

MINUTES (Revised 2/05/01)
MEETING OF THE NEW MEXICO\TEXAS WATER COMMISSION
MANAGEMENT ADVISORY COMMITTEE (MAC) AND
THE REGIONAL SUSTAINABLE WATER PROJECT
STEERING COMMITTEE (SC)
PSB 4TH FLOOR BOARDROOM
1154 HAWKINGS, EL PASO, TEXAS
NOVEMBER 29, 2000
9:00 A.M.

Welcome

Mr. Ed Archuleta chaired the meeting and welcomed all the attendees. A copy of the sign-in sheet is attached as **Exhibit "A"**. Those members attending from the Commission Steering Committee were as follows:

Ed Archuleta – EPWU	Tom Bahr – NMSU
Robert (Buck) Monday – City of Las Cruces	Karl Wood – NMSU
Art Coykendall – USBR	Doug Echlin - IBWC
Brian Hanson – U.S. Fish and Wildlife	Tony Tarquin – UTEP
John Sproul – Audobon Society	
Jerry Leyendecker – Dona Ana County	

I. Review and Approval of Minutes from MAC\SC Meeting on October 13, 2000 (MAC\SC)

Mr. Archuleta asked for any comments on the MAC\SC Minutes from the October 13th meeting. Dr. Bahr has some typographical corrections and other minor comments which he noted on a hard copy of the minutes. These were handed to Ed Fierro for processing. There were no other comments or corrections, and the October 13 minutes were subsequently approved subject to the noted corrections.

II. Project Schedule and Planned Activities (CH2M Hill)

Mr. Haislip presented two slides listing key activities requiring CH2M Hill's participation for October and November (see attached **Exhibit "B"**), and briefly covered each topic on the list. He stated that some of these topics were on the agenda and would be discussed later in the meeting, except that he would not be able to report on the specifics of the Tigua meetings since these items were still ongoing and confidential.

Mr. Haislip stated that the Final Environmental Impact Statement (FEIS) had been completed and mailed out on the prior Monday and Tuesday. He reiterated that the date for the release of the Record of Decision (ROD) by the lead agencies was December 29th 2000. Doug Echlin mentioned that the EPA would likely publish its Notice of Availability (NOA) next Friday, December 8th, 2000, and that IBWC should release its ROD by January 8th, 2001. Kevin Bixby asked who had been mailed copies of the FEIS. Mr. Haislip responded that the same mailing list used for the Draft EIS (DEIS) had been used, and that copies had also been mailed to others not on the list that had requested them. Doug Echlin added that the FEIS would be available on IBWC's website between December 1st and 6th under the "What's New" menu selection.

III. Report on Project Response to Fish and Wildlife Service Coordination Act (CH2M Hill/SC)

Tom Haislip stated that he and representatives from El Paso Water Utilities (EPWU) and the International Boundary and Water Commission (IBWC) had met with Brian Hanson of the U.S. Fish and Wildlife Service (FWS) to discuss the Coordination Act Report, and had proposed sponsoring agency solutions for resolving any differences between the proposals in the coordination Act Document and those in the FEIS. Mr. Haislip stated that an agency response to the Coordination Act Report, dated November 7th, 2000 had been sent to the FWS, and briefly summarized the contents of that letter (see attached **Exhibit "C"**). He described some of the major areas of disagreement and the proposed actions for resolving them (the reader is referred to the minutes from the October 13th MAC/SC meeting for a more thorough discussion of this topic). Mr. Haislip emphasized that an additional \$2 millions had been committed by EPWU to complete the first four items recommended by the FWS in their Coordination Act Report, in addition to making a commitment to work with the FWS to identify alternative enhancements if the originally proposed enhancements did not prove to be feasible. He added that the total value of money committed to enhancements was now \$9 million, where previously it had been \$7 million, and that this money could be leveraged to obtain other state and federal grant money.

Mr. Haislip stated that he had not yet received a response from FWS to the Coordination Act response letter, but that both documents would be included in the FIES appendices. Brian Hanson added that they would try to have a response sometime in December, and that they were generally pleased with the results from the meeting and subsequent agency responses.

IV. Selection of Final Project Alternative

Tom Haislip gave a presentation concerning the ROD Process, and the methods and performance measures used to select the Final Alternative for the ROD (see attached **Exhibit "D"**). Prior to the presentation, Mr. Haislip stated that the decision process was not just constrained by NEPA requirements, but also by other factors that the MAC/SC felt were important. He added that the MAC chose to adopt the same basic process to select the final project alternative as that previously established for the selection of the Preferred Alternative. Mr. Haislip showed a slide which described each alternative and then described the ranking of each alternative under each performance measure. The Final Alternative selected was Alternative D, "River With Local Plants". Mr. Haislip also showed a slide summarizing the results of a sensitivity analysis performed on the performance measures. This sensitivity analysis confirmed the selection of Alternative D when different weightings were used for selected exhibited performance measures. He also elaborated on those performance measures under which certain alternatives had scored higher and described the probable reasons, but stated that overall Alternative D had come out with the highest combined rating.

