LOWER RIO GRANDE CITIZENS FORUM
May 11, 2016
USIBWC Field Office
Mercedes, TX
*Tentative Meeting Notes

Board Members in Attendance:
Rick Cavazos, Mayor of Los Indios
Lawrence Drake, Drake Farms, San Benito
Joel Espinoza, Court Coordinator, community volunteer, Edinburg
Ricardo Garcia, Mercedes City Manager
John Goolsby, USDA Research Entomologist, Edinburg
Sonny Hinojosa, Hidalgo County Irrigation District No. 2, President of Texas Irrigation Council, San Juan
Sonia Lambert, Cameron County Irrigation District #2, Vice Chair of Rio Grande Regional Water Authority, San Benito
Henry Leo, Patrol Agent in Charge, Harlingen Border Patrol Station
Bill Lewis, civil/environmental engineer (retired), Edinburg
Omar Rios, City of Harlingen Environmental Services

USIBWC Staff in Attendance:
Sally Spener, Secretary
Juan Uribe, Area Operations Manager
Frank Martinez, Assistant Area Operations Manager
Liliana Maya, USIBWC

Mexican Section Staff in Attendance:
David Negrete, Representative in Reynosa

Members of the Public in Attendance:
Chris Castillo, Office of Senator Cornyn
Mike Hut, Citizen
Rene Quintanlla Jr., U.S. Border Patrol
Jorge Alcala, Consultant
Ken Jones, Lower Rio Grande Valley Development Council
Herman Garza, RGV STRATA
Jose Luna, Texas Commission on Environmental Quality (TCEQ)
Antonio Rojas, Citizen
Claudia Lozano, TCEQ
Adrian De La Rosa, TX-15
Joe Tucker, Citizen
Carl Boyd, NARFE
Florence Huff, Citizen
Jim Chapman, FronTera
Tom McLemore, Citizen
Daniel Magallanes, Mexican Section, International Boundary and Water Commission

Murphy Scurry, RGV Strata
David Ramirez, TCEQ
Ernesto Reyes, U.S. Fish and Wildlife Service
Maxwell Pous, TNC
Bill Friend, City of La Feria
Pedro Sand, Citizen
Kadrieka Maiden, Nediam Consultants/IBWC Meeting Coordinator

Welcoming Remarks:
At 3:05pm Juan Uribe convened the Citizens Forum meeting. He began with a short welcome and introduction, then asked the public attendees and the board to make introductions. Juan Uribe introduced and turned the meeting over to the first presenter Sally Spener, USIBWC Secretary.

Presentation One: HISTORY AND PROJECTS OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION– Sally Spener, USIBWC Secretary:
Sally Spener presented the IBWC Mission Statement; The International Boundary and Water Commission, United States and Mexico, is responsible for applying the boundary and water treaties between the two countries and settling differences that arise in their application. She also provided an overview of the Early Boundary Commission. In 1848, the border was placed wrongly because an old map was used. This realization happened because the railroad needed land, so there was a new treaty in 1853 with the Gadsden Purchase that expanded U.S. territory and created a new boundary. The 1884 treaty states what happens to the international boundary when the boundary rivers move. We officially trace our history to 1889 with establishment of the International Boundary Commission as a permanent commission to address boundary disputes when the rivers move.

Ms. Spener went on to discuss boundary monuments, which officially mark the border between the two countries. Monuments were placed within line of sight (does not mean has to be seen by the human eye, but for surveys). Monuments today are made of iron or masonry and were just piles of rocks in the past. IBWC is the agency that officially makes the determination of the international boundary and is responsible for boundary demarcation at bridges and ports of entry. The organization got into the water 3 business about 100 years ago

Ms. Spener also summarized the water treaties:

- The Convention of 1906 provides for the delivery of 60,000 acre-feet of Rio Grande water per year to Mexico at Ciudad Juarez.
- The Convention of 1933- stabilized the boundary in the El Paso-Juarez Valley, straightened the Rio Grande and put in flood control levees in both countries.
- The 1944 Water Treaty– established modern-day International Boundary and Water Commission. The USIBWC Headquarters is located in El Paso, TX and the Commissioner is a presidential appointee. Officially, the US representatives speak English and the Mexican representatives speak Spanish. We also have simultaneous interpreters at meetings to translate. The 1944 Water Treaty notes the following structure for the Commission; these personnel have diplomatic status reflecting the agency's character as a diplomatic and engineering agency.
    - US Section Treaty Officers:
        - Commissioner
        - Secretary

