

MINUTES

MEETING OF THE
RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION "M")
11:00 A.M. IMMEDIATELY FOLLOWING THE RGRWA MEETING
WEDNESDAY, JUNE 3, 2009
LRGVC TRANSPORTATION CENTER BOARD ROOM
510 S. PLEASANTVIEW DR., WESLACO, TX
PRESIDING: GLENN JARVIS, CHAIRMAN

1. Call to Order and Roll Call

Chairman Glenn Jarvis called the meeting to order at 11:00 a.m. and announced that the meeting had been posted as required by statute and a quorum was present. The following voting members were in attendance:

Board Members

Glenn Jarvis, Chairman
Jim Darling, Vice Chairman
Mary Lou Campbell, Secretary
Robert E. Fulbright, Executive Committee
Jorge Barrera, (*Alternate for Roberto Gonzalez*)
John Bruciak
Charles W. Browning
Sonny Hinojosa
Donald K. McGhee
Tomas Rodriguez
Carlos Garza

Category

Other
River Authorities
Public
Agriculture
Municipalities
Municipalities
Water Utilities
Water Districts
Small Business
Municipalities
Small Business

The following members were not in attendance:

Judge Jose Aranda
Sonia Najera
Joe Guerra
Sonia Kaniger
James R. Matz
Ray Prewett
Gary Whittington
Commissioner John Wood

Counties
Environmental
Electric Generating Utility
Water Districts
Others
Agriculture
Industries
Counties

2. Consider Approval of April 1, 2009 Meeting Minutes

Mr. Tomas Rodriguez made a motion for approval of the minutes as presented. Mr. Sonny Hinojosa seconded the motion, and upon a vote the motion carried unanimously.

3. Hear Public Comment

There being no public comments Chairman Jarvis moved to the next item.

4. Consider Approval of Letter to IBWC Commissioner Bill Ruth RE: Support for Rehabilitation of Lower Rio Grande Flood Control System

Mr. Jim Darling made a motion for approval of the letter as presented. Mr. Robert Fulbright seconded the motion, and upon a vote the motion carried unanimously.

5. Presentation RE: Trans Pecos Water Trust

Chairman Jarvis recognized Ms. Karen Chapman who presented "Trans Pecos Water Trust and the Desert Rio Grande". Ms. Chapman stated that one of the projects the Trust was working on was the Forgotten River Reach, which has deteriorated into numerous small channels as a result of sediment aggradations and salt cedar establishment. This section of the river is now approximately 10% of the size it used to be. Ms. Chapman explained that the Trans Pecos Water Trust's primary mission is to protect river flows in the Rio Grande and major U.S. tributaries between Fort Quitman and Amistad Reservoir. The Trust believes this can be done in a way that helps existing water right holders obtain additional value from their water rights through strictly voluntary lease transactions.

Upon conclusion of the presentation Chairman Jarvis stated that the current Rio Grande Regional Water Plan contains recommendations regarding the Forgotten River and one of the Water Management Strategies is the acquisition of water rights. The Trans Pecos Water Trust offers water right holders the opportunity to get value from their water rights by leasing it to the Trust, which keeps the water in the river. Upon conclusion of discussion ***Ms. Mary Lou Campbell made a motion to support the Trans Pecos Water Trust efforts by resolution. Mr. Robert Fulbright seconded the motion, and upon a vote the motion carried unanimously.***

6. Consider Ratification of Executive Committee Action RE: Amendment No. 1 to Contract No. 0904830872

Chairman Jarvis informed the Group that what the Texas Water Development Board (TWDB) was offering in this amendment is to allow the Group to hold, if needed, its public hearing on its adopted Initially Prepared Plan (IPP) after submission to the TWDB. This amendment was submitted to and approved by the Executive Committee, and is presented to the Group for ratification consideration. ***Mr. Charles Browning made a motion to ratify the contract amendment as approved by the Executive Committee Mr. Carlos Garza seconded the motion, and upon a vote the motion carried unanimously.***

7. Status Reports

A. Report on TWDB Contract Activities

1. **Continuation Agreement for Professional Services for Primary and Secondary Subcontractors for Phase II of the 3rd Round of Regional Water Planning**
Mr. Jake White, NRS Consulting Engineers, was recognized and stated that TWDB asked for primary and secondary sub-contracts to be executed for Phase II of the 3rd Round of planning, thus this continuation Agreement for Professional Services is presented for consideration and approval. Upon conclusion of discussion ***Mr. Robert Fulbright made a motion for approval of the Continuation Agreement. Mr. John Bruciak seconded the motion, and upon a vote the motion carried unanimously.***
2. **Status of Deliverables and Expenditures under Current Contract**
Mr. White requested and was granted permission to address items 7.A.2 and 7.A.3 together.
3. **Consider TWDB Comments and Action on Revisions RE: Initial Draft Reports**
Mr. White stated that there are two existing contracts in place: one for the Phase I Special Studies and one for Phase II which updates the actual Regional Water Plan. The Special Studies for Phase I have been submitted to TWDB and comments are pending. Mr. White reminded the Group that at the last meeting a request for a contract extension until the end of

