

MINUTES
MEETING OF THE NEW MEXICO/TEXAS WATER COMMISSION
MANAGEMENT ADVISORY COMMITTEE (MAC) AND
THE REGIONAL SUSTAINABLE WATER PROJECT
STEERING COMMITTEE (SC)
EL PASO WATER UTILITIES MAIN OFFICE
1154 HAWKINS BLVD.
EL PASO, TEXAS 79925
May 02, 2002
9:00 am.

Welcome

Ed Archuleta welcomed all attendees. A copy of the sign-in sheet is attached as **Exhibit “A”**. Those members attending from the Commission’s MAC/SC were as follows:

Ed Archuleta – EPWU	Karl Wood – NMSU
Tom Bahr – Retired from NMSU	Dr. Ari Michelsen – Texas A&M
Anthony Tarquin – UTEP	Jerry Leyendecker – Dona Ana County
Doug Echlin – IBWC	Len Stokes – City of Las Cruces

I. Review and Approval of Minutes from MAC/SC Meeting on March 14, 2002 (MAC/SC)

Ed Archuleta asked if anyone had any corrections or additions to the March 14 meeting minutes. Tony Tarquin stated that he had some grammatical corrections noted on a copy of the minutes, which he handed to Ed Fierro so he can update the March 14th Minutes. The March 14 meeting minutes were approved subject to the changes noted by Tony Tarquin.

II. Mission Elements of the Commission, the Water Task Force (WTF) and the Tri-Regional Planning Group (TRPG)-(MAC/Carlos Rincon/JMAS)

Ed Archuleta stated that this meeting would be a different type of meeting than the MAC has had in the past. This meeting would focus on a discussion of type of missions, goals and objectives of each group, how they can complement and support each other, and also how they may now be duplicating each other’s work. Comments from the attendees in the audience on this issue are also encouraged and welcome. Mr. Archuleta introduced Mr. Carlos Rincon and stated that he would make a presentation on the WTF.

Mr. Rincon presented some PowerPoint slides (copy attached as **Exhibit “B”**). He summarized the history of the WTF and its mission, goals, and objectives. Mr. Rincon also reviewed the WTF’s guiding principles and emphasized its bi-national, multi-jurisdictional, and multi-sectorial focus. He continued by describing the WTF’s activities in connection with its first project, which was recently completed. The WTF is now working on identifying a second project, always keeping in mind the constraints posed by continued economic and population growth in the region. An important consideration is on sustainability and on the inter-relationship of surface water and groundwater. He described what he believes are some unique characteristics of the WTF. Mr. Rincon presented some WTF recommendations to the MAC/SC, one of which was that the strengths and features of the WTF be preserved and the WTF be utilized to foster relationships and cooperation on projects sponsored by the individual water groups. Mr. Rincon concluded by naming some specific areas of possible cooperation, such as sharing GIS and water resource databases.

After the presentation, Tony Tarquin asked about the size of the group. Mr. Rincon described the participating agencies of the WTF, and the composition of the support teams. Mr. Archuleta asked about the sources and amounts of annual funding of the WTF. Mr. Rincon replied that the initial source of funding was obtained from the Hewlett Foundation. This funding was in the form of grants to the three participating universities (NMSU, Universidad Autonoma De Cd. Juarez, and Houston Advanced Research Center) which form part of the support group. Also, for the first 2 years, in-kind contributions were provided through the Environmental Defense Fund (EDF). Starting this year, EDF will receive \$125,000 annually for 2 years for building additional planning capacity in the region, but this money is not specifically earmarked for the WTF. However, EDF has subsequently contacted Mr. Rincon advising him that they wanted to support the WTF and other water planning initiatives. Also, the New Mexico Water Resource Research Institute and the Junta Municipal de Aguas y Sanamiento (JMAS) have received grant funds for their Hewlett GIS Mapping Project.

