

# MINUTES

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

9:30 AM WEDNESDAY, November 1, 2023

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**

Mr. Cruz called the meeting to order at 9:32 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>
Frank Schuster	Other
Nick Benavides	Small Business
Glenn Jarvis	Other
Tomas Rodriguez	Public
Carlos Garza	Small Business
Judge Joe Rathmell	Counties
Jaime Flores	Environmental
Dr. Neal Wilkins	Agriculture
Jorge Flores	Municipalities
Commissioner David Fuentes	Counties
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:

Jim Darling	River Authorities
Sonny Hinojosa	Water Districts
Louie Pena	Groundwater Management Area
Dale Murden	Agriculture
Marilyn Gilbert	Municipality

**2. Consideration and Action to Approve August 2, 2023, Meeting Minutes**

*Mr. Tom McLemore made a motion to approve the minutes of the June 7, 2023, meeting as presented. Carlos Garza seconded the motion, and upon a vote, the motion was carried unanimously.*

**3. Public Comment**

No public comments were submitted for this meeting.

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

Mr. Kevin Smith started by explaining to the board that the contract amendment of the past legislative session, The Pledge, appropriated extra money for all planning groups. That amendment is in essence extra money. Mr. Smith mentioned that the amendment will increase

the total project cost and will increase committed funds by more than \$20,000. He also informs that there is one more final amendment to get the final committed funds to that total project. Mr. Smith explains that again this is all extra money on top of what everyone was going to get at the beginning of the cycle. ***Tom McLemore made a motion to approve the Authorization to Negotiate and Execute an Amendment to the TWDB Contract. Tomas Rodriguez seconded the motion, and upon a vote, the motion was carried unanimously.***

## 5. Status Reports

### A. Status on Current TWDB Contract Activities

Ms. Jaime Burke, Black & Veatch Water Planning Leader was recognized and reported on the following items.

#### 1. **Schedule and Progress Update**

Ms. Jaime Burke started with the Schedule and Progress update by showing the board the Conceptual Schedule for Region M plan Development, that was given to them in the packet. She mentioned an important deadline date; coming up in early March 2024 is the technical memorandum. This memorandum will include the following: information that has been gathered so far and future information, population and demand projections, water availability and supply, infeasible strategy analysis, and process for identifying potential feasible strategies and strategies identified to date. Ms. Burke stated this memorandum will show TWDB what work has been done and the progress of this project. Since the last update, the following progress has been made: submitted population and municipal demand revision request to TWDB (all requests (population, municipal demand, and non-municipal demand) were recommended for approval by Executive Administrator) and (projections will be reviewed by other agencies before TWDB Board adoption (expected November 2023), submitted hydrologic variances to TWDB – currently under review, sent survey and emails to certain 2021 Plan project sponsors to request information on project implementation status, and developed survey to send to WUGs and WWP's regarding water supplies and water management strategies for this cycle. With no further questions, Jaime then moved on to the next Agenda Item.

#### 2. **Briefing on Methodology to Identify Infeasible Water Management Strategies and/or Projects in the 2021 Rio Grande Regional Water Plan and Analysis of Results.**

Ms. Burke mentioned that this item was required for a public comment period. This task is a new task and TWDB requested that they go back and look at the 2021 plan that focuses on 2020-decade strategies, as well as some 2030 and 2040 strategies that should be online or that should have action to be implemented. If not, they will need to be identified as infeasible and take action to address them within the 2021 plan through an amendment. The affirmative action related to moving the project forward may include but are not limited to: 1) spending money on the strategy or project, 2) voting to spend money on the strategy or project, or 3) applying for a federal or state permit for the strategy or project.

Moving on, Ms. Burke discussed the Methodology and stated that they were required to review the status of strategy and projects with an online decade of 2020 in 2021 plans. It was encouraged to review additional near-term strategies and projects that have lengthy permitting or construction processes. As for the identification process the following steps were done: reviewed list from TWDB, prepared and sent survey asking about implementation status of each project, sent email reminder about survey, put questions from survey into email and sent (instead of survey link), and lastly sent list of those we had not heard from to RWPG members for assistance. As per TWDB, if good faith effort was made to reach out to a project sponsor and we had not heard back, we can assume the project is feasible.

Jorge Flores comments that Maverick County, just like any other county throughout the state, needs a second water source. Mr. Flores asks Ms. Burke if they would need to make an amendment or would it be later in the plan. Ms. Burke explains that will depend on their timing and when they are looking to get funding. She explained that an amendment would most likely need to be done; however, SWIFT applications are due February 2024 and would be too late to get try to get an amendment done for this year but could get an amendment done for the 2025 SWIFT application cycle. Ms. Burke explains that this would be considered a separate activity, and the county would be responsible for this amendment. TWDB does not allow 2026 planning cycle funds to pay for amendments to be added in between cycles. However, if their timeline is further out and would like to get it into the 2026 plan that would be something that can be incorporated in the next several months and would not cost them.

Moving on, Ms. Burke mentioned the analysis results. Response was received from the following: Edinburg, Laguna Madre Water District, McAllen, Olmito WSC, Rio Grande City, Union WSC, and Zapata County.

