

BASIN COUNCILS: EXAMPLES FROM OTHER STATES

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INTRODUCTION

The recently-completed State Water Strategy included recommendations for “stakeholder-led basin councils” that “can coordinate and optimize basin-wide water use and water quality.”¹ These basin councils could potentially “help weigh the trade-offs between possible mixes of water management strategies” and “help guide long-term sustainable water management decisions.”² However, the State Water Strategy recommends that these councils “would be advisory to local water users, local governments, and state agencies, but have no separate regulatory authority.”³

In a preliminary discussion on this topic by the Executive Water Task Force, many expressed a desire for information on what other states have done in this vein. While many states were floated as possible models for Utah, it seems that the vast majority of states have only undertaken local watershed planning for water quality purposes, often as part of the TMDL process. A successful, recent example in Utah is the Wallsburg watershed CRMP, overseen by the Provo River Watershed Council.⁴ In other cases, local stakeholders have been briefly assembled for one-time water planning initiatives, or else they are advisory to another entity with a different scope of authority or purpose. A Utah example of the latter is the Community Integrated Resource Planning Advisory Committee (CIRPAC), organized by the Washington County Water Conservancy District, which is “tasked with evaluating the district’s management and development of water resources, conservation, water quality, planning, funding and more.”⁵

My research suggests that only three other states—Colorado and Georgia, and to a lesser extent, Texas—have initiated and continued basin-level efforts that are of sufficient scope and scale to potentially provide a model for Utah as the EWTF continues to explore and develop this concept.

COLORADO

The Interbasin Compact Committee (IBCC) was established in 2005 by the Colorado Water for the 21st Century Act to facilitate conversations among Colorado’s river basins and to address statewide water issues.⁶ A 27-member committee, the IBCC encourages dialogue on water, broadens the range of stakeholders actively participating in the state’s water decisions and creates a locally driven process

¹ *Recommended State Water Strategy, July 2017*, Recommendation 3.4, p. 42, accessed at http://envisionutah.org/images/FINAL_Recommended_State_Water_Strategy_7.14.17_5b15d.pdf.

² *Id.*

³ *Id.*

⁴ See <http://www.provoriverwatershed.org/wallsburg-crmp.html>.

⁵ CIRPAC, accessed at <http://www.wcwcd.org/news-information/cirpac/>

⁶ The Interbasin Compact Committee and Basin Roundtables, accessed at <http://cwcb.state.co.us/about-us/about-the-ibcc-brts/Pages/main.aspx>

where the decision-making power rests with those living in the state's river basins.

The Roles of the IBCC

1. Provide a forum to develop and disseminate information, create a positive environment for a statewide perspective and develop a vision for statewide water negotiations.
2. Serve as a forum for discussing and addressing the socio-economic, recreation and environmental impacts of water development and management, as well as potential impacts on the ability of the state to use its entitlements and meet its Interstate Compact requirements.
3. Assist in finding resources to enable roundtables to develop basin-wide visions.
4. Encourage development of a common technical platform upon which negotiations can be based.
5. Guide the process of negotiating interbasin compacts by providing a framework that creates incentives for successful deliberations, agreements and their implementation.

Basin Roundtables

Nine separate basin roundtables were established by the Act for each of the state's eight major river basins and the Denver metropolitan area. These basin roundtables facilitate discussions on water issues and encourage locally driven collaborative solutions. Each roundtable also selects two representatives for the IBCC, who need not be members of the basin roundtable.