IBWC Commissioner John Bernal made some comments concerning the IBWC's role in the process. He stated that in 1997 EPWU had approached IBWC to request that they be the lead federal agency for the Sustainable Water Project (SWP), and that as lead federal agency, IBWC was required to respond to Mexico's concerns regarding the SWP effects on Mexico. Commissioner Bernal stated that from the beginning of IBWC's involvement he felt the IBWC had the ability to perform in this capacity, and that one of his main objectives had been to insure that there would be an adequate evaluation of the alternatives - one that recognized environmental requirements, and also afforded an opportunity for adequate public participation. He added that he believed that this objective had been accomplished, that the NEPA process had been followed, and that the five performance measure that were used adequately reflected a means for selecting the Final Alternative. He finished by saying that he felt comfortable with the status of the project

and was anxious to get feedback regarding the FEIS. Mr. Brain Hanson added that he believed that the EIS presented a good opportunity to study the feasibility of the proposed enhancements.

Mr. Archuleta thanked Commissioner Bernal, Doug Echlin, Debra Little, and the rest of the IBWC staff for the excellent job they performed in leading the SWP. Mr. Archuleta stated that EPWU had given various public presentations on the SWP, and had made a genuine public outreach effort. He stated that at one time he had hoped that the alternative calling for year-round flows would prove to be more feasible, but that it simply required excessive additional dilution water and thereby proved to be too expensive. He added that he believed that the selection of Alternative D as the preferred alternative was only a beginning, and that there was always a possibility for reconsideration of other alternatives in the future. Concerning the selection of the environmental enhancements, Mr. Archuleta stated that EPWU would enter into an agreement with the IBWC to study their feasibility and costs, and to pay a pro-rata share of the enhancement costs proposed for the Canalization EIS and the SWP. Mr. Archuleta thanked Tom Haislip and the representatives from the USBR, FWS, and members of the MAC/SC of the SWP for their cooperative efforts, and added that he considered the proposed enhancements part of the cost of doing business. He stated that he believed that the commitment of 2% of the project costs for this purpose was a reasonable attempt at satisfying the environmental aspects of the project.

John Sproul asked if the selection of the Environmentally Preferred Alternative was included in the FEIS. Tom Haislip answered that it wasn't included in the FEIS, but would be included in the ROD. Mr. Kevin Bixby stated that he believed that the EIS had not addressed the issue of the reduction in flows downstream of El Paso and asked who, when, and how the analysis of this reduction in flow would be done, emphasizing that this was an issue that would not go away. He pointed out that the EIS itself showed a future reduction in flows of 12 to 18% below Ft. Quitman. Tom Haislip explained that all the alternatives, including the No-action Alternative, showed reduced future flows, and that there was no evidence that the SWP was the cause of these reduced flows. He added that it was inappropriate to compare the reduction in future flows beyond Ft. Quitman with the historical or present flows, and added that the reduction in future flows may be related to the increased re-use of waste water. After additional discussion on this issue, the MAC agreed with Mr. Sproul's and Kevin Bixby's request that Boyle or EPWU provide a presentation at the next meeting that would explain the reasons behind the projected decrease in flows.

V. NEPA Process for the Third-Party Implementing Contract (CH2M Hill, BuRec)

Art Coykendall opened by stating that the purpose of the current Third Party, Jonathan Rogers Implementing Contract (J.R. Implementing Contract) being negotiated was to supply water for the Jonathan Rogers 20 mgd expansion. He explained that in order to meet NEPA requirements the USBR could either adopt the SWP EIS, or split out the Jonathan Rogers water from the SWP and do a separate Environmental Assessment (EA). He stated that the decision had basically been made to do the latter because it would be a faster process, which is an important consideration given that the Jonathan Rogers expansion project was already underway.

Tom Haislip stated that the contract is still being negotiated and some fine tuning is still being done on the language, adding that it is a very complicated contract. He prefaced his presentation by saying that he would cover the elements of the contract in a very general basis, and that Al Blair was present to answer any questions on the specifics of the contract.