No responses from: Agua SUD, Alamo, Brownsville, Donna, Edcouch, El Jardin WSC, Los Fresnos, Mission, Pharr, Rio Hondo, and Weslaco.

All received responses except one said their project was either completed or they had moved forward with implementation,

- Edinburg said their 2020 Non-Potable Reuse project has been put on hold.
- Expect Region M will need to do an amendment to the 2021 Plan to remove this project from the 2020 decade. RWPG-adopted amendments due June 4, 2024.

### **3. Receive Public Comments on the Results of the Analysis of Infeasible Water Management Strategies and/or Projects in the 2021 Rio Grande Regional Water Plan**

There were no public comments received nor were there any comments provided during the meeting.

### **4. RGRWPG to Consider Public Comments and Discuss and Consider Approval of Results of Analysis of Infeasible Water Management Strategies and /or Projects in the 2021 Rio Grande Regional Water Plan.**

Ms. Burke suggested that should like to get approval from the Board, if they would like to consider Edinburg and McAllen's strategies infeasible, which encourages them to start moving forward with the amendment process to address those in the 2021 plan. If approved, they would consider the Edinburg 2020 non-potable re-se strategy and the McAllen 2030 potable reuse strategy to be considered infeasible within the 2021 plan and start moving forward. ***Tomas Rodriguez made a motion to approve consider the Edinburg 2020 non-potable re-se strategy and the McAllen 2030 potable reuse strategy to be considered infeasible within the 2021 plan and start moving forward, Jorge Flores seconded the motion, upon a vote the motion was carried unanimously.***

### **5. Briefing on Process for Identifying Potentially Feasible Water Management Strategies for the 2026 Rio Grande Regional Water Plan.**

Ms. Burke started by explaining the TWDB Guidelines including: 1) The Regional Water Plan shall serve as a long-term water supply plan under drought-of-record conditions, 2) RWPG must identify all potentially feasible WMS, select WMS, and present it to the public for comment, 3) RWPG must identify and evaluate WMS for all WUG and WWP with shortages (Needs), 4) RWPG must evaluate WMS with sufficient specificity to allow agencies to make financial and regulatory decisions. Ms. Burke explained that the local WUG and WWPs are encouraged to review water demand projections and availability determinations for their local community, provide input to the RWPG on recommended WMS, local supply plans, and proposed water facilities for their WUG, develop detailed water conservation and drought management plans, and consider regional solutions to

cooperate with other WUGs when appropriate. Lastly, develop contingency plans and facilities for use during emergency shortages of water.

Ms. Burke informed the board explaining what information is needed from project sponsors and explained if the project information isn't available, Region M will develop planning-level evaluations meeting the TWDB's minimum requirements, under the available time and budget.

Ms. Burke then moved on to the proposed process for identifying potentially feasible water management strategies. Current water planning information, including specific WMS of interest, will be solicited from WUGs and WWP in Fall 2023. A) - Solicitation of planning information will include the recommended WMS in the 2021 Regional Water Plan, B) - WUGs/WWPs will be encouraged to classify each water management strategy on their 2021 Plan list as included or rejected for the 2026 Planning Cycle and provide comments, and to list additional WMS that will be new for the 2026 Planning Cycle. She mentioned that a list of potential WMSs will be prepared based on an initial technical evaluation and needs analysis and the comments received, which will be available for consideration by the RWPG by early 2024. Additional WMS may be brought forth to the RWPG for consideration until May 2024. The list of potential WMSs will be further considered to identify "potentially feasible" or "not potentially feasible" WMSs for WUGs and WWP with identified water needs.

Mr. Frank Schuster asked how they reach out to the water providers and water user groups. Ms. Burke stated that they are planning to contact them by email and provide a survey with a list of strategies they had within the 2021 plan and asking if they would like to keep those in the 2026 plan or remove them. Also, if they have any new projects that were not known of in the last cycle to be added to the list.

**6. Receive Public Comments on the Process for Identifying Potentially Feasible Water Management Strategies for the 2026 Rio Grande Regional Water Plan.**

There were no public comments received nor were there any comments provided during the meeting.

**7. RGRWPG to Consider Public Comments and Discuss and Consider Approval of Final Process for Identifying Potentially Feasible Water Management Strategies for the 2026 Rio Grande Regional Water Plan.**

*Carlos Garza made a motion to approve The Final Process for Identifying potentially Feasible Water Management Strategies for 2026 Rio Grande Regional Water Plan. Tom McLemore seconded the motion, upon vote the motion was carried unanimously.*

**B. Financial Report**

**1. Consideration and Action to Accept Expenditure Report**

Mr. Manuel Cruz explained to the board the Region M 2023 Budget and Expenditure Report. He informed the board that between January 1<sup>st</sup> – September 30<sup>th</sup> the annual budget stayed the same at \$22,650 and explained that there was a budget available of \$15,388.30, the actual cash available balance is \$83,649.95 which includes \$2,197.46 of interest income. *Steve Sanchez made a motion to approve the Expenditure Report, Mr. Tomas Rodriguez seconded the motion, and upon vote, the motion was carried unanimously.*

**C. Status of Joint Groundwater Area Planning in GMA's 13 & 16**

Ms. Debbie Farmer started by informing the board that the technical consultant Dr. Bill

Hutchinson presented a status report on the GMA's 13 request amending the groundwater availability model, summarized TWDB requirements for the update, gave an overview of the process calibration targets for the update, and the next steps for completion. Ms. Farmer then closes by telling the board that the committee adopted a resolution to update the groundwater availability model. No further comments from Ms. Farmer.