Membership. Designated members of the roundtables (all of whom vote)⁷:

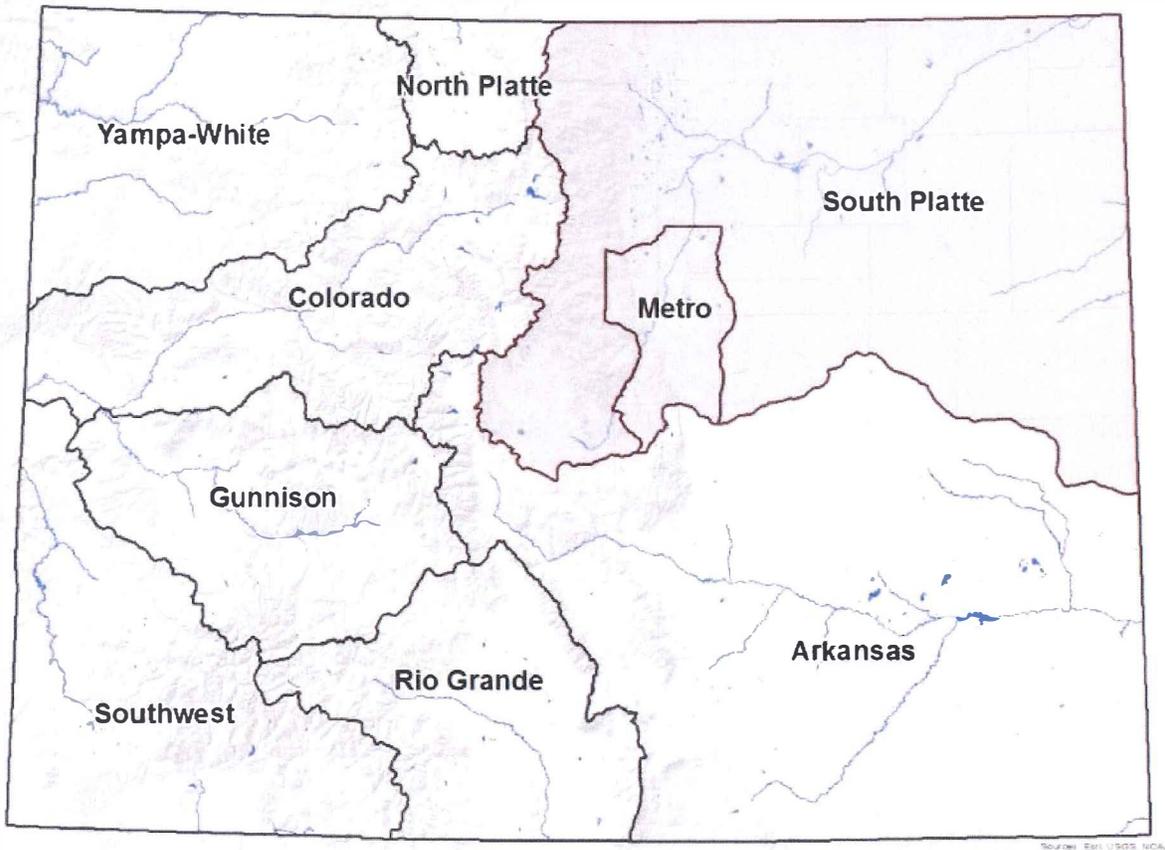
- one county representative for each county, selected by each county;
- one municipal representative for each county, selected collectively by the municipalities;
- one representative from each WCD, selected by each WCD; and
- one representative selected jointly by the chairs of the House and Senate agriculture and natural resources committees.

The designated members choose 10 at-large voting members (all of whom have voting rights), including:

- one representative each for agricultural, environmental, and recreational interests, and
- at least 5 representatives that own adjudicated water rights (including water shares or reclamation contract water).

The designated and at-large members select 3 non-voting members that represent entities outside the basin that own water in the basin. Agency liaisons and the Colorado Water Conservation Board member from each basin are also nonvoting members. There are between 13 and 49 voting members on the nine roundtables, with an average of 32. They serve staggered 5-year terms.

