

By: Hinojosa

S.B. No. 932

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the maintenance of adequate environmental flows as a goal for regional water planning.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.053(e), Water Code, is amended to read as follows:

(e) Each regional water planning group shall submit to the board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the board under Section 16.051(d);

(2) provides information based on data provided or approved by the board in a format consistent with the guidelines provided by the board under Subsection (d);

(3) identifies:

(A) each source of water supply in the regional water planning area in accordance with the guidelines provided by the board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response; and

(C) actions to be taken as part of the response;

(4) has specific provisions for water management strategies to be used during a drought of record;

(5) includes but is not limited to consideration of

1 the following:

2 (A) any existing water or drought planning
3 efforts addressing all or a portion of the region;

4 (B) certified groundwater conservation district
5 management plans and other plans submitted under Section 16.054;

6 (C) all potentially feasible water management
7 strategies, including but not limited to improved conservation,
8 reuse, and management of existing water supplies, acquisition of
9 available existing water supplies, and development of new water
10 supplies;

11 (D) protection of existing water rights in the
12 region;

13 (E) opportunities for and the benefits of
14 developing regional water supply facilities or providing regional
15 management of water supply facilities;

16 (F) appropriate provision for ~~[environmental~~
17 ~~water needs and for]~~ the effect of upstream development on the bays,
18 estuaries, and arms of the Gulf of Mexico and the effect of plans on
19 navigation;

20 (G) provisions in Section 11.085(k)(1) if
21 interbasin transfers are contemplated;

22 (H) voluntary transfer of water within the region
23 using, but not limited to, regional water banks, sales, leases,
24 options, subordination agreements, and financing agreements; ~~[and]~~

25 (I) emergency transfer of water under Section
26 11.139, including information on the part of each permit, certified
27 filing, or certificate of adjudication for nonmunicipal use in the

1 region that may be transferred without causing unreasonable damage
2 to the property of the nonmunicipal water rights holder; and

3 (J) appropriate provision, based on the
4 applicable water availability model obtained or developed by the
5 commission and any other available information, for the maintenance
6 of adequate environmental flows, taking into account the instream
7 flows necessary to support fish and wildlife and the inflows
8 necessary to maintain acceptable salinity levels in and supply
9 nutrients and sediments to bays and estuaries;

10 (6) identifies river and stream segments of unique
11 ecological value and sites of unique value for the construction of
12 reservoirs that the regional water planning group recommends for
13 protection under Section 16.051;

14 (7) assesses the impact of the plan on unique river and
15 stream segments identified in Subdivision (6) if the regional water
16 planning group or the legislature determines that a site of unique
17 ecological value exists; and

18 (8) describes the impact of proposed water projects on
19 water quality.

20 SECTION 2. The change in law made by this Act applies only
21 to a regional water plan submitted by a regional water planning
22 group to the Texas Water Development Board on or after the effective
23 date of this Act. A regional water plan submitted before the
24 effective date of this Act is governed by the law in effect
25 immediately before the effective date of this Act, and the former
26 law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2005.