

MINUTES
MEETING OF THE NEW MEXICO\TEXAS WATER COMMISSION
MANAGEMENT ADVISORY COMMITTEE (MAC) AND
THE REGIONAL SUSTAINABLE WATER PROJECT
STEERING COMMITTEE (SC)
UNIVERSITY OF TEXAS AT EL PASO LIBRARY
October 18, 2001
9:00 A.M.

Welcome

Mr. Karl Wood welcomed all attendees. A copy of the sign-in sheet is attached as **Exhibit “A”**. Those members attending from the Commission’s Steering Committee were as follows:

John Burkstaller for Ed Archuleta – EPWU

Doug Echlin – IBWC

Mr. Karl Wood – NMWRRRI

Gene Paulk for Jorge Garcia, City of Las Cruces

Tom Bahr – NMSU

Dr. Ari Michelsen – Texas A&M

Anthony Tarquin – UTEP

I. Review and Approval of Minutes from MAC/SC Meeting on September 13, 2001.

Karl Woods asked if anyone had any comments or corrections to the MAC\SC Meeting minutes dated September 13, 2001. No corrections were noted, and the minutes were approved as written.

II. Distribution of Final Clarifying Statement of Purpose for the New Mexico-Texas Water Commission (SOP) (MAC/SC)

Tom Bahr stated that he had received a phone call from Gary Esslinger concerning the (SOP). He said Mr. Esslinger could not make this meeting but that Mr. Esslinger had expressed his concerns to Mr. Bahr concerning some of the more specific goals included in the “Re-statement of the Original Goals” section of the SOP. For example, item (1) of this section refers to “upstream sources”, and Mr. Esslinger’s question was “upstream of what”? Also, Mr. Gene Pualk, representing the City of Las Cruces, had a question on Section II, Item 4 of the SOP, concerning recruitment of other active participants. He asked if any new members recruited would be voting members. After some discussion on these two issues, John Burkstaller stated that the SOP was meant to be a general statement concerning the focus of the Commission, and that more specific details concerning the implementation of these goals would be clarified later. Mr. Bahr agreed and stated that discussion of this was the topic of the next agenda item.

III. Discussion of More Specific Goals for the New Mexico-Texas Water Commission (Commission) (MAC/SC)

There was extensive discussion regarding the more specific goals of the Commission. Following is a summary of the major comments made regarding this issue:

Tony Tarquin - The Commission is supposed to be regional entity, and Commission members may have lost sight of this fact in recent years. Some of the regional issues that need to be looked at are: coordination with Juarez on its water issues, ASR, regional drought planning, indirect potable re-use, brine disposal, and year-round flows. Concerning year-round flows, more specifics concerning how, when, and where these flows can be achieved need to be discussed. Mr. Bahr mentioned a presentation on Tri-regional planning by Mr. Paul Gorder of CDM at a recent AWWA local chapter meeting. Mr. Bahr expressed concern that other water management groups in El Paso are dealing with the type of issues relevant to the Commission's objectives and that the Commission should be at the forefront in leading these type of discussions, instead of having them spearheaded by other water groups that have less of a stake resolving those issues.

John Burkstaller – Mr. Paul Gorder's presentation involved a study for the JUNTAS (the Juarez municipal water utility) for which CDM was a consultant. This study was funded under the auspices of the Tri-Regional Water Planning project and its main objective was to identify opportunities for bi-national cooperation involving water supply projects. John suggested that the Commission request that Mr. Gorder give the Commission a report on this study.

Regan Giese – Many of the issues being studied by many of the regional water groups are still in process and have not been finalized. The water groups have to work together on a common mission and not compete with each other. Some Commission members and participants are involved as members of the other water groups as well.

John Burkstaller – The Paso del Norte Water Task Force (PDN) will have a meeting in El Paso next Friday. One item for discussion at the PDN meeting may possibly be how the water resource planning mission can be shared. Dr. Michelsen stated that this issue would in fact be part of discussion during the PDN meeting. The Commission should figure out who's doing what on regional water issues, and the activities of other groups should be reported to this group.