⁷ C.R.S. 37-75-104



Powers and Responsibilities. Basin roundtables have the following powers and responsibilities⁸:

- Establish bylaws, operating procedures, goals, and objectives to govern the actions and decisions of the applicable roundtable.
- Using data and information from the statewide water supply initiative and other appropriate sources and in cooperation with the on-going statewide water supply initiative:
 - develop a basin-wide consumptive and nonconsumptive water supply needs assessment,
 - conduct an analysis of available unappropriated waters within the basin, and
 - propose projects or methods, both structural and nonstructural, for meeting those needs and utilizing those unappropriated waters where appropriate.
- Actively seek the input and advice of affected local governments, water providers, and other interested stakeholders and persons in establishing its needs assessment, and propose projects or methods for meeting those needs. Recommendations from this assessment shall be forwarded to the IBCC and other basin roundtables for analysis and consideration.
- Serve as a forum for education and debate regarding methods for meeting water supply needs.

⁸ *Id.*

- As needed, establish roundtable subcommittees or other mechanisms to facilitate dialogue and resolution of issues and conflicts within the basin.

Funding⁹

The IBCC was initially funded by an appropriation of \$247,044 and 0.5 FTE from Colorado's severance tax trust fund. Current funding levels are unknown.

GEORGIA¹⁰

Georgia's State Water Plan, adopted by the Georgia Legislature in 2008, created Water Planning Regions overseen by Water Planning Councils. These councils were tasked with creating regional water development and conservation plans, which were finalized in 2011.

Regional water development and conservation plans include forecasts of future water supply and assimilative capacity needs and identify the optimal water management practices for that planning region. They are used by EPD as a basis for making permitting decisions. They also guide decisions regarding state grants and loans from the Georgia Environmental Facilities Authority for water-related projects in each water planning region. The water planning councils don't have a direct role in implementation of the adopted WDCPs. Rather, implementation of management practices specified in the WDCPs are the responsibility of water users in the region, including local governments and others with the capacity to develop water infrastructure and apply for the required permits, grants, and loans.

Georgia's Process

Delineation of Water Planning Regions. The Georgia State Water Plan divided the state into 14 regions. The regions followed county boundaries, but attempted to roughly track basin boundaries (Georgia's counties are relatively small).

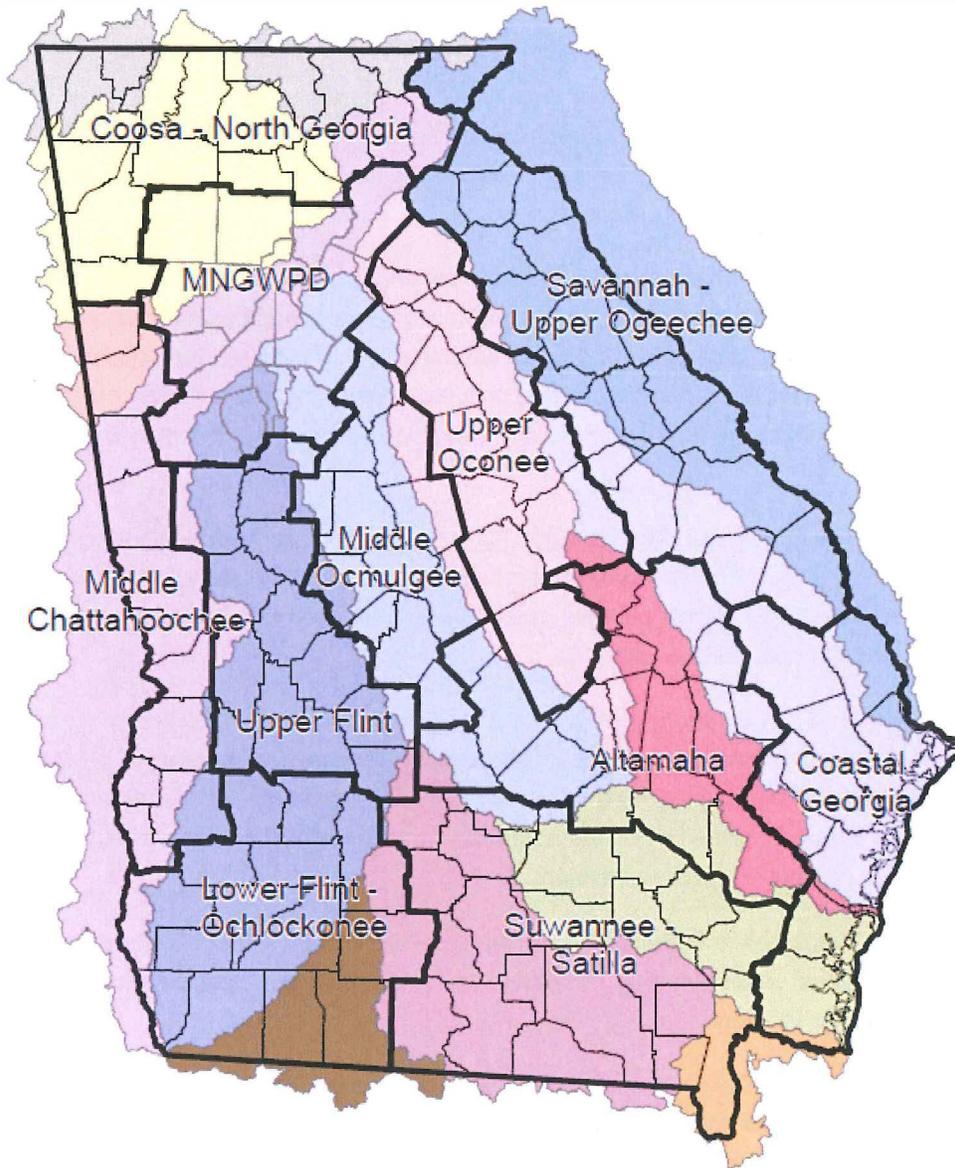
Water Quantity and Water Quality Assessments. EPD completed an assessment of each water resource's capability for water supply and assimilative capacity. These assessments were provided to the water planning councils as guidance for regional planning.

