

MINUTES (Revised 01/30/03)
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-PUBLIC SERVICE BOARD
1154 HAWKINS
EL PASO, TEXAS 79961

OCTOBER 15, 2002
9:00 A.M.

Welcome

John Burkstaller chaired and opened the meeting. A copy of the sign-in sheet is attached as **Exhibit "A"**. Those members attending from the Commission's MAC/SC were as follows:

Jorge Garcia – City of Las Cruces
Garry Esslinger – EBID
Dr. Ari Michelsen – Texas A&M

John Burkstaller for Ed Archuleta, EPWU
Karl Wood – NMSU
Doug Echlin – IBWC

I. Review and Approval of Minutes from MAC/SC Meeting on 9/10/02 (MAC/SC)

Hard copies of the September 10 MAC/SC Meeting Minutes were not made available with the handouts. Therefore, this item was moved to the end of the meeting while copies were made.

II. Progress Report by the Paso del Norte Watershed Council (PdNWC)
(Ed Kosak, Sue Watts, and/or Ari Michelsen).

Ed Kosak reported that they are in the process of compiling a Proposal for an EPA Watershed Initiative Grant and looking for ideas to present to the EPA. Mr. Kosak mentioned that the Coordinated Database Agreement been completed and was signed on August 22nd. Also, the U.S Army Corps of Engineers proposal is being revised and will be submitted to the Corps' Albuquerque District. Mr. Kosak is continuing the search for other grant sources. He is looking at foundations and a couple of recreation projects.

Mr. Kosak stated that the 6th Annual Mission Possible conference and the Paso del Norte Watershed Council's 1st annual meeting were held on the September 28, 2002 at UTEP. The PdNWC had a brief Executive Committee meeting in the afternoon, and all the existing Executive Committee members were re-elected. Another meeting of the Watershed Council will be held the 29th of this month to elect the Officers for the Council. The annual meeting consisted of a report by Ed Kodak on work in progress and a review of the quarterly financial report for the Council. There was also a discussion on establishing the Council as a non-profit organization under Section 501c3. However, it was determined by the Council that this action would not be advantageous to the Council at this time. Mr. Kosak provided a very brief update on the Wetland Project grant funding application. The Council will try to have the application ready before the March 3rd, 2003 dead line. The Council gave final approval to the minutes from the last Council meeting and made final editions and revisions to the Council's brochure. He mentioned that they made 500 copies of the first draft of the brochure and will probably have some revisions made before the next printing.

III. Status of Grant Application to EPA for Watershed Initiative Funding (Ed Kosak, Sue Watts)

Sue Watts stated that she is a member of a Watershed Council committee that is working on drafting an application for nomination under the EPA's Watershed Initiative grant program. Nomination of Proposals to EPA must be made by the governors of each state in which the watershed is located. Each governor is allowed to submit only two proposals per state, with the exception of proposal from multi-state watersheds. Because the Paso del Norte Watershed extends into both Texas and New Mexico, the Council's proposal qualifies as a multi-state proposal and will not count against the two proposal limit. Ms. Watts added that the Proposal will concentrate on salinity as the issue they want to address and will be geared toward improving water quality. They hope to have the EPA Watershed Initiative Proposal into the governor's office by the end of the month.

IV. Report on the Comments to the U.S. Fish and Wildlife Service (F&W) on the Draft EIS for Silvery Minnow Critical Habitat Designation (MAC/SC)

Valerie Provencio provided a brief PowerPoint presentation concerning EPWU's comments on the F&W's Draft EIS for the Silvery Minnow Critical Habitat Designation (copy attached as **Exhibit "B"**). Ms. Provencio outlined the reasons behind the Utility's position that F&W did not meet its responsibilities under NEPA.

After the presentation, John Burkstaller asked Gary Esslinger if he had any comments on this topic. Gary replied that Judge Parker's ruling has caused concern in New Mexico and there were quite a few challenges from different entities, especially in Albuquerque and Santa Fe. One way that EBID will play a role in challenging Judge Parker's decision is by supporting the National Water Resources Association (NWRA) and by joining a larger group of states and other groups that want to challenge his decision. He mentioned that he had toured the river delta just north of Elephant Butte Reservoir and is concerned that the pilot channel is being excavated in a manner that will provide habitat for the silvery minnow – he noted that the pilot channel is only 2 foot deep and 200 feet wide. Mr. Burkstaller asks if this was a consideration in its design. Gary said he is not sure who developed the design for the pilot channel, but he is concerned about the pilot channel becoming an established habitat for the silvery minnow. This could lead to problems with re-filling of the reservoir. Although F&W has assured him that this won't happen, another concern he has is that, within another year or two, the habitat that is being established will also become excellent habitat for the wouthwest willow flycatcher. Seventy nests have already been recorded in the delta region just north of where they are building the pilot channel Mr. Esslinger has inquired to the Bureau of Recreation about how they plan to manage the Rio Grande Project with this situation. Habitat creation for the willow flycatcher is occurring as a natural process, so it is a difficult issue to address. In closing, Mr. Esslinger stated that EBID's comments on the silvery minnow are similar to EPWU's, except that their comments are more narrow and focus on the potential impacts to EBID, whereas EPWU's comments cover a broader perspective.

John Burkstaller remarked that he believes EPWU and EBID share similar concerns. He added that if the silvery minnow were successfully reintroduced into the Big Bend area, Texas would have the same situation concerning water rights issues as EBID. He believes that the basis for the NWRA suit is that a federal court does not have the right to overturn state water rights.

Karl Wood stated that there are approximately 42 species of fish in the Big Bend areas, and that 23 of these are exotic. He wondered how F&W could establish the silvery minnow in that section of the river, given the presence of crawfish and other non-native predator fish. He believes establishing the minnow in this section would be a challenge even under the best of circumstances.