Dr. Michelsen – Dr. Michelsen stated that “the work follows the money”. So far, the Commission has been providing the money, and it should act as the clearinghouse on the funding of other regional water projects.

John Burkstaller – The funding previously administered by the Commission was for the hiring of consultants for the SWP studies. The MAC/SC itself is not funded and is comprised of volunteers. Currently nothing is being funded by the MAC/SC under the SWP, except for a small funding commitment made to the Watershed Council. The Commission could act as an oversight group only, or maybe try to get a budget and start funding other projects.

Tom Bahr – Mr. Bahr sees the MAC/SC as a group of individuals representing the regions whose purpose should be to identify gaps in what's being done. As such, its main activities should be that of oversight – not governance, but communication with other

water groups. MAC/SC tasks could include assisting other groups with funding activities. John Burkstaller asked if the MAC should try to pull in other initiatives, such as funding assistance/coordination with other groups, or simply act as a forum for discussion of political type issues. Mr. Bahr replied that yes, he believes that the group should be a forum for this type of discussions, and that he does not see the MAC as a funding agency. Mr. Bahr added that he was glad to see that Mr. Ed Fifer was present. He doesn't want to see the MAC/SC die, because he believes the MAC/SC is the best entity in the region equipped to handle relevant water issues.

Tony Tarquin – At present, the MAC/SC is just observing what other water groups do, as opposed to functioning as an entity that is a center for the discussions of water issues in the region. The MAC has a lot of leverage for obtaining funding for water related studies and projects by virtue of its membership. Unfortunately, it seems that a lot of money is currently being set aside for litigation, money which could instead be used for water projects. The MAC should be a premier organization, and should be assisting other water groups on how and where to get funding for their projects, in a process similar to that followed in connection with the SWP.

John Burkstaller – The Commission could foster the desalination project. Unfortunately, desalination is not a natural fit for all members of this entity. For example, the New Mexico members may have little interest in this type of project since it currently pertains only to El Paso's water supply. Tony Tarquin stated that all MAC members should have an interest in this type of individual project. Both John and Tony agreed that the MAC needs to start doing things that matter to people - things that are valuable to the participating agencies. John reiterated that he wants to keep the Commission going. The Commission should look for oversight opportunities that it can target together with other groups involving such things as pursuit of government funding and/or joint funding of projects. The Watershed Council should do other things and not wait for funding of projects tied to SWP project elements. For example, the Council can do some work in the water quality arena. The Council should still maintain its association with the MAC, and should continue to meet on a regular basis and report to the MAC on its activities. Dr. Ari Michelsen added that the Commission needs to be more proactive in seeking joint projects that will benefit the members, otherwise it could die out. Another group member suggested that the MAC is lacking a catalyst for doing regional planning. John suggested that the MAC establish a relationship with the PDN and Watershed Council and work together on joint projects. Mr. Tarquin suggested that the MAC bring in representatives from other groups to talk about how to work together. Dr. Michelsen stated that Ed Hamlyn of CERM is putting together a directory of water groups in the El Paso region which can be used for this purpose.

Regan Giese – Mr. Giese asked if the Commission's charter allowed for the Commission to directly obtain and spend grant funds. Mr. Bahr answered that the Commission was not a legal entity, and therefore could not directly obtain and spend funds. Funding obtained by the Commission is obtained and managed by member agencies, such as EPWU. In order for the Commission to be able to administer grant funds, it would have to be "legalized". John Burkstaller stated that one problem that the Commission faces in pursuing this approach is that potential and pending litigation creates paranoia.

Mike Landis – The CalFed Project is an example of a project where the participating agencies were able to fund a project without a formal agreement among State and Federal agencies. This was done by lobbying of State and Federal representatives to introduce bills for funding specific projects of interest to those agencies. He summarized this concept by saying stating that “you don’t need a budget, you just need to sponsor a bill”. Representatives from the offices of our Congressman should be invited to attend MAC/SC meetings. Hopefully, this will open up the lines of communication to employ an approach similar to the CalFed project for funding water projects. Mr. Woods agreed that congressional staffers should be invited to every meeting.

Dr. Michelsen stated that he was glad to see Edd Fifer attend this meeting, and asked if he had any suggestions for the Commission.