Mr. Andy Garza with the Kennedy Groundwater Conservation District started by giving a brief update on GMA's 16. He mentioned that they hired a consultant for this next cycle. He stated that they are getting a new model or ground availability model for their area and would run the new model and compare results from the new to the old model to see the difference. No further updates from Mr. Garza.

**D. Reports from other regional Water Planning Groups**

No updates or reports currently provided.

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

Mr. Cruz gave a reminder for Municipalities to continue to monitor the water conservation plans and drought conservation plans as he knows that some already have or are in the process of initiating them.

**F. Report on Notices of Applications for Funding and Grants**

Mr. Cruz reminded municipalities to continue to monitor water conservation plans and drought management plans.

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

Mrs. Melisa Gonzales informed the board that they have a membership seat to fill for the next December 12<sup>th</sup>, 2023, meeting at 2 O'clock and are accepting nominations.

**6. Reports from Federal and State Agencies**

**A. TWDB**

Mr. Kevin Smith, TWDB, was recognized and reported on the following items.

**1. RWPG Chairs Call held September 28<sup>th</sup>, 2023.**

**2. Interregional Planning Council Update**

Mr. Smith informed the group that The Regional Planning Group Chairs call was held on Sept 28<sup>th</sup>. Chairman Jim Darling was there and gave an update on the status of the reservoir levels and water availability that is currently going on in the region. He mentioned that there was discussion on critical timelines, the tech memo that is due next March, and all that needs to be done before that. Mr. Smith let the board know that he was happy to see the progress that has been made, like the amendment, feasible strategies, and the methodologies potential strategies. He also mentioned that at the November 9, 2023, meeting they will be taking to board the recommended population and demand projections. Once you have those the availability now is done, and you can determine needs. Mr. Smith informed the board that they also did an update on the Regional Planning Council. They are finalizing their report which should be finalized by November 30, 2023, and is due on March 4, 2024. He mentioned a new database application has been developed that will now allow for electronic data when requested.

## **B. IBWC**

Ms. Jennifer Pena explained the 1944 Water Treaty, explaining how Mexico must deliver 1.75-million-acre feet over a five-year cycle. As we know, Mexico is not doing as well on delivering water to our community. It is a historic low and is dire situation, and IBWC is aware and doing everything they can to get Mexico to move on this. IBWC does not have the jurisdiction or ability to sue them; therefore, this must be done diplomatically. Ms. Pena informed the board that on October 21, 2020, they signed Minute 325. The Minute is a binding agreement to end the 2015-2020 cycle without a debt. The Minute also established workgroups, a Hydrology Workgroup and Policy Workgroup. The Policy Workgroup was responsible for developing a Minute to provide and improve predictability and reliability on the Rio Grande Minutes. A new Minute is anticipated to be signed by December 2023.

Mr. Frank Schuster took time to thank Ms. Pena and her team for all that they do and the communication under the current commissioner. Mr. Steven Sanchez also gave Ms. Pena a thank you to her and her team. Mr. Sanchez mentioned that some of the irrigation districts have run out of water. One district is no longer delivering to their farmers anymore. In the past month (September) the push waster is going to cost North Alamo about \$80k if this continues, we anticipate a little more than a million cost that will have to be passed on to our constituents, which is something that these people cannot afford. Mr. Sanchez would like to see if Commissioner Giner could get Mexico to release about 100,000 acres to 150,000 acres so farmers can do their work and to get water to the municipalities and water supply corporations.

## **C. TCEQ Watermaster**

Ms. Georgina Bermea provided information from October 21<sup>st</sup>, the US combined ownership at Amistad and Falcon stood at 21.12% of normal conservation compacity that's impounding 702,940-acre feet and now down from 31.65%. She mentioned last year at the same time we were at 31.65%, currently we are at 21.12%. Overall, the system is holding at 22.64% of the normal conservation capacity, Amistad at 29.66% and Falcon at 14.13% of conservation capacity. Mexico currently is at 24.67% of normal conservation capacity that's impounding 620,926-acre feet of Amistad and Falcon.

## **7. Discussion, Consideration, and Action on Date for Next Business Meeting**

Mr. Cruz mentioned the next meeting would fall on March 6<sup>th</sup>, 2023, at 9:30 am. He then asked the board if everyone would be okay with that date. Ms. Jaime Burke stated that they would need to meet before March 4<sup>th</sup>, just because the technical memos are due on March 4<sup>th</sup> and that will need approval and calls for public comments. It was then decided by the board to schedule the next meeting for February 7, 2024.

## **8. Adjourn**

There being no further business to come before the Group, Mr. Frank Schuster adjourned the meeting at 10:55 am.

  
Mr. Jim Darling, Chair