

MINUTES

RIO GRANDE REGIONAL WATER PLANNING GROUP (RGRWPG) (REGION M)

10:30 AM WEDNESDAY, APRIL 6, 2022

LRGVDC MAIN CAMPUS
VIA GOTOMEETING VIDEO CONFERENCE & IN PERSON
INITIATED AND CHAIRED AT 301 W. RAILROAD STREET, WESLACO, TX
PRESIDING: JIM DARLING, CHAIRMAN

1. Call to Order and Roll Call

Chairman Jim Darling called the meeting to order at 10:36 am and confirmed that a quorum of the voting membership was present.

The following voting members were in attendance:

<u>Board Members</u>	<u>Category</u>
Jim Darling, Chairman	River Authorities
Sonny Hinojosa, Vice Chairman	Water Districts
Frank Schuster, Executive Committee	Other
Glenn Jarvis	Other
Tomas Rodriguez	Public
Carlos Garza	Small Business
Judge Joe Rathmell	Counties
Jaime Flores	Environmental
Armando Vela	Groundwater Management Areas
Riazul Mia	Municipalities
Dale Murden	Agriculture
Dr. Neal Wilkins	Agriculture
Jorge Flores	Municipalities
Commissioner David Fuentes	County
Tom McLemore	Water Districts
Debbie Farmer	Groundwater Management Area
Robert Latham	Electric Generating Utilities
Steven Sanchez	Water Utilities

The following voting members were not in attendance:

Don McGhee, Secretary	Industries
Nick Benavides, Executive Committee	Small Business
John Bruciak	Municipalities

2. Consideration and Action to Approve January 12, 2022, Meeting Minutes

It was noted that a correction had been made to page 4, item C. paragraph 2 after the meeting packet had been distributed. **Mr. Sonny Hinojosa made a motion to approve the minutes of the January 12, 2022, meeting as corrected. Mr. Frank Schuster seconded the motion, and upon a vote the motion carried unanimously.**

Upon conclusion of action on the minutes, US IBWC Commissioner Maria Giner was recognized and requested to give her report, listed on the agenda under item 8. B. at this time due to a scheduling conflict. She introduced Mr. Adrian Cortez, US IBWC Hydrologist and they jointly gave a presentation that covered Mexican Historical Deliveries, the 2020-2025 Reservoir Status, Cooperation on the Rio Grande, Rio Grande White Paper, and Rio Grande Conservation. The presentation is available on the Region M website at <http://riograndewaterplan.org/meetings>.

Upon conclusion of the presentation, Chairman Darling asked about the eradication of aquatic weed project, stating that it may be more attainable than other projects. He stated that eradication of aquatic weed also enhances other things besides water availability; and it should be an ongoing program instead of tackling it once every 10 years when it becomes overwhelming.

Commissioner Giner stated that she has advised the administration about the maintenance tasks that have been delayed due to a lack of funding. She said that the information the Group provided will help her understand the benefits of eradicating the salt cedar infestation, and she wants to make sure that the administration understands that this region has been traditionally underserved because of gaps in funding. The funding gaps have restricted the US IBWC's ability to hire the number of staff needed to perform the necessary maintenance tasks for the river and their ability to maintain levees, structure, and the floodway, as well as the eradication of the salt cedar infestation. She stated that she will check if the cost of salt cedar eradication has been quantified.

Mr. Sonny Hinojosa informed Commissioner Giner that the Region M Group has been kept abreast of USDA Research Entomologist, Dr. John Goolsby's progress with the development of three (3) deterrents to the invasive *Arundo donax* carrizo cane that also infests the Rio Grande: a wasp, a scale, and a rust. Chairman Darling stated that there have been conflicting processes between governmental agencies regarding eradication of aquatic weeds. The US Department of Homeland Security wants to cut the cane down to the water level to help them detect illegal entry into the US. But the Group objects to that strategy. Cutting down the cane exasperates the situation because it grows back quickly as well as thicker and stronger.

Commissioner Giner will look for an opportunity to meet with some of the Region M members to help her pull together a narrative for a possible solution and also include Dr. Goolsby. She will also provide an update at the next meeting on what they have learned on this issue.

Zapata County Judge Joe Rathmell asked Commissioner Giner if the US IBWC would consider a project to dredge Falcon Lake. He said that seven years of sedimentation on the lake has left almost no depth of water, especially on the upper reaches where Zapata is situated. He has spoken with his congressman who expressed interest in a project of this magnitude and that it could be done on Falcon. It would at least increase the water storage capacity of the reservoir. Commissioner Giner stated that she has compiled a list of deferred maintenance in the amount of almost \$400 million; \$300 million is for sediment alone, and that she will check if this list includes Falcon Dam. Her newly hired chief of staff will be tasked with creating an asset management plan that inventories all assets and will look at risk and condition and help staff to prioritize needed investments. Her goal is to ensure that they bring the resources to have resiliency in the system for flood protection, water supply, sanitation, and cross-border pollution.