Mr. Archuleta asked whether the Hewlett Foundation intended to continue funding the WTF beyond the next couple of years. Mr. Rincon replied that the Hewlett Foundation had experienced a change in the President's position, that the Foundation was re-focusing its efforts on the U.S./Mexico border, and that they especially wanted to focus on water. Also, the president of the Hewlett Foundation is planning a visit to this region in mid-August, at which time there will be an opportunity to recommend continued funding for this region. Mr. Rincon continued by mentioning that the Mascarenas Foundation had received a grant for supporting local projects dealing with quality of life and health. Mr. Archuleta asked if UTEP was also a recipient of some of the Hewlett Grant funds. Bobby Creel responded that yes, UTEP was receiving funds for their GIS activities under the Hewlett GIS Mapping Project. Randy Keller and Raed Aldouri are the ones involved in this work. At JMAS, Alfredo Granados of the Universidad Autonoma is also participating. Mr. Archuleta stated that he had not been aware that UTEP, NMSU and the Universidad Autonoma were receiving grant money directly, and had thought that they were only acting in a support role to the Houston Advance Research Center. Mr. Rincon advised that these universities were in fact receiving grants funds, but on a project specific basis only.

Mr. Archuleta asked whether the El Paso Community Foundation was also providing money to the Mascarenas Foundation. Mr. Rincon answered that the EDF works closely with the El Paso Community Foundation and Mascarenas organization, and that EDF acts as fiscal agents to direct funds to these entities. However, these grant monies are separate from those directed to the WTF, mainly because the Mascarenas organization deals specifically with health related projects.

Mr. Archuleta asked Mr. Rincon what he saw the WTF accomplishing over the next 5 years, assuming continued funding for the WTF. Mr. Rincon mentioned that the WTF had initially outlined four priorities. Project No. 1, which has been completed, arose from dialogue sessions which focused on those priorities. As the WTF moves towards identifying Project No. 2, the plan is to hold another series of similar dialogue sessions for this purpose. The first dialogue session was held in Las Cruces, and another one is scheduled for El Paso, followed by a third session in Cd. Juarez. The current concept for Project No.2 involves methods for fostering regional negotiations on water rights issues. In response to Mr. Archuleta's question, Mr. Rincon advised that he could not answer the question because this will be up to the WTF members to determine.

Chris Brown stated he would try to answer Archuleta's question concerning expected outcomes in five years. Mr. Brown advised that the goal of current efforts is to look at specific projects, so to the degree that the Bi-national GIS Mapping Project is successful, the next step may be to put an internet map service on the WTF or Watershed Council Web Page to provide the ability for individuals to download high quality maps. He stated that the WTF recognizes that the WTF does not actually own water rights or have the ability to do a regional water plan. Carlos added that the next step is to get Ed Archuleta and Edd Fifer together to discuss opportunities for cooperation between EPWU and the El Paso County Water Improvement District No. 1. Mr. Fifer asked Mr. Rincon if the WTF took any kind of position

concerning Mexico's water delivery shortage downstream of El Paso under the 1944 Treaty, given the bi-national scope of the group. He said the reason he asked this question has to do with the concept of the Rio Grande Project honoring the 1906 Project deliveries to Mexico and the U.S. Government providing funding assistance for projects involving Cd. Juarez within this region and for Mexican irrigation projects further down-river, at a time when Mexico is not meeting its obligation under the 1944 Contract and subsequently hurting U.S. farmers in the Lower Rio Grande region. Mr. Fifer feels there is a real problem with this concept and he believes it needs to be dealt with. Mr. Rincon replied that the 1944 Treaty issues are being dealt with by IBWC, CILA, and by several other agencies at a high level. He added that he believes that setting an example of bi-national cooperation in this region could possibly be used as a model to help with the issues being faced under the 1944 Treaty.

Mr. Rincon mentioned a conference and workshop in connection with the Rio Conchos water supply being held in Chihuahua on the following day. There has been a large number of registrants for this conference, and he will be at this conference to present the topic of the WTF and its activities as a model for cooperation, and to show that when the community works together from the beginning in a cooperative fashion, it complements the venue already set by the diplomats.