June for the Special Studies was unanimously approved. Mr. White stated that staff did not anticipate significant or substantial changes for modifications to these Special Studies that would require requesting an additional time extension; however, there is a possibility that it may be necessary. Mr. David Meeseey, TWDB, stated that it might be prudent for the Group to delegate final negotiations to the Executive Committee. Chairman Jarvis stated that it would be wise to authorize the Executive Committee to request an extension if needed and/or to approve modifications that might be necessary. Mr. Meeseey commented that the items in the Scope of Work are very specific, and state that this particular study will perform items a, b, c, and d. Comments from TWDB would be along the lines of "please include the results of this end report" in order for the reader to understand the whole process of what took place from start to finish as opposed to having only the bottom line available. Mr. White stated that those types of comments would not be difficult to incorporate. At the conclusion of discussions **Chairman Jarvis entertained a motion to delegate authority to the Executive Committee to seek an extension to the deadline on the contract for the Special Studies and/or for the Executive Committee to have the authority to approve the final report of the Special Studies should it be completed prior to the June 30, 2009 deadline. Mr. Tomas Rodriguez so moved; Mr. Robert Fulbright seconded the motion, and upon a unanimous vote the motion carried.**

4. Steam-electric Water Demand Projections

Mr. White informed the Group that the TWDB received a 2008 study from the Bureau of Economic Geology (BEG) related to steam-electric water demands for existing steam-electric water users. Each Regional Planning Group was given the option to determine if they wish to use water demand figures as supplied by the TWDB in the 2007 State Water Plan or the BEG. Mr. White referred to a comparison chart of the BEG studies and the TWDB studies and summarized that the 2007 State Water Plan figures for Cameron, Hidalgo, and Webb counties were higher than those in the BEG study. Mr. White stated that the TWDB determined that when allocating projected energy generation at the local and regional level, the BEG used assumptions that differed from previous TWDB studies resulting in large deviations from the 2007 State Water Plan and these deviations appear valid; however some are based on assumptions that do not appear realistic. In terms of regional water planning the Group has historically taken the stance that evaluating future water demand should be based on reasonable worst-case scenarios. Mr. White therefore recommended using the steam-electric water demand projections from the 2007 State Water Plan when updating the Regional Water Plan. Chairman Jarvis informed the Group that the TWDB has stated it is the decision of each individual Regional Water Planning Group as to which projections they use. Upon conclusion of discussion **Mr. Robert Fulbright made a motion for the Region M Group to use the steam-electric demands based on the 2007 State Water Plan (TWDB) projections. Mr. Donald McGhee seconded the motion, and upon a vote the motion carried unanimously.** TWDB has requested the Group's decision be submitted to Ms. Connie Townsend in writing, that letter will be prepared and sent accordingly.

5. Revisions to Population/Water Demand Projections (Non-Steam-electric)

Mr. White stated that TWDB identified 23 water user groups (cities) in this region that are exceeding population/water demand projections, and therefore recommend revising the population figures in the Regional Water Plan. Mr. White suggested the accumulation of more data before making a firm recommendation to the TWDB. Chairman Jarvis asked if the Group would like to pursue the issue of transient populations such as tourism. The Chairman informed the Group that the TWDB indicated that considering such data was possible and TWDB staff would be able to work with the Group on this matter. Mr. Tomas Rodriguez suggested the Group take its time and wait until the economy stabilizes before adjusting the

population growth figures in the Regional Water Plan. It was the consensus of the Group to take no action on this item at this time.

Mr. White then addressed Documentation of Water Management Strategy Identification Process and stated that TWDB required the Regional Planning Groups (RPGs) to document the process by which they will list all possible Water Management Strategies and identify those strategies that are potentially feasible for meeting a need in the region. Mr. White then summarized the suggested steps involved in this process. Upon conclusion of the summary Mr. White informed the Group that once the process was identified the TWDB requires the RPG to present said process during a public meeting. Mr. White proposed holding this public meeting prior to the next scheduled Board meeting and including consideration of approval of this plan of action on the next agenda; it was the consensus of the Group to do so. Chairman Jarvis added that during the RPG Chairs' Conference Call in April the topic of alternate Water Management Strategies (WMS) was addressed. It was the Chairman's understanding that the TWDB would leave it up to the RPGs to establish the criteria of how to classify a WMS or an alternate WMS and how to differentiate the two. Thus the Group would need to develop this criterion as part of Task 4: Identification, Evaluation, and Selection of Water Management Strategies.