Mr. Glenn Jarvis raised the topic of the carrizo cane problem at Elephant Butte Dam. There has been considerable work done there in the past, but it has been closed for over 100 years. This area is generally referred to as the "Forgotten River Reach" downstream from El Paso and it has had a negative effect on that portion of the Rio Grande that this region relies on. Mr. Jarvis stated that there is quite a bit of information on this project that has been collected in the past and wanted to make Commissioner Giner aware of it as she moves forward with river projects and improvements.

Mr. Hinojosa noted that on slide 9 of the presentation she and Mr. Cortez gave it says that current use by Matamoros is 77,000 acre-feet of water a year, but they release 255,000 acre-feet to get the water to the city. Mr. Hinojosa stated that there is data available that shows that there is 125,000 to 190,000 acre-feet of Mexico's water that goes out to the Gulf unused. He suggested that one quick-fix for Mexico is to better manage their releases from Falcon to meet the needs of Matamoros. He added that if that water had been conserved, Mexico would have 500,000 to 800,000 acre-feet in storage in Falcon Reservoir, which is a quick fix that could be accomplished just with management. Commissioner Giner appreciated this information and will make note of it.

Chairman Darling thanked Commissioner Giner and Mr. Cortez for their time and information and stated that the Group welcomes their participation and appreciates all they are doing. He then moved to item #3.

3. Hear Public Comment

No requests to make public comments were received

4. Discussion and Action to Authorize LRGVDC to Negotiate and Execute an Amendment to TWDB Contract

Chairman Darling stated that this contract amendment will incorporate the full scope of work and total project cost for the 2026 Rio Grande Regional Water Plan, total project cost, and updated contract guidance documents. The Total Project Cost is the anticipated full appropriation to be received during the planning cycle to develop the Plan. At the time the contract was executed, the TWDB was not appropriated sufficient funds by the legislature. Regional Planning grant contracts are appropriated every two years, TWDB has historically entered 5-year contracts at the beginning of each regional water planning cycle. Only those funds that have already been appropriated are shown as "committed" within the regional water planning grant contracts. This requires amending the contracts to incorporate increased funding as additional appropriations become available. Therefore, it is anticipated that the contract will be amended at least a couple more times to commit more funds. ***Mr. Sonny Hinojosa made a motion to approve the LRGVDC to negotiate and execute an amendment to the TWDB contract. Mr. Tom McLemore seconded the motion, and upon a vote the motion carried unanimously.***

5. Discussion Related to Requirements for Amendments to 2021 Rio Grande Regional Water Plan

Documents related to the process to amend the Plan were provided in the meeting packet by way of a flow chart timeline, and a document provided by TWDB that details the process. Discussion on the requirements flowed into item 6. below.

6. Consideration and Possible Action on Hidalgo County Drainage District #1 Request to Amend 2021 Rio Grande Regional Water Plan

Commissioner Fuentes informed the Group that the reason for this item is that Hidalgo County Drainage District #1 (HCDD1) has had a change in the status of the Delta Reclamation project. This project is located on the main drain north of Hidalgo County and has been determined to be a dual-purpose project. It will serve as flood mitigation, and the second component is water as a resource. Texas Commission on Environmental Quality (TCEQ) has confirmed that HCDD1 has the water rights and has also approved the process by which HCDD1 will test the water quality.

Commissioner Fuentes stated that if the 2021 Rio Grande Regional Water Plan (Plan) can be amended prior to the end of 2022, HCDD1 can start seeking funding for building a water treatment plant. They do not plan to sell the treated water to an end user or violate any Certificates of Convenience and Necessity (CCN) arrangements; but it will provide water as a resource, which will

be very different and the first of its kind, not only in the State of Texas but possibly in the nation with respect to providing water as a resource for potable water.

Commissioner Fuentes informed the Group that HCDD1 has met with the Texas Water Development Board (TWDB), and they recommended making this amendment to the existing Plan; doing so would open the opportunity to finance a project like this as we get closer to that need.

Chairman Darling asked what the main source of water will be that would be going into that detention facility. Commissioner Fuentes stated that it would be any outflow from agricultural runoff and also surface water runoff in any of the laterals that connect to the main drain. He stated that Hidalgo County understands and accepts that they would be responsible for any fees related to making this amendment.

During discussion it was determined that this project could be broken into phases whereby the first phase could be included in the amendment to the Plan which would allow that phase to be eligible for funding. Chairman Darling stated that this project is important and that considering the project as a whole would delay it unnecessarily. He suggested working with TWDB by making phase 1 an amendment to the 2021 Plan and phases 2 and 3 could be included in the 2026 Rio Grande Regional Water Plan, depending on timetables. Commissioner Fuentes stated that as an overall main scope of work, HCDD1 will identify multiple points of capturing water, testing, and cleaning which will be the first phase.

