

Appendix 7A
Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations

APPENDIX 7A

CHECKLIST FOR COMPARISON OF THE REGIONAL WATER PLAN TO APPLICABLE WATER PLANNING REGULATIONS

The purpose of this attachment is to facilitate the determination of how the Regional Water Plan is consistent with the long-term protection of the water, agricultural, and natural resources of the State of Texas, particularly within this region. The following checklist includes a regulatory citation (Column 1) for all subsections and paragraphs contained in the following applicable portions of the water planning regulations:

- 31 TAC Chapter 358.3
- 31 TAC Chapter 357.5
- 31 TAC Chapter 357.7
- 31 TAC Chapter 357.8
- 31 TAC Chapter 357.9

According to 31 TAC Chapter 357.14(c), the Regional Water Plan is considered to be consistent with the long-term protection of the State's resources if complies with the above listed requirements. Therefore, the Regional Water Plan has been compared to each applicable section of the regulations as a means of determining consistency.

The checklist also includes a summary description of each cited regulation (Column 2). It should be understood that this summary is intended only to provide a general description of the particular section of the regulation and should not be assumed to contain all specifics of the actual regulation. The evaluation of the Regional Water Plan should be performed against the complete regulation, as contained in the actual 31 TAC 358 and 31 TAC 357 regulations.

Column 3 of the checklist provides the evaluation response as affirmative, negative, or not applicable. A "Yes" in this column indicates that the Regional Water Plan has been evaluated to comply with the stated section of the regulation. A "No" response indicates that the Regional Water Plan does not comply with the stated regulation. A response of

“NA” (or not applicable) indicates that the stated section of the regulation does not apply to this Regional Water Plan.

The evidence of where, in the Regional Water Plan, the stated regulation is addressed is provided in Column 4. Where the regulation is addressed in multiple locations within the Regional Water Plan, this column may cite only the primary locations. In addition to identifying where the regulation is addressed, this column may include commentary about the application of the regulation in the Regional Water Plan.

The above-listed regulations are repetitive, in some instances. One section of the regulations may be restated or paraphrased elsewhere within the regulations. In some cases, multiple sections of the regulations may be combined into one separate regulation section. Therefore, Column 5 provides cross-referencing.

Checklist For Comparison of the Regional Water Plan to Applicable Water Planning Regulations

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/ NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
31 TAC §358.3				
358.3(a)	TWDB shall develop a State Water Plan (SWP) with 50-year planning cycle, and based on the Regional Water Plan (RWP)	NA	Applies to the State Water Plan. The Regional Water Plan is based on a 50-year planning cycle, however.	
358.3(b)	RWP is guided by the following principles			
(b)(1)	Identified policies and actions so that water will be available at reasonable cost, to satisfy reasonable projected use and protect resources	Yes	Chapters 4 and 8	§358.3(b)(4), §357.5 (a); §357.7 (a)(9)
(b)(2)	Open and accountable decision-making based on accurate, objective information	Yes	Regular public meetings of the RWPG;	§357.5 (e)(6)
(b)(3)	Consideration of effects of plan on the public interest, and on entities providing water supply	Yes	Chapters 4 and 7	
(b)(4)	Consideration and approval of cost-effective strategies that meet needs and respond to drought, and are consistent with long-term protection of resources	Yes	Chapters 4, 6, and 7	§358.3(b)(1), §357.5 (e)(4) and §357.5 (e)(6); §357.7(a)(9)
(b)(5)	Consideration of opportunities that encourage the voluntary transfer of water resources	Yes	Chapter 4	
(b) (6)	Consideration of a balance of economic, social, aesthetic, and ecological viability	Yes	Chapters 4 and 7	
(b) (7)	The use of information from the adopted SWP for regions without a RWP	NA		
(b) (8)	The orderly development, management, and conservation of water resources	Yes	Chapters 4, 6, and 7	§357.5(a)
(b) (9)	Surface waters are held in trust by the State, and governed by doctrine of prior appropriation	Yes	Chapters 3 and 4	
(b) (10)	Existing water rights, contracts, and option agreements are protected	Yes	Chapter 4	§357.5(e)(3)
(b) (11)	Groundwater is governed by the right of capture unless under local control of a groundwater management district	Yes	Chapter 3	
(b) (12)	Consideration of recommendation of stream segments of unique ecological value	Yes	Chapter 8. RWPG did not recommend designation of any of the Region's Stream segments as an ecologically unique segment.	§357.8
(b) (13)	Consideration of recommendation of sites of unique value for the construction of reservoirs	Yes	Chapter 8. The RWPG did not recommend any site in the region as a unique reservoir site.	§357.9

Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations - continued

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
(b) (14)	Local, regional, state, and federal agency water planning coordination	Yes	Local, State and Federal levels of coordination	
(b) (15)	Improvement or maintenance of water quality and related uses as designated by the State Water Quality Plan	Yes	Chapters 4 and 5	
(b)(16)	Cooperation between neighboring water planning regions to identify common needs and issues	Yes	Coordination with neighboring planning regions as needed	
(b)(17)	WMS described sufficiently to allow a state agency making financial or regulatory decisions to determine consistency of the WMS with the RWP	NA	To be determined by the State after completion of the RWP	§357.7(a)(9)
(b) (18)	Environmental evaluations are based on site-specific information or state environmental planning criteria	Yes	To the extent that such information and criteria exist; Chapter 4	§357.5(e)(1); §357.5 (e)(6); §357.5(k)(1)(H)
(b) (19)	Consideration of environmental water needs, including instream flows and bay and estuary inflows	Yes	Chapter 4	§357.5(e)(1); §357.5(l); §357.7 (a)(8)(A)(ii)
(b) (20)	Planning is consistent with all laws applicable to water use for state and regional water planning	Yes	Applicable water planning laws have been considered in preparing this plan	§357.5(f)
(b) (21)	Ongoing permitted water development projects are included	Yes	Chapter 4	
31 TAC §357.5				
(a)	The RWP: provides for the orderly development, management, and conservation of water resources; prepares for drought conditions; and protects agricultural, natural, and water resources	Yes	Chapters 4, 6, and 7	§358.3(b)(1). §358.3(b)(8)
(b)	The RWP submitted by January 5, 2011	NA	To be submitted	
(c)	The RWP is consistent with 31 TAC §358 and 31 TAC §357, and guided by State and local water plans	Yes	Throughout RWP	
(d)(1) & (2)	The RWP uses State population and water demand projections from the SWP; or revised population or water demand projections that are adopted by the State	Yes	Chapter 2; Population and water demand projections adopted by TWDB	
(e)(1)	The RWP provides WMS adjusted for appropriate environmental water needs; environmental evaluations are based on site-specific information or state environmental planning criteria	Yes	Chapter 4	§358.3(b)(1); §358.3(b)(18); §357.7 (a)(8)(A)(ii)
(e)(2)	The RWP provides WMS that may be used during a drought of record	Yes	Chapter 4	
(e)(3)	The RWP protects existing water rights, contracts, and option agreements	Yes	Chapter 4	§358.3(b)(10)

Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations - continued

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/ NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
(e)(4)	The RWP provides cost-effective and environmentally sensitive WMS based on comparisons of all potentially feasible WMS; The process is documented and presented to the public for comment.	Yes	Chapter 4; public process utilized to adopt the RWP	§358.3(b)(4)
(e)(5)	The RWP incorporates water conservation planning and drought contingency planning	Yes	Chapters 4 and 6	§357.5(k)(1)(A)&(B); §357.7(a)(7)(B)
(e)(6)	The RWP achieves efficient use of existing supplies and promotes regional water supplies or regional management of existing supplies; Public involvement is included in the decision-making process	Yes	Chapter 4; public process utilized in consideration WMS	§358.3(b)(2)
(e)(7)(A)&(B)	The RWP identifies (A) drought triggers, and (B) drought responses for designated water supplies	Yes	Chapter 6	§357.5(e)(5); §357.5(k)(1)(A)&(B)
(e)(8)	The RWP considers the effect of the plan on navigation	Yes	Navigation impacts considered to the extent necessary	
(f)	Planning is consistent with all laws applicable to water use in the Region	Yes	Applicable water planning laws considered in adopting the plan	§358.3(b)(20)
(g)	The following characteristics of a candidate special water resource are considered:			
(g)(1)	The surface water rights are owned by an entity headquartered in another region.	NA	No Special Water Resources (as defined in §357) exist in the Region at this time	
(g)(2)	A water supply contract commits water to an entity headquartered in another region.	NA		
(g)(3)	An option agreement may result in water being supplied to an entity headquartered in another region.	NA		
(h)	Water rights, contracts, and option agreements of special water resources are protected in the RWP	NA		
(i)	The RWP considers emergency transfers of surface water rights	NA	Emergency transfers of water not considered in the RWP	
(j)(1)-(3)	Simplified planning is used in the RWP in accordance with TWDB rules	NA	Normal water planning process utilized	
(k)(1)&(2)	The RWP shall consider existing plans and information, and existing programs and goals related to local or regional water planning	Yes	Chapters 1, 4, and 6	§357.5(e)(7)
(l)	The RWP considers environmental water needs including instream flows and bays and estuary flows	Yes	Chapter 4	§358.3(b)(19); §357.7 (a)(8)(A)(ii)

Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations - continued

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/ NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
31 TAC §357.7				
(a)(1)(A)-(M)	The RWP shall describe the region, including specific requirements of paragraphs A through M of this section of the regulations	Yes	Chapters 1 and 6	§357.7(a)(8)(A)(iii); §357.7(a)(8)(D); §357.5(k)(1)(C); §357.7(a)(7)(A)(iv) § 358.6 (a)-(b)
(a)(2)(A)-(C)	The RWP includes a presentation of current and projected population and water demands, reported in accordance with paragraphs A through C of this section of the regulations	Yes	Chapter 2	
(a)(3)(A)-(G)	The RWP includes the evaluation of current water supplies available (including a presentation of reservoir firm yields) to the Region for use during drought of record conditions, reported by the type of entity and wholesale providers	Yes	Chapter 3	
(a)(4) (A)&(B)	The RWP includes water supply and demand analysis, comparing the type of entity and wholesale providers	Yes	Chapter 4	
(a)(5)(A)-(C)	The RWP provides sufficient water supply to meet the identified needs, in accordance with requirements of paragraphs A through C of this section of the regulations	Yes	Chapter 4	
(a)(6)	The RWP presents data required in paragraphs (2) - (5) of this subsection in subdivisions of the reporting units required, if desired by the RWPG	Yes	Chapters 2, 3, and 4	
(a)(7)(A)-(H)	The RWP evaluates all WMS determined to be potentially feasible, in accordance with paragraphs A through H of this section of the regulations	Yes	Chapters 1 and 6	§357.5(k)(1)(C); §357.7(a)(1)(M); §357.5(e)(5); §357.5(k)(1)(B) § 358.6 (a)-(b)

Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations - continued

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/ NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
(a)(8)(A)-(H)	The RWP evaluates all WMS determined to be potentially feasible, by considering the requirements of paragraphs A through H of this section of the regulations	Yes	Chapter 4	§358.3(b)(19); §357.5(e)(1); §357.5(l); §357.7(a)(1)(L); §357.7(a)(8)(D); §357.7(a)(8)(A)(iii)
(a)(9)	The RWP makes specific recommendations of WMS in sufficient detail to allow state agencies to make financial or regulatory decisions to determine the consistency of the proposed action with an approved RWP	NA	To be determined by the State after completion of the RWP	§358.3(b)(1); §358.3(b)(4); §358.3(b)(17)
(a)(10)	The RWP includes regulatory, administrative, or legislative recommendations to facilitate the orderly development, management, and conservation of water resources; prepares for drought conditions; and protects agricultural, natural, and water resources	Yes	Chapter 8	§358.3(b)(1) §357.5(a)
(a)(11)	The RWP includes a chapter consolidating the water conservation and drought management recommendations	Yes	Chapter 6	
(a)(12)	The RWP includes a chapter describing the major impacts of recommended WMS on key parameters of water quality	Yes	Chapter 5	
(a)(13)	The RWP includes a chapter describing how it is consistent with long-term protection of the state's water, agricultural, and natural resources	Yes	Chapter 7	
(a)(14)	The RWP includes a chapter describing the financing needed to implement the water management strategies recommended	Yes	Chapter 9; due later	
(b)	The RWP excludes WMS for political subdivisions that object to inclusion and provide reasons for objection	NA		
(c)	The RWP includes model water conservation plan(s)	Yes	Chapter 6	
(d)	The RWP includes model drought contingency plan(s)	Yes	Chapter 6	
(e)	The RWP includes provisions for assistance of the TWDB in performing regional water planning activities and/or resolving conflicts within the Region	Yes	Inter-regional cooperation between Regions F and K	

Checklist for Comparison of the Regional Water Plan to Applicable Water Planning Regulations - continued

Regulatory Citation (Col 1)	Summary of Requirement (Col 2)	Response (Yes/No/ NA) (Col 3)	Location(s) in Regional Plan and/or Commentary (Col 4)	Regulatory Cross References (Col 5)
31 TAC §357.8				
(a)	The RWP considers the inclusion of recommendations for the designation of river and stream segments of unique ecological value within the Region	Yes	Chapter 8. The RWPG did not recommend designation of any of the Region's stream segments as ecologically unique	§358.3(b)(12)
(b)	If river or stream segments of unique ecological value are recommended, such recommendations are made in the plan on the basis of the criteria established in this section of the regulations	NA		
(c)	If the RWP recommends designation of river or stream segments of unique ecological value, the impact of the regional water plan on these segments is assessed	NA		
31 TAC §357.9				
(1)	The RWP considers the inclusion of recommendations for the designation of sites of unique value for construction of reservoirs	Yes	The RWPG did not recommend any locations in the Region as a site of unique value for construction of reservoirs	§358.3(b)(13)
(2)	If sites of unique value for construction of reservoirs are recommended, such recommendations are made in the plan on the basis of criteria established in this section of the regulations	NA		