Tom Haislip then went over his slide presentation on the Implementing Contract (copy attached as **Exhibit "E"**). During the presentation of the slide labeled "Key Contract Features", Al Blair

noted two corrections. He stated that Bullet #3 was not correct and that Bullet #1 was only partly correct. Although Mr. Blair did not go into specifics to explain his comments, because negotiations were still ongoing, he did mention that a majority of the water for the contract is coming from the salvage of seepage water arising out of the ACE project. Mr. Monday asked about the impacts the contract had on EPWU effluent. Mr. Archuleta answered that there were two basic considerations – one has to do with the expected increase in the future effluent flows corresponding to an increased use of “import” (i.e. non-surface) water, and the other involved the delivery guarantees of specified amounts of effluent to the El Paso County Water Improvement District No. 1 (District) during the term of the contract. At present, the City is not obligated to deliver any effluent to the District.

During presentation of the slide entitled “Environmental Assessment Purposes”, John Sproul asked what effect the contract would have on the use of effluent from the Bustamante Wastewater Plant at the Rio Bosque. Al Blair answered that the contract was neutral in this respect. Kevin Bixby asked about the methods currently used to discharge the effluent into the Rio Grande. Mr. Archuleta explained the discharge points at all the wastewater treatments plants, and emphasized that only the Northwest Plant discharged directly into the river. He also explained that some of the winter effluent flows were used by agriculture. John Sproul asked if there were other canal lining projects involved. Al Blair answered that there were no other lining projects included in the current Implementing Contract, but that the District is looking at lining sections of the Riverside Canal in the future. Mr. Blair explained that any seepage savings gained by lining lower valley canals is considered salvaged water because this water is otherwise lost to the brackish water present in Rio Grande shallow aquifer. Also, he added that any future canal lining projects within the EPCWID #1 would most likely not involve Federal action or any Federal funding, and would be considered primarily a maintenance action. Therefore, in the District’s opinion, NEPA requirements would not apply to such projects.

After the presentation, Kevin Bixby commented that an analysis should be done on the impacts of the Implementing Contract on the flows in the river. He added that such an analysis should include not only the impacts of the current J.R. Implementing Contract, but also the cumulative impacts of other future contracts. Al Blair answered that the J.R. Implementing Contract is extremely neutral in regards to its impact on flows in the river and that it deals mainly with legal issues.

Art Coykendall stated that the Engineer’s Report (Report) on the sources of water for the J.R. Implementing Contract would be presented at the public hearings for the contract. Conrad Keyes asked if the Report would be available prior to the public hearings. Al Blair answered that it would become available when the J.R. Implementing Contract is released to the public, and also possibly as an appendix to the EA for the contract. Mr. Keyes then asked if the Report used the same hydrology as that of the SWP. Al Blair answered in the affirmative, adding that it uses the same D1 and D2 curves, etc., except that the hydrology is simpler. Tom Haislip added that this Implementing Contract was only the first contract, and that others would follow to supply the water for the remainder of the SWP. Al Blair agreed and stated that subsequent contracts would primarily use partial forbearance as the source of water, and that such contracts would have to show that they cause no harm to agriculture or any of their customers. Mr. Keyes asked if New Mexico water would be included in these contracts. Mr. Monday answered that Las Cruces would pursue similar surface water contracts with EBID at some point, but that the contractual framework was not yet in place to enable this. Mr. Archuleta stated that the current Implementing Contract could serve as a model for New Mexico entities to follow.

VI. Update on Response to Mexico’s Concerns over Project Impacts on Water

Quality/Quantity (IBWC)

Debra Little of the IBWC gave a short history of the agency's involvement with Mexico. She added that the IBWC had provided a copy of the SWP Draft EIS to Mexico's CILA and had invited comments from them. She briefly mentioned the IBWC's letter to the New Mexico-Texas Water Commission concerning CILAs concerns and the Commission's subsequent response, and added that once IBWC had formally responded to CILA's concerns, it considered that its obligations to Mexico had been met. From that point on, IBWC responsibility was to insure compliance with its water delivery obligations under the 1906 Treaty.

Ms. Little stated that there had been some areas where IBWC initially believed there had been a lack of sufficient analysis by the SWP EIS, such that they could feel comfortable with the conclusions reached. These areas are as follows: (1) Concerns about the actual quantity of water that would be delivered to Mexico after the implementation of the SWP. The IBWC wanted to investigate the possibility that the SWP may cause man-made droughts. Ms. Little stated that they had done additional analysis of the water flow data along with EPWU's assistance, and felt satisfied with it in relation to this issue. (2) Concerns that the quality of water delivered to Mexico would not be affected by the implementation of the SWP. The IBWC wanted assurance that the quality of water delivered to Mexico is the same as the quality delivered to the U.S. Ms. Little stated that after consulting with EPWU's technical staff and other experts, the IBWC had received sufficient information to feel confident that no significant impact on water quality would be experienced by Mexico.