Ari Michelsen asked MR. Rincon where he sees opportunities for coordination between the Water Task Force (WTF) and the Tri-Regional Planning Group (TRPG). Mr. Rincon replied that the WTF may be able to identify some opportunities for cooperation, but added that he sees the WTF's vision, both in term of operation and in scope, as much larger than that of the TRPG. Mr. Archuleta asked whether Mr. Rincon saw the WTF's role as a provider of policy and technical support in working with the universities involved with the WTF. Mr. Rincon replied that yes, the WTF does provide some technical support from its staff, and added that his role was to act as a facilitator to assist in linking the visions and missions of the various entities. Mr. Archuleta stated that the reason that he asked was because most of the problems that remain are political rather than technical in nature. Mr. Archuleta mentioned Congressman Reyes' agenda for the upcoming Water Summit, which has many items related to educating the public on current water planning issues such as the Tri-Regional Planning activities, but that the Summit had no involvement from the WTF. He suggested that the Hewlett Foundation look into putting together these type of forums on a regular basis to present the latest information on current water related planning activities and issue to local and regional leaders as well as to the public. This will help prevent local water groups and water providers from having to repeatedly "re-invent the wheel" when it comes to educating the public and local leaders on current water issues.

Len Stokes stated that he has attended three WTF meetings, and said that they very good and inclusive meetings which don't necessarily have a specific focus on a project. He mentioned the discussions at the last WTF between EBID and Las Cruces on conversion of surface water rights, adding that their relationship is very congenial at this time. Las Cruces used the existing contracts between El Paso and the EPCWID#1 as a starting point and refined it to suit their needs. He thinks that the Cd. Juarez and its farmers will subsequently look at what Las Cruces and El Paso did to facilitate their water conversions. He thinks the WTF has been a valuable forum for exchange of ideas and information sharing.

Conrad Keyes advised the MAC/SC of the existence of some model agreements for shared use of trans-boundary water resources which have now been published. In 1993, Mr. Keyes was tasked by ASCE to develop these model agreements based on a review of other existing agreements. They are also available at the website www.pubs.asce.org or by calling 1-800-548-ASCE and asking for publications under the title "Shared Use of Trans-boundary Water Resource Agreements". There are three of the model agreements in this publication. One of these has been developed into a "Comprehensive International Boundary Water Quality Management Agreement", and is called "Standard 33-01". Mr. Keyes suggested, and emphasized that he had been suggesting this for probably 7 or 8 years, that the MAC/SC look at these models, and that they may in fact want to look at them in detail and use parts of them.

Tony Tarquin stated that, at the risk of over-simplification, it sounded to him from previous discussions that the three groups (i.e. New Mexico Texas Water Commission (Commission), the WTF, and the TRPG) were all doing the same thing, and added that he believed it had been recognized at the very onset that Mexico had to be part of the planning process for this region. Therefore, he advised that some discussion needs to take place concerning whether each group should go its own way or whether two or three of the groups should merge. He asked if he was in error by saying that these groups were not doing the same thing.

Mr. Archuleta clarified the purpose of the TRPG for the meeting attendees. He said that this group was functioning as a project oriented initiative, and that once Paul Gorder submits the Feasibility Study Report and it is accepted by BECC and the three group members, that will be the end of that particular project. Mr. Archuleta went on to discuss the problems in dealing with the farmer's from Juarez. He believes converting Juarez' water to municipal use is more of political problem which will take a tremendous amount of communication and public outreach efforts to handle successfully. Mr. Archuleta advised Tony that, in answer to his question, he thought that the WTF would like to continue their work and see where they are at the end of one year or so, and then reconsider the respective roles of the organizations.

Karl Woods advised Tony Tarquin the WTF was approached recently by the Hewlett Foundation and charged with coming up with bylaws and a strategic plan. This effort is just starting and will continue for the next 2 to 3 months. He suggested that the Commission wait until the WTF completes these documents before making a decision. It could very well be that the WTF will assign itself the same mission, strategic plan, and a comparable program as the Commission. Once the WTF completes its Strategic Plan, it can be compared with the Commission's Vision and Mission Statements to identify common elements.

Mr. Archuleta asked Mr. Rincon how the Commission could support the efforts of the WTF. Mr. Rincon replied that opportunities for cooperation and collaboration should present themselves once the WTF's strategic plan is completed and their subsequent projects are identified and undertaken. Mr. Rincon went on to discuss the possibility of Mexico's future participation in the Commission. He stated that in order for Mexico to be part of the Commission, it's participation must be authorized by the Mexican Congress and the President. He explained other instances where Mexican participation in other international groups has had to receive such authorization. This is something the Commission should consider if it should decide to include Mexico as a member of the Commission.