Mr. William Alfaro, TWDB Liaison, was recognized and stated that it is important for HCDD1 to thoroughly evaluate if an amendment is necessary. In his update further in the agenda he will provide more information. He stated that the only funding program that requires a project to be recommended as a Water Management Strategy (WMS) in the Plan is SWIFT (State Water Implementation Fund for Texas). If financing from SWIFT is sought, then the Plan will need to be amended. Commissioner Fuentes stated that HCDD1 has met with Ms. Mireya Lowe and gone through the whole project with her. She suggested that we request an amendment because we do anticipate applying for some degree of financing through SWIFT, which is why we are here; other funding programs do not require that a project is in the Plan, only SWIFT does.

Upon conclusion of discussion, ***Commissioner David Fuentes made a motion to instruct staff to participate in the process to amend the 2021 Rio Grande Regional Water Plan. Mr. Riazul Mia seconded the motion, and upon a vote the motion carried unanimously.***

7. Status Reports

Ms. Jaime Burke, Water Planning Leader from Black & Veatch was recognized and introduced Lauren Gonzalez, Deputy Project Manager, and Katie Snyder who provides technical support for the Water Plan.

A. Status on Current TWDB Contract Activities

1. Schedule and Progress Update

Ms. Burke provided the initial schedule for Plan development that covers the entire 5-year cycle to develop the Plan and highlighted upcoming tasks and important deadlines.

2. Draft Projections from TWDB for Livestock, Manufacturing, and Steam Electric

Ms. Burke used a flow chart to provide a brief overview of the regional water planning process for those who may be new to regional water planning. She reviewed the draft non-municipal water demand projections currently available for review, detailed the draft

livestock water demand projections, the draft manufacturing water demand projections, and the draft steam-electric water demand projections. Chairman Darling suggested that the Population & Water Demand Committee meet to discuss this topic in further detail. Mr. Armando Vela raised a concern that Hidalgo County's water use is under reported because the water being pumped out of private wells is not being recorded.

3. Draft Municipal Water User Group List and Historical Data from TWDB

Ms. Burke went over the Municipal Water User Group (WUG) list and historical data. The historical data included, WUG-level population estimates, net water use by public water system collected through TWDB water user surveys, historical calculated Gallons Per Capital Daily (GPCD), and new draft baseline GPCD.

She informed the Group that they have been tasked with reviewing the list of WUGs and submitting any revisions to TWDB, as well as reviewing historical data and reporting any revisions to TWDB. This information is due to TWDB by July 29, 2022. The exception to the deadline for revisions is to historical data and baseline GPCD numbers which can be requested in 2023 as part of the population and the municipal demand review.

4. Discussion of Potential Subcommittees for the Planning Cycle

Chairman Darling noted that the current list of Subcommittees is in the meeting packet and this list has not been updated in some time. He asked members to review the list of committees and informed LRGVDC staff of those on which they would like to serve. A meeting of the Population and Water Demand Committee will be scheduled within the next 10 days. He asked Ms. Burke to define the committee responsibilities and at the next meeting each member can be formally appointed to a committee. The presentative given by Black & Veatch is available on the Region M website at <http://riograndewaterplan.org/meeting>.

B. Financial Report

LRGVDC Director of Community & Economic Development Rick Carrera was recognized to report on the following items:

1. Consideration and Action to Accept Expenditure Reports

Mr. Carrera provided the expenditure reports for the period of January 1, 2022, through March 31, 2022. From the local funds annual budget of \$22,550.00, there is a balance of \$22,264.93 remaining. The cash fund balance is \$100,137.23 which includes \$10.73 in interest income. ***Mr. Tomas Rodriguez made a motion to accept the expenditure report as presented. Mr. Carlos Garza seconded the motion, and upon a vote the motion carried unanimously.***

C. Status of Joint Groundwater Area Planning in GMA's 4, 5, 7, 13, & 16

Mr. Armando Vela was recognized and informed the Group that GMA-16 has not met recently and there is no new information to report.

Ms. Debbie Farmer informed the Group that as reported previously, GMA-13 submitted the Desired Future Conditions (DFC) packet for the 3rd round of Joint Planning to the TWDB on January 14, 2022. GMA-13 has responded to minor follow-up requests from TWDB since the submittal but is still awaiting their notice of administrative completeness. At the January

12, 2022, Region M meeting a lawyer who stated that he represented certain Webb County Interests made comments to this Group disagreeing with GMA-13's process in developing the DFCs. As the GMA-13 representative, Ms. Farmer briefly addressed those remarks and reported that GMA-13 appropriately considered all requests and data that was properly put before it, and GMA-13 has full confidence in the DFCs as proposed and the process GMA-13 conducted to develop the DFCs. The next GMA-13 meeting is scheduled for April 22, 2022.