6. Discussion RE: Unfunded Projects in Recent TWDB Application

a. **Analyze Potential Impact of Increased Groundwater Withdrawal from San Felipe Springs**

Mr. White stated that there was no new information available at this time, but assured the Group that staff would continue efforts to contact Region J regarding the San Felipe Springs issue. Chairman Jarvis recommended leaving this item on the agenda and consider soliciting the Rio Grande Regional Water Authority to take on this relatively low cost project.

B. Discussion RE: Status of Joint Groundwater Area Planning in GMA-16 Under HB 1763 (2005).
There was no new information to report at this time.

C. Discussion of IBWC Water Accounting at Fort Quitman

Chairman Jarvis stated there was no new information to report at this time and suggested that this might be a research project suitable for a doctoral student working on a dissertation.

D. Report RE: Other Water Planning Groups

1. Reports from Liaisons with Regions E, J, L, & N

The Chairman reported that many RPGs are finding it necessary to amend their Water Plans in order to bring in specific projects; and one RPG is aggressively pursuing the designation of reservoir sites as unique stream segments.

E. Report on LRGVDC/RGRWA Activities

1. Report on Water Conservation Plans and Drought Management Plans Filed with Region.

Chairman Jarvis stated that under statute Water Conservation and Drought Management Plans are required to be filed with TCEQ, TWDB and the local RPG by May 1st. This item will remain on the agenda in order to focus attention on the fact that these reports do need to be filed.

2. April 13 (TWDB) Chairs Conference Call

Chairman Jarvis stated that many of the topics discussed in this conference call have been covered under previous agenda items. The Chairman added that it was the consensus of the TWDB to let each RPG decide how to address preferred future conditions and mentioned that the Socio Economic Analysis that the TWDB was developing would be received in about 30 days, and there was discussion regarding the funding of projects, and a financial survey was being developed. Mr. Meesey stated that this survey would be available on the internet in hope of a higher return. This survey would provide users with information regarding what types of funding was available, and the legislature has been interested in receiving continuous updates via surveys in order to support appropriations figures during legislative sessions.

3. Nominations for Water Conservation Advisory Council Members (TWDB)

The Chairman reported that a letter was received from TWDB regarding the Water Conservation Advisory Council, and informed the Group that there are seven (7) openings on that council which has a similar composition to RPGs with categories such as: Texas Parks and Wildlife, RPGs, river authorities, environmental groups, higher education, electric generating entities, and rural water users. Chairman Jarvis stated that the TWDB will be appointing and/or reappointing in these seven specific areas and are soliciting nominations at this time. The Chairman encouraged the Group to consider submitting names for nomination.

8. Reports from Federal and State Agencies

A. TWDB

Chairman Jarvis recognized Mr. David Meesey. Mr. Meesey stated all he had to report to the Group had been addressed under previous agenda items.

B. IBWC

Mr. Patrick Daize was recognized and provided an overview of the American Reinvestment and Recovery Act of 2009 projects currently underway. Mr. Daize noted that all projects are managed through the IBWC office in El Paso, TX and they include: Edinburg Pump Levee Relocation and Channel Crossing, construction scheduled to begin 11/18/09 and end 12/22/10; Hidalgo Loop Levees Phase I (Tie in to DHS Wall), construction scheduled to begin 9/15/09 and end 3/11/10; Hidalgo Loop Levee Phase II (POE Floodgate & Road), construction scheduled to begin 9/15/09 and end 9/16/10; Lateral A to Retama Dam River Levee (Plus Retaining Dike), construction scheduled to begin 11/28/09 and end 10/6/10; Arroyo Colorado North Levee Phases I & II (Div. Dike – W Ranch Rd), construction scheduled to begin 9/15/09 and end 09/30/10; Banker Floodway North Levee (Granjeño – 23rd St), construction scheduled to begin 9/1/09 and end 1/28/10; Main & North Floodway Levees (23rd St – Baseline Rd), construction scheduled to begin 9/15/09 and end 9/16/10; and the North Floodway Levees (Baseline Rd – Hidalgo/Cameron County Line) construction scheduled to begin 10/5/09 and end 10/1/10. Chairman Jarvis commented that barring any natural disasters all of these projects should be completed by October 2010, which is a relatively short amount of time. Mr. Sonny Hinojosa asked how much the river levee will be raised. Mr. Rodolfo Montero, IBWC stated it would be raised approximately three feet. Mr. Hinojosa stated that he had received information the river levee would be raised four feet, the concern being that the current level of some of the irrigation district pumps would need to be raised to coincide with the raised levee. Mr. Daize stated that this was an appropriate time to address this issue and it will be looked at closely.