Tom Bahr explained how the Commission was established and the parties that make up and are signatories to the Commission. He stated that in order for the Commission to be able to include Mexico, it would require the signatories to agree to do so.

Chris Brown recommended that a good way for the Commission and the WTF to cooperate is for the members of the Commission to continue to support the Watershed Council's Coordinated Database effort, which links very compatibly with the Hewlett GIS Mapping Project. Also, he suggested that the Commission members provide input and direction to the WTF's upcoming efforts over the next 2 months in drafting their Strategic Plan. Lastly, Brown suggested that the WTF members write a letter to the TRPG in support of their work.

Tony Tarquin expressed concern over the formation of the TRPG apart from the WTF, and stated that he believes this indicates that the right organizational structure of the WTF and the Commission is still not in place. He added that similar planning efforts independent of the Commission could happen again. Stokes replied that it going to be difficult to prevent this from happening because of funding issues. He explained that when an agency such as BECC has a source of funds, the person who runs the agency prefers to control the source of funds and therefore will set up their own way spend those funds. They don't want to give those funds to groups like the Commission or the WTF. Mr. Archuleta commented

that a similar situation existed with the El Paso Community Foundation, and added that, relative to the problem of adding Mexico to the Commission, the TRPG was a way to fill that gap of not having Mexico's membership. Mr. Rincon commented that the Hewlett Foundation did not micro-manage the activities of the WTF and EDF or tell them what to do, but instead utilized a bottom-up approach and let these entities come up with their own agendas and priorities.

III. Discussion Regarding Inclusion of Mexican Parties into the Commission (MAC)

Mr. Antonio Rascon of CILA suggested that maybe the name of the Commission may need to be changed, which could be a long and difficult process, and added that it had been interesting for them (the Mexican representatives) to participate in discussions of the Commission and to learn about possible opportunities for cooperation. He stated that he believes it is important and advantageous that the Mexican representatives be present at the Commission meetings to hear the discussions and decisions of the Commission, and that they be able to provide input concerning the impacts that the decisions and recommendations of the Commission may have on Mexico. He closed by saying that they would be interested in participating as a Commission member, if possible. Mr. Archuleta replied that he was glad to hear that, because things could change in the future such that the inclusion of Mexico may become less arduous. Mr. Archuleta went on to discuss some details of the Tularosa Basin National Research Center Project, which is funded by a \$4 million USBR administered grant, and noted that Texas had recently been included in the Multi-state Salinity Coalition which includes California, Arizona, and Nevada.

Mr. Archuleta summarized his understanding of the previous consensus opinions from the previous discussions: (a) wait until the TRPG Feasibility Report is finalized and see what additional progress results from that report; (b) have WTF and the Commission continue support of each other's work; (c) when the WTF does its strategic plan, the WTF should take a longer term, broader view in its planning initiatives and take on a more official organizational viewpoint to include New Mexico, Texas, and Chihuahua.

Mr. Archuleta asked Mr. Rincon if the WTF had received any money from the El Paso Health Foundation (Foundation). Mr. Rincon replied that they hadn't. Mr. Archuleta went on to suggest that the Foundation take an active role in organizing and facilitating meetings and conferences held in El Paso to discuss water issues. He mentioned a group in Albuquerque called "Shared Vision", which performs these types of functions there, as an example. This type of oversight role by the WTF would minimize the amount of organizational effort undertaken in organizing future regional water conferences and prevent them from having to start from scratch each time one is organized.

IV. Recapping the Discussions and Conclusions of the Meeting (MAC/WTF/TPG).

This item was not specifically covered since it was included in the discussions under Agenda Item III.

V. Logistics of Linkages of Website for the Commission and the WTF (Irene Tejada)

Ms. Irene Tejada gave a PowerPoint presentation on the WTF website (copy attached as **Exhibit "C"**). Ms. Tejada stated that the website location is transitioning from Houston to El Paso. The website address is www.sharedwater.org.