Designation of Water Planning Councils. Water planning councils were designated in each water planning region to oversee preparation of WDCPs. Each water planning council has no more than 25 members and three alternates, who are residents of that water planning region. Each council is broadly representative to include agriculture, forestry, industry, commerce, local governments, water utilities, regional development centers, tourism, recreation and the environment.

⁹ Colorado Water For the 21st Century Act, Section 2, accessed at https://leg.colorado.gov/sites/default/files/images/olls/2005a_sl_314.pdf

¹⁰ Georgia Comprehensive State-wide Water Management Plan, Section 14: Regional Water Planning, accessed at http://www.georgiawatercouncil.org/Files_PDF/water_plan_20080109.pdf

Water Planning Regions



In determining the membership of the water planning councils, EPD, along with the Departments of Agriculture, Community Affairs (DCA), and Economic Development, collected the names of nominees they believed to be qualified to serve on the water planning councils. The names were gathered from business, agriculture, forestry, local government, educational, environmental, and other organizations and interest groups. The agencies reviewed all the nominations and submitted the best qualified to the Governor, Lieutenant Governor, and Speaker of the House for their review.

The Governor, Lieutenant Governor, and Speaker considered pre-qualified nominees for appointment, as well as such other individuals as they chose, with the Governor appointing 13 members and the

Lieutenant Governor and Speaker each appointing six members. The Governor, Lieutenant Governor, and Speaker also each selected an alternate member who is eligible to attend all meetings and vote if needed to establish a quorum. In addition, the Lieutenant Governor and Speaker each appointed a non-voting ex officio member from among the membership of the Senate and the House.

Members of water planning councils have a three year term with re-appointment at the pleasure of the initial appointing authority. The ex officio members appointed by the Lieutenant Governor and Speaker serve two-year terms. In the event of a vacancy, the official who made the initial appointment appoints a replacement to serve the remainder of the applicable term.

Each water planning council, through a MOA with EPD and DCA, established procedures including but not limited to: decision-making procedures; provisions for public involvement in plan development and implementation of management practices; provisions for an advisory body of local elected officials for input on economic and development issues; provisions for consultation with local governments located outside the planning region boundary that rely on, or impact, water resources within the planning region.