1. Status on Starr County Groundwater Conservation District

Mr. Tom Koeneke, Vice President of Starr County Groundwater Conservation District (SCGCD) was recognized and reported that as the Group is probably aware, a petition was filed with TCEQ for inquiry into SCGCD. A review panel was appointed, and the district went through a series of hearings. SCGCD entered into an agreed order with the review panel and over the process of about a year and a half, the district has complied with all requests in the agreed order. Recently SCGCD received a letter from TCEQ stating that they are in compliance with all the requisites of the agreed order except for their approved director's schedule for the November 2022 elections, which, of course, is not due yet.

Mr. Koeneke reported that the SCGCD management plan has been revised and approved by TWDB; it will be in effect through August of 2026. One of the requisites in the management plan is for SCGCD to communicate with Region M twice a year on water data from Starr County and for one of their directors to attend Region M meetings. They have also been tasked with looking into possible conjunctive use with Region M.

Lastly, Mr. Koeneke stated that he agrees with Mr. Armando Vela that it appears that no calculation for wildlife use has been created. The majority of ranches in Starr County are used more for hunting than livestock and that SCGCD is the only district in the State that has wildlife as an exempt use along with livestock. And that there ought to be some kind of calculation for wildlife as well as livestock.

D. Reports from Other Water Planning Groups

1. Reports from Liaisons with Other Regions: Region J, Tomas Rodriguez; Region L, Don McGhee, and Region N, Commissioner David Fuentes

There were no reports at this time.

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

No new plans have been received since the last meeting.

F. Report on Notices of Applications for Funding and Grants

No new notices have been received.

G. Report on Regional Water Resource Advisory Committee (RWRAC)

Mr. Carrera was recognized and provided a brief update on the last RWRAC meeting. He informed the Group that the vacancy in the Large City category was filled by Xavier Cervantes from the City of Harlingen. The Texas General Land Office provided updates on their three (3) ongoing studies which include the Flood Study, the Economic Development

Study, and the Pedestrian Study. Cameron County will administer the local Clean Rivers Program; it was previously administered by the Nueces River Authority. He thanked Cameron County Commissioner David Garza for undertaking this responsibility and stated that having that administration locally is beneficial for the Valley. Regarding the Freshwater Flows, that program is managed and administered by the LRGVDC; there are four (4) water monitoring stations for the four (4) most voluminous drains in the area. The monitoring stations are up and running, monitoring has started and of course those monitoring stations will also support the Flood Infrastructure Fund program that LRGVDC also administers.

The next meeting is scheduled for April 20, 2022, at 10:00 am and he invited Region M members to attend.

7. Reports from Federal and State Agencies

A. TWDB

Mr. William Alfaro was recognized and reported on the following items:

1. Projections Release Submitted and Related Deadlines

Mr. Alfaro went over the anticipated release schedule for the remaining projections data. He emphasized the July 29, 2022, deadline for RWPGs to request changes to historical data for municipal WUGs.

2. Rule Making Efforts

Mr. Alfaro stated that the rule making for Regional and State Water Planning guidelines will be presented to the TWDB Board at their April 11, 2022, meeting. He explained the purpose of the amendments to 31 TAC § 357 and §358. He stated that details on the proposed rules are available on the TWDB website at:

<https://www.twdb.texas.gov/about/rules/index.asp>

3. Presentation on Plan Amendment Process

Mr. Alfaro provided details on the process of amending an approved regional Water Plan. He explained why a Plan might need to be amended, which funding programs require Plan consistency, types of plan modifications, the difference between minor and major amendments, a timeline for the amendment process, and who pays for an amendment.

Mr. Alfaro's presentation is available on the Region M website at:

<http://riograndewaterplan.org/meetings>

B. IBWC

This report was given at the top of the agenda.

C. TCEQ Watermaster

Watermaster Anthony Stambaugh was recognized and in answer to a question asked previously, he reported that the lowest recorded reservoir levels were in August of 1998 when the US ownership was down to 19.06% which is 634,025 acre-feet, and Mexico was at 15% in their combined storage. As of March 26, 2022, the US ownership is at 35.71% which is 1,211,407 acre-feet. Chairman Darling urged members to review their water

conservation and drought contingency plans for trigger point water levels that activate the plans.

8. Consideration and Action to Schedule Next Business Meeting on July 6, 2022

Mr. Tom McLemore made a motion to schedule the next meeting on Wednesday, July 6, 2022, at the LRGVDC Main Campus in Weslaco. Mr. Sonny Hinojosa seconded the motion, and upon a vote the motion carried unanimously.

9. Adjourn

There being no further business to come before the Group, Chairman Darling adjourned the meeting at 12:58 p.m.


Mr. Jim Darling, Chair