Tony Tarquin asked about the status of the Watershed Council's Coordinated Database website. John Burkstaller replied that they have a scope of work prepared and that EPWU is helping them out with a portion of the funding, at least for the first year, to get things going. Ed Fierro advised that the initial proposal prepared by Raed had been simplified and re-drafted into a scope of work type document. The next step is to draft a letter of agreement between the Council and EPWU to enable funding of the project.

This action should be taken within the next couple of weeks. A Watershed Council meeting is scheduled for May 16, where details for funding of the Coordinated Database project will be discussed. This project will coordinate its activities with Hewlett's GIS Mapping Project.

Conrad Keyes took this opportunity to introduce the new Watershed Council Coordinator, Mr. Ed Kosak, to the Commission. He provided some information on Kosak's educational background and employment history. He asked all members of the Watershed Council to raise their hands, and followed by stating that the Council is there to support the Commission, in accordance with the Council's Bylaws. He added that the WTF is free to use the Council's Bylaws as a model for drafting their own Bylaws. Mr. Keyes reminded the Commission that the Bylaws, which were previously approved by the Commission, call for the Chairman of the Council to be a non-voting member of the Commission, and that therefore he, as Chairman, is now a non-voting member of the Commission. Mr. Keyes stated that the Council will definitely coordinate its Coordinated Database Project with the Hewlett GIS Mapping Project.

VI. Other Business

Ari announced the upcoming Integrated Trans-boundary Water Management Conference to be held on July 23 through 26 in Traverse City, Michigan. It is sponsored by the Universities Council on Water Resources, of which he is president, and several other sponsors which he named. He noted one of the speakers will be Mr. T. Boone Pickens, who will discuss his Mesa Water groundwater transfer project. They will also have some special sessions on the Rio Conchos. He added that he had a few programs available for those interested. Mr. Keyes noted that the two IBWC Commissioner's are on the agenda as well.

Mr. Archuleta mentioned the American Membrane Conference being held in El Paso next week. John Burkstaller explained the general topic of the conference and added that the American Membrane Technology Association (AMTA) is composed of 50 to 60 people that hold regional conferences around the country. This conference will be May 9th at the El Paso Airport Hilton, and will be very technical in nature.

Mr. Archuleta stated that he had found the USBR's presentation at the last meeting very interesting, and added that Bert Cortez had made a follow-up presentation to his Board at his request. He mentioned that he had assembled an EPWU drought management task force to plan for next year's low allocation from the USBR. However, he doesn't know if other entities that use surface water were preparing for how the river will be managed next year, and suggested that this may be a good time to start discussions on advising the USBR on how to operate the river next year. He asked if anyone else thought that the USBR would cut the allocation next year or was concerned about this issue. Len Stokes replied that he thought that Mr. Archuleta had good comments and stated that there was no doubt in his mind that the allocation would be cut next year. However, he suggested that they should wait 60 to 90 days, because until they interpret Judge Parker's order, he doesn't think the USBR has an idea as to how much water they have, or when they are going to have it.

Mike Landis stated that he wanted to clarify what's been printed in the paper about there being only 0 to 2% inflows at the San Marcial gauging station leading into Elephant Butte Reservoir. In fact, there has already been 4.5% inflows at San Marcial, with 1% equal to 5,300 AF.

Mr. Archuleta said he thought that EPWU and the two irrigation district could meet with USBR to discuss next year's river operations, but that in his opinion representatives from the environmental community as well as other stakeholders should also participate in this process. He asked David Allen if he had any comments on this. Mr. Allen replied that he thought this was a good idea and would bring this issue up with his staff. USBR could also provide updates on Endangered Species Act issues and other USBR activities as well. Mr. Archuleta stated that he was concerned about how the USBR was going to release

the water next year – are they going to release it in “slugs”, or in a continuous stream? He’s concerned about this from a water quality standpoint, and added that a discussion needs to take place about the desired timing of water deliveries for each water user, including Mexico. Ari Michelsen agreed that a discussion of water delivery coordination alternatives would be a good idea. Mr. Archuleta stated that an agenda item to discuss this topic will be added for the next Commission meeting.

VII. Schedule Next Meeting/Location:

The next meeting date was set for June 11th, 9:00am at the New Mexico Department of Agriculture offices in Las Cruces.