding has not. Gail Peek added that planning contracts have been getting more expensive.

Suzanne Schwartz then moved the committee on to the third recommendation in Section 4.3. Mr. Brzozowski asked about the meaning of “project opportunities” in the first sentence. After committee discussion, Matt Nelson edited the language by changing it to refer to strategies instead of projects and adding a comma after strategies.

The committee then discussed whether to recommend funding from the legislature. The committee discussed whether a funding request should be for TWDB or RWPGs. Ultimately, the committee decided to include a general recommendation for the legislature to fund additional costs.

Under Section 4.3, which is the recommendation to the RWPGs, Patrick Brzozowski asked to add that RWPGs should also engage the appropriate parties for collaboration. The committee members agreed, and Matt Nelson edited the recommendation.

Ms. Schwartz then asked if the committee wished to discuss any additional recommendations. She noted that they had previously discussed the role of RWPG liaisons and had been charged by the IPC with the interregional conflict task. Ms. Schwartz first asked if the committee felt they had adequately addressed the role of liaisons. Gail Peek noted that she was hesitant to recommend what should be done by liaisons without knowing better what is done. Jim Thompson added that he too is skeptical about requiring tasks for liaisons, since they are time consuming positions and already difficult positions to fill. Patrick Brzozowski agreed and added that he hates to add an additional burden on the planning region. He acknowledged the importance of communication but added that they can rely on the planning consultants communicate with neighboring groups. Matt Nelson asked if maybe there is a way that TWDB could help the liaisons as a group. Mr. Brzozowski

suggested that TWDB could support a meeting among liaisons where they could talk. He also commented that he had heard that TWDB's chair's conference calls consisted mostly of information communicated from TWDB and not much interaction among chairs. He went on to comment that once TWDB has produced a list of WMSs for coordination, maybe it could be discussed by the chairs on a future call, focusing on cross-region WMSs. Ms. Peek noted that the liaisons should serve as a pipeline for information to flow between regions to maximize opportunities for information exchange. Suzanne Schwartz summarized the discussion and asked if the committee wished to capture any of the discussed ideas as recommendations, and they declined to do so. Mr. Brzozowski commented that once planning groups get the information on WMSs from TWDB, they will have the information to initiate coordination with a neighboring region if necessary.

Ms. Schwartz then asked if they wished to add recommendations for interregional conflict. She reminded them that the interregional conflict workgroup had identified recommendations in two areas. The first being identifying issues earlier, which the committee's existing recommendations address. She also noted that the workgroup observed that there have been very few conflicts that reached the level of needing resolution, and that the workgroup made some recommendations about an enhanced stakeholder process to handle those that do. She noted that the recommendation involved shared trusted experts and would require some funding.

Ms. Schwartz asked the committee if they wished to develop recommendations for situations where there might be a more entrenched interregional conflict. Jim Thompson replied that one of the major problems is that they get started too late and that he believes that has been addressed as well as possible. He added that including stakeholders early in coordination helps too, and that was also recommended by the workgroup. He expressed his belief that although all of the workgroup points were not dealt with in the committee's recommendations, some of the major points were.

Patrick Brzozowski commented that some of the points made by the workgroup are best management practices, or ways that the regions would work together. He added that if a project creates a conflict, then the sponsor has the responsibility to get the information necessary to make a decision and satisfy the reasons they want to do it. He then added that he doesn't know that it's something that needs funding from TWDB. Ms. Peek responded that she agrees with their comments. She also added that they are trying to find the soft area between coordination and the TWDB formal process, but when there is conflict and before positions are entrenched, the most the committee should say is that parties who perceive a conflict should sit down and talk. She added that it's as if they should find a mediator or some neutral party to help review before going to TWDB, but that they don't have enough information to come to a conclusion and what they've recommended may be the best they can do now. She concluded by suggesting they should see how their recommendations work out and let the matter be considered by future committees.

Mr. Brzozowski asked the committee to look back at recommendation 4.1.3, which requires strategies that impact another region to be documented. He suggested that documentation could include identification of additional information that's needed to satisfy a conflict and move it forward. Suzanne Schwartz asked Mr. Brzozowski if he wanted to add some language to 4.1.3 to capture that idea, and he said he did not. He clarified that he believes it could be addressed under 4.1.3 and that the region identifying the conflicting strategy could identify needed information and those parties could go out and get the additional information. Ms. Schwartz noted that she was not hearing a desire to add additional recommendations regarding interregional conflict and asked if anyone wanted to consider any other topics for recommendations.

Jim Thompson replied that he would like to discuss the text in Section D of the draft report. He noted that it contained some information that he believes is inaccurate and some information that he disagrees with. He cited the example of Section D.2.e, which states historically the only resolution is that the conflicted regions agree to disagree. He made the point that in one planning cycle, the regions came to an agreement, which allowed them to move forward. He also cited D.2.b and D.2.d as language that he disagrees with. He expressed concern that these would be considered statements of the Board's position. Matt Nelson asked if he should flag the language for the entire IPC to approve. Mr. Thompson agreed to that path forward. Ms. Peek noted that in this draft it seems unclear where the committee role ends and the IPC and TWDB roles begin. She added that the language looks like it's the charge of the committee, but it's to be reviewed by the IPC, specifically all of Section D.

Suzanne Schwartz asked if the committee had any other topics to include as recommendations to move forward to the IPC. The committee members said they did not. Ms. Schwartz then proposed that TWDB staff would revise and send out to committee members to make any comments or edits, and then it would be compiled to submit to the IPC.

- 5. Discussion of agenda for future meetings, including background materials needed for the meetings and steps to be accomplished before the meetings** –Gail Peek noted that the committee has addressed the questions before them and that a meeting on September 9 would serve to address anything left outstanding. Jim Thompson and Patrick Brzozowski indicated that they did not see a need to meet but were willing to do so. Ms. Peek said she'd reach out to the other committee members to ask if they wish to meet. Ron Ellis reminded the committee that notice for a September 9 meeting would have to be posted by September 1. He also noted that meeting on a later date may conflict with the IPC's requested committee report due date of September 7. Ms. Peek said she'd let TWDB staff know if the committee would forego a meeting on September 9.

Regarding materials the committee may need, Ms. Peek asked for TWDB staff to provide the updated draft report document and the TWDB "one-pager" on the interregional conflict process.

- 6. Report and Possible Action on Report from Chair** – No report.
- 7. Public Comment** – None.
- 8. Adjourned** –Ms. Peek adjourned the meeting at 11:41 a.m.