

By: Johnson

H.B. No. 2570

A BILL TO BE ENTITLED

AN ACT

relating to the incorporation of climate and precipitation forecasts in state, regional, and local water planning.

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

SECTION 1. Sections 16.051(a), (a-1), and (d), Water Code, are amended to read as follows:

(a) Not later than January 5, 2017 ~~[2002]~~, and before the end of each successive five-year period after that date, the board shall prepare, develop, formulate, and adopt a comprehensive state water plan that incorporates the regional water plans approved under Section 16.053. The state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions and the potential effects of climate change and precipitation changes, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state.

(a-1) The state water plan must include:

(1) an evaluation of the state's progress in meeting future water needs, including an evaluation of the extent to which water management strategies and projects implemented after the adoption of the preceding state water plan have affected that progress; ~~and~~

1 (2) an analysis of the number of projects included in
2 the preceding state water plan that received financial assistance
3 from the board; and

4 (3) consideration of the potential effects of climate
5 change and precipitation changes on the water supply in this state,
6 based on forecasts developed under Section 16.057.

7 (d) The board, in coordination with the commission, the
8 Department of Agriculture, and the Parks and Wildlife Department,
9 shall adopt by rule guidance principles for the state water plan
10 which reflect the public interest of the entire state. When
11 adopting guidance principles, due consideration shall be given to
12 the construction and improvement of surface water resources, ~~and~~
13 the application of principles that result in voluntary
14 redistribution of water resources, and the potential effects of
15 climate change and precipitation changes. The board shall review
16 and update the guidance principles, with input from the commission,
17 the Department of Agriculture, and the Parks and Wildlife
18 Department, as necessary but at least every five years to coincide
19 with the five-year cycle for adoption of a new water plan as
20 described in Subsection (a).

21 SECTION 2. Sections 16.053(a) and (e), Water Code, are
22 amended to read as follows:

23 (a) The regional water planning group in each regional water
24 planning area shall prepare a regional water plan, using an
25 existing state water plan identified in Section 16.051 ~~[of this~~
26 ~~code]~~ and local water plans prepared under Section 16.054 ~~[of this~~
27 ~~code]~~ as a guide, if present, that provides for the orderly

1 development, management, and conservation of water resources and
2 preparation for and response to drought conditions and the
3 potential effects of climate change and precipitation changes in
4 order that sufficient water will be available at a reasonable cost
5 to ensure public health, safety, and welfare; further economic
6 development; and protect the agricultural and natural resources of
7 that particular region.

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

10 (1) is consistent with the guidance principles for the
11 state water plan adopted by the development board under Section
12 16.051(d);

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

16 (2-a) is consistent with the desired future conditions
17 adopted under Section 36.108 for the relevant aquifers located in
18 the regional water planning area as of the date the board most
19 recently adopted a state water plan under Section 16.051 or, at the
20 option of the regional water planning group, established subsequent
21 to the adoption of the most recent plan;

22 (3) identifies:

23 (A) each source of water supply in the regional
24 water planning area, including information supplied by the
25 executive administrator on the amount of modeled available
26 groundwater in accordance with the guidelines provided by the
27 development board under Subsections (d) and (f);

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

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

6 (D) existing major water infrastructure
7 facilities that may be used for interconnections in the event of an
8 emergency shortage of water;

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

11 (5) includes but is not limited to consideration of
12 the following:

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

15 (B) approved groundwater conservation district
16 management plans and other plans submitted under Section [16.054](#);

17 (C) all potentially feasible water management
18 strategies, including but not limited to improved conservation,
19 reuse, and management of existing water supplies, conjunctive use,
20 acquisition of available existing water supplies, and development
21 of new water supplies;

22 (D) protection of existing water rights in the
23 region;

24 (E) opportunities for and the benefits of
25 developing regional water supply facilities or providing regional
26 management of water supply facilities;

27 (F) appropriate provision for environmental

1 water needs and for the effect of upstream development on the bays,
2 estuaries, and arms of the Gulf of Mexico and the effect of plans on
3 navigation;

4 (G) provisions in Section 11.085(k)(1) if
5 interbasin transfers are contemplated;

6 (H) voluntary transfer of water within the region
7 using, but not limited to, regional water banks, sales, leases,
8 options, subordination agreements, and financing agreements; ~~and~~

9 (I) emergency transfer of water under Section
10 11.139, including information on the part of each permit, certified
11 filing, or certificate of adjudication for nonmunicipal use in the
12 region that may be transferred without causing unreasonable damage
13 to the property of the nonmunicipal water rights holder; and

14 (J) the potential effects of climate change and
15 precipitation changes on the water supply in the regional water
16 planning area, based on forecasts developed under Section 16.057;

17 (6) identifies river and stream segments of unique
18 ecological value and sites of unique value for the construction of
19 reservoirs that the regional water planning group recommends for
20 protection under Section 16.051;

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

25 (8) describes the impact of proposed water projects on
26 water quality; and

27 (9) includes information on:

1 (A) projected water use and conservation in the
2 regional water planning area; and

3 (B) the implementation of state and regional
4 water plan projects, including water conservation strategies,
5 necessary to meet the state's projected water demands.

6 SECTION 3. Subchapter C, Chapter 16, Water Code, is amended
7 by adding Section 16.057 to read as follows:

8 Sec. 16.057. CLIMATE AND PRECIPITATION FORECASTS. (a) The
9 Texas state climatologist shall periodically provide to the board
10 for use in the water planning processes described by this
11 subchapter climate and precipitation forecasts that are reasonably
12 specific and use the best available science.

13 (b) In the process of producing a forecast under this
14 section, the Texas state climatologist shall examine weather
15 patterns from the 25-year period that precedes the forecast.

16 (c) A forecast provided to the board under this section must
17 project climate or precipitation patterns for at least the 25-year
18 period following the forecast.

19 (d) The board shall notify the Texas state climatologist of
20 dates that are appropriate or convenient during the water planning
21 processes described by this subchapter for the board to receive the
22 forecasts.

23 (e) The board shall:

24 (1) provide forecasts received under this section to
25 each regional water planning group; and

26 (2) make the forecasts available to entities that
27 participate in preparing local water plans under Section [16.054](#).

1 SECTION 4. (a) It is the goal of the legislature that the
2 2017 state water plan required to be adopted by the Texas Water
3 Development Board comply with this Act.

4 (b) Notwithstanding Subsection (a) of this section, the
5 changes in law made by this Act apply only to a state water plan
6 prepared by the Texas Water Development Board after the Texas state
7 climatologist makes available the climate and precipitation
8 forecasts required under Section 16.057, Water Code, as added by
9 this Act. A state water plan prepared before the forecasts are
10 available is governed by the law in effect immediately before the
11 effective date of this Act, and the former law is continued in
12 effect for that purpose.

13 (c) Notwithstanding Subsection (a) of this section, the
14 changes in law made by this Act apply only to a regional water plan
15 submitted by a regional water planning group to the Texas Water
16 Development Board after the Texas state climatologist makes
17 available the climate and precipitation forecasts required under
18 Section 16.057, Water Code, as added by this Act. A regional water
19 plan submitted before the forecasts are available is governed by
20 the law in effect immediately before the effective date of this Act,
21 and the former law is continued in effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2015.