Creation of Regional Water Development and Conservation Plans (WDCPs). Water planning councils, following guidance provided by EPD, prepared regional water development and conservation plans. Plans include forecasts of water supply and assimilative capacity needs for each water source within each planning area, developed in consultation with EPD.

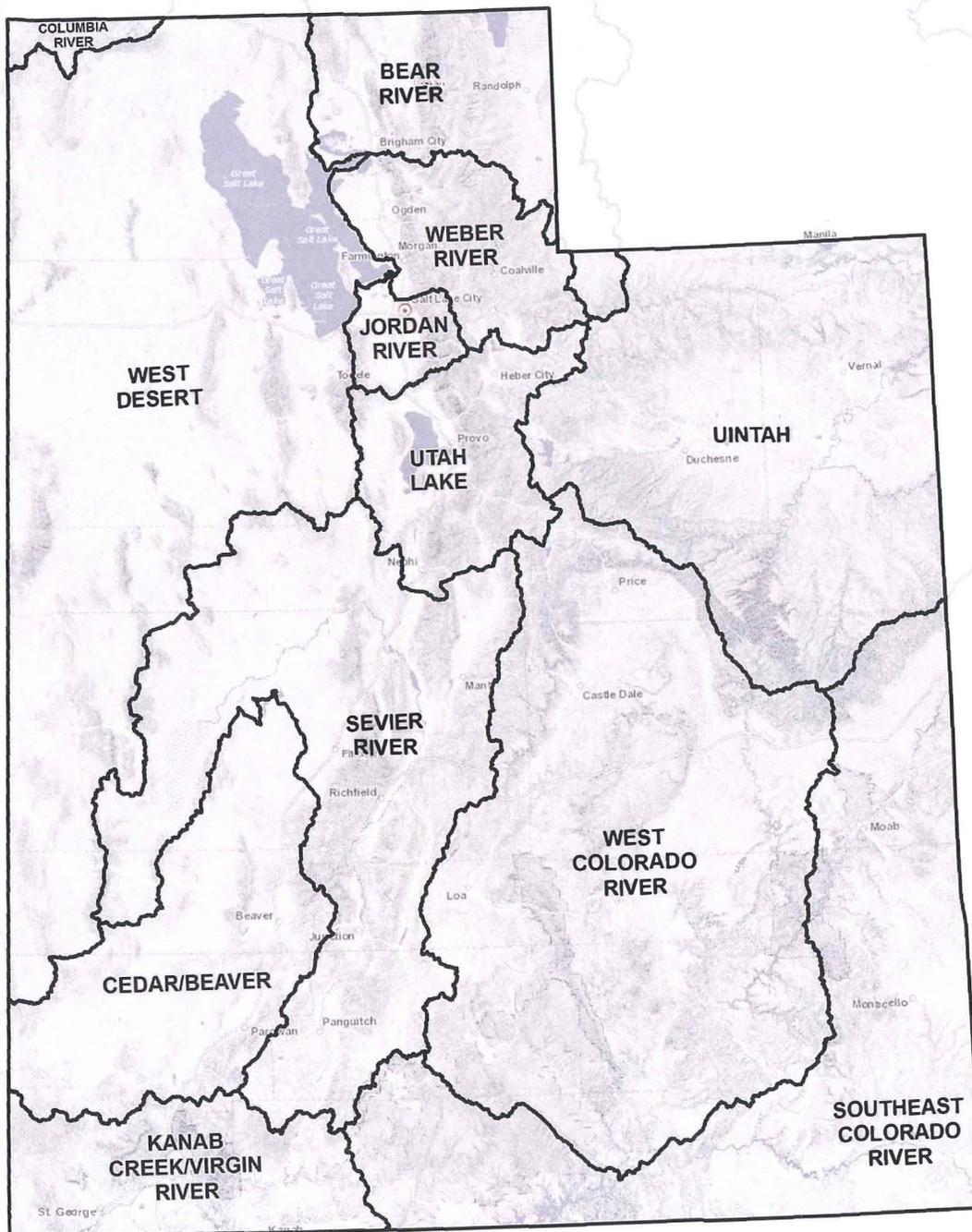
Regional water development and conservation plans promote the sustainable use of Georgia's waters, through the selection of an array of management practices, to support the state's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens. The plans identify steps which will be taken to ensure that the forecasted needs can be met within the water resources' capabilities, as specified in the water resource assessments.