VII. Approval of Texas A&M University, Agricultural Research and Extension Center, as a Member of the New Mexico-Texas Water Commission (MAC/Texas A&M)

Mr. Archuleta stated that he had sent a letter to the Commission members concerning the addition of Dr. Ari Michelsen as a member of the Commission. He continued by saying that the Commission would benefit from having a representative from Texas with the stature and expertise of the Texas A&M University system behind him, and asked the Commission to approve the appointment. Mr. Archuleta asked Dr. Michelsen if he would like to say a few words. Dr. Michelsen stated that he was here to serve the region and to assist in any way possible with the management of its water resources. He added that he would be pleased to provide his expertise and also to bring to the Commission the expertise of the entire Texas A&M system. Dr. Tom Bahr stated that he strongly supported Dr. Michelsen's appointment and vouched for his experience and good character. At this point, Mr. Archuleta made a motion to appoint Dr. Michelsen as a member of the Commission. The motion was seconded and passed by unanimous vote. Kevin Bixby asked if Dr. Michelsen was a replacement for another member. Mr. Archuleta answered that yes, he was a replacement for the previous representative from the El Paso County Water Improvement District #1.

VIII. Other Business

Mr. Archuleta stated that \$3.5 million of BEIF funding was approved this year by Congress for the SWP. Of this total amount, 90% will be used for the Texas portion, and 10% will be used for the New Mexico portion of the project. This money will require a 45% matching local share. Texas will use their portion of the money to fund the design of the Anthony Gap pipeline. Mr. Archuleta's staff has met with the NADBank General Manager, Raul Rodriguez, and with the BECC General Manager, Fernando Macias, to discuss funding for the project and requirements for getting the project certified by BECC. Mr. Archuleta asked the MAC members if they would

like to have the entire project (i.e. including New Mexico's portion) certified, or if they would prefer to segment the certification. He added that \$100 million has been requested from Congress for BEIF funding, but that Congress had approved only \$75 million. Out of this \$75 million, \$3.5 million had been set aside for the SWP.

Dr. Bahr asked for a description of those actions that would be required for BECC certification, if renewal of the certification was required, and if BECC required a definite project schedule for certification. Mr. Archuleta answered that certifying the entire project would involve less paperwork than doing so separately, and that there were no renewal requirements. He explained that obtaining BECC certification for the New Mexico portion at some future date may involve more work and additional justification. He also explained some of information required by BECC in the certification process, and stated that BECC certification was required in order for the project to receive BEIF funding. At this time, no decision was made by the MAC on this issue. This item was tabled for future discussion at the next MAC/SC meeting.

Mr. Archuleta introduced Ms. Deborah Reyes of the TWDB and asked her to comment on the progress of the Far West Texas Regional Water Planning Group (RWPG). Ms. Reyes mentioned the upcoming RWPG meeting on the next Monday, December 4, and invited anyone interested to attend. Mr. Archuleta asked Ms. Reyes if she could do a presentation summarizing the water resource planning process at a future meeting. Ms. Reyes agreed to do so. She also mentioned that a \$200,000 grant had been awarded for Cd. Juarez to do a detailed water plan, and added that there were new initiatives and funding requests by the RWPG to do bi-national planning during the next 5 year planning cycle.

Dr. Karl Woods reminded everyone about the upcoming the New Mexico Water Resources Research Institute Annual Conference to be held in Albuquerque on December 4, 5, and 6th, and added that he had flyers available for anyone who was interested.

John Sproul mentioned the handout concerning the agenda for the Paso Del Norte Watershed Council's next meeting. He advised that the meeting had been re-scheduled for 1:30 pm. on November 29 at UTEP. The meeting will cover issues related to the Council's membership and organization.

Mr. Archuleta asked Mr. Eric Fox if he could give a presentation to update the MAC on the status of the New Mexico adjudication of the Rio Grande Project area. Mr. Fox said he would do so, but that he would first have to check on the legal issues concerning the extent of the information he could release. He advised Mr. Archuleta to check with Ted Apodaca or Max Chavez to request this presentation.

Mr. Archuleta also asked Bert Cortez of the U.S. Bureau of Reclamation to make a presentation at the next meeting to update the MAC on the Rio Grande Project run-off forecast. Mr. Cortez agreed to do so.

IX. Schedule Next Meeting/Location

The next meeting was scheduled for 9:30am Friday, January 12th, 2001 in the EPWU Boardroom.