V. Early Estimate of the 2003 Rio Grande Project Water Allotment (BuRec)

Wayne Treers gave a PowerPoint presentation on the outlook for next year's water allocation (copy attached as **Exhibit "C"**). Mr. Treers related that at a runoff projection of 50% of normal, the Bureau could declare a release of approximately 627,000 AF in 2003. At a runoff projection of 25% of normal, the release would equal approximately 377,000 AF in 2003. A release of 377,000 AF would equate to an effective allotment of 1 AF per acre.

After the presentation, Edd Fifer suggested that the Bureau of Reclamation take it upon itself to start calculating what the allotments would be based on the information that's available at the time, and not wait until the last minute. Mr. Fifer added that based on the current scenario of less than 1 acre-foot per acre allotment, the PSB may just as well plan on not operating their surface water plants next year, because the water quality will likely never go below 1,200 ppm TDS.

John Burkstaller stated that the Bureau currently calculates its most conservative allotment based on what's available in the reservoir, and does not take into account the run-off that will occur in the future. Mr. Burkstaller conjectured that the Bureau does not make official projections of future run-off volumes and allotments because it does not want to incur any liabilities for erroneous projections. Mr. Treers agreed with Mr. Burkstaller's statement. A discussion followed concerning the credit water currently being stored in Elephant Butte Reservoir. About 150,000 AF of New Mexico credit water is stored at the reservoir, but this water cannot be released unless the credit is relinquished by New Mexico. However, according to Edd Fifer, this water can be used to offset evaporation losses in the reservoir. Mr. Fifer stated that it strikes him as odd that New Mexico would rather lose the water to evaporation instead of allowing it to be used by Texas. Mr. Treers stated that Reclamation tries to make an educated guess concerning what the credits will be when estimating next year's allotment. However, he added that they have taken criticism in the past from Colorado and New Mexico for trying to make these estimates. Ari Michelsen suggested that the MAC ask someone from the Rio Grande Compact Commission to make a presentation at the next meeting to explain credit water accounting.

Mr. Treers pointed out that the drought year historical flows he presented were during years when Reclamation operated the project. Since then, a lot of things have changed. One of the biggest changes is that the Districts took over project operations. Because of these changes, next year's flows may vary from those of previous drought years. Actual flows for next year will depend largely on how the Districts handle their orders. Mr. Treers concluded by stating that Rio Grande Compact Credits are a moving target right now, and unless the credit waters are relinquished under Article 7 of the Rio Grande Compact, Reclamation is not going to have any more storage water to allocate. It will be up to the three Compact States to decide when and how much of the credit water is going to be relinquished.

VI. Presentation of Available Commercial Service for On-line Flow Monitoring for Rio Grande Project Area (Deans, Inc.)

Mr. Ray Gilstrap and Mr. Bryan Lindsey, two representatives from Deans, Inc., gave a presentation of their telemetry equipment and software (copy attached as **Exhibit "D"**). The company provides turn-key telemetry systems, including telemetry hardware, systems integration software, and training services. They have provided telemetry equipment and services to both El Paso County Water Improvement District #1 (District) and EBID. Their equipment uses the UHF band for telemetry communications

After the presentation, Ari Michelsen asked about the location of several drain monitoring sites shown on the Deans brochures. Mr. Fifer explained that they have used Deans Inc. for some of their telemetry needs and that they offer an excellent product. He added that the District has installed a number of

telemetry sites on their main canal headings. The District has a multi-year program to eventually install telemetry on all their canal and wasteway headings. Because of funding limitations, they must phase these telemetry installations over a number of years. Mr. Lindsey stated that the District now uses an in-house team of telemetry experts that they helped train, and that the District uses the same technology that Deans, Inc., offers. Ari Michelsen suggested to Edd Fifer that they get together at some point to discuss web access to their telemetry system. This data access is being pursued as a component of the Watershed Council's ongoing Coordinated Database project.

Mike Landis also endorsed Deans' services and products, citing Reclamation's installations near the Mexican border. They have had excellent results despite the proximity of their telemetry to the Mexican border and to other agencies that make use of the UHF band. They have not experienced problems with interference from other UHF users. Mr. Lindsey stated that communications using the UHF band have several advantages over satellite communications – namely, over-the-horizon performance (which is not limited to line-of-sight transmission), licensed bandwidth that is owned by the user, and higher allowable transmission wattage.

VII. Other Business

Carlos Rincon informed the group about an important meeting of the Paso del Norte Water Task Force scheduled for October 25th. The Task Force will be finalizing their Strategic Plan and Bylaws during that meeting.

John Burkstaller suggested several agenda items for the next meeting:

- 1) Update by Wayne Treers on run-off estimates and water allocations for next year.
- 2) A presentation on Rio Grande Compact Commission credit accounting methods.
- 3) Status report on the Coordinated Database Project.
- 4) Status report on the Watershed Council's Proposal for the EPA Watershed Initiative Grant.
- 5) Status Report on the IBWC's Canalization Project EIS.
- 6) A presentation on the Interstate Streams Commission's application to the NMSOE for appropriation of Salt Basin Groundwater, possibly by a private entity that has also filed.

IV. Schedule Next Meeting/Location

Mr. Jaime Iglesias requested a correction to the September 10th MAC/SC Meeting Minutes. He advised that the comments attributed to Mr. Antonio Rascon were actually his comments. Ed Fierro will make this correction. The September 10th minutes were subsequently unanimously approved without further changes.

The next meeting was scheduled for 9:00 a.m. November 15, 2002 at Texas A&M. There was no other business and John recommended that the meeting be adjourned.