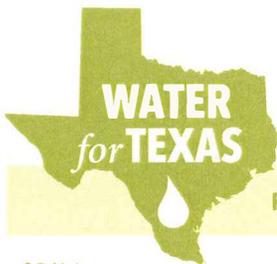
The completed WDCPs were submitted to DCP, which determined whether they were consistent with the rules and guidance for regional water planning. If the plan was in compliance, it was put out for public comment for 45 days prior to adoption.

Review and Revision of WDCPs. Every five years, each plan is subject to review by the water planning council following EPD guidance. Review and revisions shall consider the current resource assessments and regional population and employment forecasts provided as guidance for regional planning. The five-year reviews by the councils include:

- Assessment of progress against plan objectives and benchmarks for water quality and quantity
- Assessment of the need for further scientific assessment of issue(s) relevant to water planning in the region;
- Updates, where necessary, of water and wastewater forecasts; and
- Recommended changes in the plan.

UTAH HYDROLOGIC BASINS





Regional Water Planning In Texas

In response to the drought of the 1950s and in recognition of the need to plan for the future, the Texas Legislature created the Texas Water Development Board (TWDB) to develop water supplies and prepare plans to meet the state's future water needs. In 1997, the legislature established a new water planning process based on a "bottom-up" consensus-driven approach.

Coordinating this water planning process are 16 planning groups, one for each regional water planning area (see map). The planning groups, each made up of about 20 members, represent a variety of interests, including agriculture, industry, environment, public, municipalities, business, water districts, river authorities, water utilities, counties, groundwater management areas, and power generation. Each planning group approved bylaws to govern its methods of conducting business and designated a political subdivision, such as a river authority, water district, municipality, or council of governments, to administer the planning process and manage any contracts related to developing regional water plans.

The planning groups conduct all functions during open meetings in an open and participatory manner. They hold special public meetings when they develop their scopes of work and hold hearings before adopting their regional water plans. This public involvement helps direct the planning and determine which water management strategies to recommend. Consensus building within the planning groups is crucial to ensure sufficient support for adopting the plan. Planning group members adopt plans by voting at open meetings in accordance with each group's respective bylaws.

The ongoing work of the regional water planning process consists of 13 tasks:

1. Describing the regional water planning area
2. Quantifying current and projected population and water demand over a 50-year planning horizon
3. Evaluating and quantifying current water supplies
4. Identifying surpluses and needs
5. Evaluating water management strategies and preparing plans to meet the needs
6. Evaluating impacts of water management strategies on water quality, agricultural and natural resources, as well as water resources of the state
7. Describing how the plan is consistent with long-term protection of the state's water, agricultural, and natural resources
8. Developing drought response information and recommendations
9. Recommending regulatory, administrative, and legislative changes
10. Describing how sponsors of water management strategies will finance projects
11. Describing the state of project implementation in the regional planning area
12. Prioritizing the recommended projects in the regional water plan
13. Adopting the plan, including the required level of public participation

Once the planning group adopts its regional water plan, the plan is sent to the TWDB for approval. The TWDB then compiles information from the approved regional water plans and other sources to develop the state water plan. The state water plan summarizes the dedicated efforts of about 450 planning group members, numerous technical experts, the public, and several state agencies (the TWDB, Texas Parks and Wildlife Department, Texas Department of Agriculture, and Texas Commission on Environmental Quality) over a five-year period. This process has resulted in greater public participation, public education, and public awareness, underscoring the benefits of directly involving local and regional decision makers and the public in water planning.

For additional information on the regional water planning process and current activities, please call 512-475-2057 or visit our website at www.twdb.texas.gov/waterplanning/rwp.

Regional Water Planning Areas