C. TCEQ

Chairman Jarvis recognized Mr. Erasmo Yarrito. Mr. Yarrito informed the Group that the return to normal reservoir conservation levels occurred on May 15.

Mr. Yarrito stated that on April 22 a delegation of eight TCEQ staff members, including Carlos Rubenstein, met with IBWC staff in El Paso, TX to discuss emergency operations along the Rio Grande. IBWC stated that staff was planning new flood workshops in Mercedes, Falcon, and Amistad. These workshops took place in May and covered a variety of scenarios and the appropriate responses from the various agencies involved. Mr. Yarrito felt the workshops were very beneficial and informed the Group that in 2010 these workshops would be expanded to include public participation; in 2011 a full scale operation was planned.

Mr. Yarrito was also pleased to announce that during the week of June 22, TCEQ will install the three water monitoring stations mentioned at past meetings. Stations are scheduled to be operational on June 22. Chairman Jarvis asked if a monitoring station will be installed below El Morillo Drain. Mr. Yarrito stated that the station will not be below the Drain, but will actually be at the dam, and staff is negotiating to install a monitoring station in Mexico that will be completely funded by TCEQ and contract a university student to monitor it, but the actual status of this project is unknown at this time.

Mr. Yarrito reported that Mexico has been releasing approximately 100 meters for the past 30 days and will continue to release until they feel the reservoirs are at a safe level for the coming Hurricane season.

1. Status of Water Availability Model (WAM) for Mexico

Mr. Yarrito turned the floor over to Mr. Herman Settemeyer, TCEQ. Mr. Settemeyer stated that staff had received a copy of the WAM in Spanish and is waiting for an English version. Mr. Hinojosa recalled that there was a letter from IBWC Commissioner Bill Ruth to Mr. Buddy Garcia, TCEQ, on this topic but the Group has not seen a response to that letter or when the English version of the WAM will be available. Mr. Yarrito stated that Commissioner Ruth did make a statement to Mr. Rubenstein that Mexico does plan to comply with all treaty requirements regardless of what this new WAM indicates. Mr. Hinojosa stated that what Mexico is committing to is to split the water once it hits the main stem; and this is an issue because the U.S. is entitled to the run off from the tributaries and not the split at the main stem. Chairman Jarvis commented that this issue ties in with a TCEQ report from the Border Governor's Conference on the definition of extraordinary drought and inquired after the proposed definitions. Mr. Settemeyer stated that several sample definitions or conceptual ideas were provided for consideration by CILA. Chairman Jarvis asked if a list of the sample definitions would be available for the next Group meeting; Mr. Yarrito will bring that information. Chairman Jarvis stated that the premise of this issue is that the definition of extraordinary drought is tied to what the natural run-off is before it is touch by human hands. Mr. Hinojosa suggested a response should be made that the U.S. has never had an issue with the splitting of the water at the main stem, and that the U.S. is entitled to the run-off from those tributaries.

2. Status of Study of Irrigated Acres and Crops Grown

Mr. Yarrito requested this item be carried over for the next meeting. It was the consensus of the Group to do so.

D. TPWD

No representative from TPWD was in attendance and no report was available.

9. Discussion and Possible Action RE: Meeting Schedule

It was the consensus of the Group to not meeting in July and schedule the next meeting for Wednesday, August 5, 2009.

10. New or Old Business

Chairman Jarvis asked Mr. Tomas Rodriguez to provide the Group with an update on the work the City of Laredo is doing on a proposed desalination plant. Mr. Rodriguez stated that the City of Laredo has partnered with Texas A & M, plans have been drawn up, and construction is scheduled to begin in the next two months. This will be a 50,000 gallon per day pilot project that will utilize a plate process, which is reported to be more efficient than reverse osmosis. Final results should be available in September. Chairman Jarvis commented that these types of projects should be included under Water Management Strategies in the Regional Water Plan.

Ms. Mary Lou Campbell asked if there had been further information on the proposed pipeline in Mexico to Matamoros. Chairman Jarvis reported that the first contract may be in place and that this pipeline will go from Falcon to Matamoros on the Mexican side. This project will have some ramifications, however, it is reported that it will not significantly affect flows in the Rio Grande.

Upon conclusion of discussions and there being no further business to discuss the meeting was adjourned at 1:33 p.m.

Glenn Jarvis, Chairman

Mary Lou Campbell, Secretary