Edd Fifer - Mr. Fifer stated that in the past he had lost contact with some of his New Mexico friends due to ongoing litigation, and that the Commission had provided him an opportunity to re-started communication with these same people. The Commission has quality people as its members, to the extent that he believes it should become a think tank for dealing with the region’s water issues. Commission members need to speak fairly and frankly with one another. The El Paso County Water Improvement District (District) has worked diligently to provide M&I water for the City of El Paso, but has received little or no credit for this work. The District has developed a set of draft “Forbearance Program Rules and Regulations” with no help from the Commission. John Burskstaller agreed that the MAC/SC should communicate openly and not keep any secrets. He suggested two agenda topics for an upcoming meeting: (1) A discussion of the District’s forbearance concepts, and (2) a description by the USBR on the Calfed project and subsequent discussion on how similar funding initiatives can be pursued by the MAC/SC. Another group member suggested that EBID give an update concerning its work with the City of Las Cruces on its surface water rights program, and also to ask someone from BECC give a talk about the status of the regional planning effort. Also, there will be a Paso del Norte Water Task Force meeting next week, and a report from the meeting could be presented at the next MAC/SC meeting.

IV. Update on the Progress and Funding Requests of the Paso del Norte Watershed Council (Sue Watts, Jim Stefanov, Conrad Keyes)

Jim Stefanov gave an update on the Watershed Council:

- a) The Council is a finalist for a \$30,000 WAG Grant. They don’t know how many finalist made the cut. There should be no problems with using Texas A&M University (TAMU) as the fiscal agent.
- b) The Council is also applying for a World Wildlife Fund (WWF) proposal for \$5,750 which would be used for printing of educational materials.
- c) The next Watershed Council meeting is at 2:00pm on Friday, October 26, at the NMWRRRI offices in Las Cruces.

V. Review and Approval of Cooperative Agreement with TAMU (Agreement) to Support Organizational and Program Development Efforts (Jim Stefanov, Sue Watts, Conrad Keyes)

Dr. Michelsen described the Cooperative Agreement between TAMU and EPWU. He added that TAMU's interest is to facilitate the operation of the Council. The main impetus for hiring a coordinator is the need to develop a strategic development and implementation plan for the Council. Another objective for the coordinator is to seek grant funding to continue and expand programs. Currently, the intent is to hire a part-time coordinator to work 19 hours a week. Hiring someone to work more than 19 hours a week will result in a substantial increase in the cost of the fringe benefits. A discussion ensued concerning the possibility and need of hiring two part time coordinators, or one full time coordinator. However, the current plan to hire one part-time coordinator remained unchanged. Dr. Michelsen extended his thanks to EPWU for their willingness to supply interim funding to the Watershed Council.

Mr. Stefanov noted that the Cooperative Agreement requires the signature of the Council Chair. The Agreement will have to await the selection of a permanent Chair for the Council, which will occur at the Council meeting tomorrow. He also mentioned that NMSU Professor Dr. Christopher Brown is interested in being a member of the Watershed Council Executive Council.

VI. Other Business:

Mr. Giese advised the MAC/SC that he would be making a presentation at White Sands Missile Range to the management group of the Johnson White Sands Test Facility concerning water sustainability in the region. He stated that he would be happy to attend this meeting as an official representative of the MAC/SC, if approved by the group. Mr. Burkstaller made a motion to approve Mr. Giese's request. The motion was seconded and passed by unanimous vote.

Mr. Burkstaller reviewed the list of agenda items for the next meeting:

- 1) A tour of EBID SCADA facilities.
- 2) A discussion of the Tri-Regional Planning process and coordination of MAC/SC activities with BECC and Paso del Norte Task Force.
- 3) An update by the EBID and City of Las Cruces on the status of their surface water rights conversion program.
- 4) A presentation by Mike Landis on California/Nevada funding initiatives.

VII. Schedule Next Meeting/Location: Demonstration of EBID's SCADA System and Tour of Selected Water Conveyance Features?

The next meeting was scheduled for 9:00am, November 29th, at the EBID offices in Las Cruces.