        - 2 Principal Engineers
        - Legal Advisor
    - Mexican Section Treaty Officers:
        - Commissioner
        - Secretary
        - 2 Principal Engineers
        - Legal Advisor

- 1944 Water Treaty – Rio Grande - U.S. receives 1/3 of the waters arriving in the Rio Grande from 6 Mexican tributaries. Mexico delivers water to the U.S. from Ft. Quitman to the Gulf of Mexico. The Treaty authorized construction of up to three storage dams on Rio Grande; only 2 were built. Water Accounting Division accounts for the national ownership of waters using automated and manual systems. They are able to account for what water belongs to the US and Mexico.

- 1944 Water Treaty – Colorado River - The US has always met its obligation to Mexico to deliver 1.5 million acre-feet per year of Colorado River water. With the drought happening with the Colorado River, there is a probability that by 2018 the amount of water will need to be reduced. Each treaty has water shortage terms.

- Chamizal Convention -- 1963 treaty settled a boundary dispute at El Paso-Cd. Juarez and relocated Rio Grande in a concrete-lined channel and transferred 630 acres of land to Mexico and 193 acres to US.

- 1970 Boundary Treaty – The treaty specifies the boundary is the middle of the river channel of greatest average width over its length. Under the Treaty, the IBWC reviews projects and can move the river back if it ever shifts. IBWC is the official agency that states where the border is and can actually be called to court if there are disputes. IBWC stabilizes or rectifies the channel (numerous rectifications carried out). There are prohibitions on construction in the floodplain that would obstruct or deflect the river's flow so as not to exacerbate flooding or cause the border to shift.

Ms. Spener went on to explain there are three wastewater treatment plants – Nogales (handles sewage from both countries), South Bay (treats Tijuana sewage to U.S. standards at a plant in San Diego), Nuevo Laredo (Mexican sewage treated to US standards). Only water quality wording in the 1944 Treaty authorizes Commission to give "preferential attention to the solution of all border sanitation problems."

The Amistad Dam, located at Del Rio, TX-Cd. Acuña, Coahuila was built in 1969 extends for 75 miles and covers 65,000 acres. Normal conservation capacity is over 3 million acre-feet. The Falcon Dam, located at Falcon Heights, TX-Nva. Cd. Guerrero, Coah was built in 1954; this reservoir covers 78,300 acres at conservation capacity. Normal conservation capacity is 2.6 million acre-feet.

Flood Control – There are 4 Flood Control Projects – Tijuana River, Upper Rio Grande, Presidio, and Lower Rio Grande. In recent years, more environmental consideration (habitat restoration) is being considered for management of the flood control projects. The US and Mexico work together to plan for

the necessary flood protection for both countries. USIBWC maintains flood control levees; tracks flow, and operate diversion dams in coordination with Mexico.

The presentation ended with questions and comments.

Question: How does Google Earth determine the boundary on the map/yellow line?

Spener – There was a case where Google showed a major El Paso, Texas roadway as being on the Mexican side of the border.

David Negrete, Representative, Mexican Section of the International Boundary and Water Commission in Reynosa, Tamaulipas, noted that Google apparently uses a different methodology than the International Boundary and Water Commission. The Commission marks the boundary on aerial photographs, which are available on the website; the border map is updated every 10 years.

Juan Uribe introduced Frank Martinez, the second presenter.

Presentation Two – Lower Rio Grande Flood Control Project, Frank Martinez, Assistant Area Operations Manager, USIBWC

Frank Martinez began with a map of the Lower Rio Grande flood control project. The project features include: 2 International Dams, 270 miles of U.S. levees along the river and floodways, 30,000 acres of interior floodway and 64 miles of pilot channel. The U.S. floodway system includes Banker Floodway, Main Floodway, North Floodway, and Arroyo Colorado. The Retamal Dam diverts Mexico's share of floodwaters into Mexico's interior floodway system

Mr. Martinez presented diagrams reflecting Flood Control Dams and Gaging Stations. Anzalduas Dam diverts the U.S. share of floodwaters into the U.S. interior floodway system. Diversion of floodwaters into the U.S. interior floodways allows the Commission to control flows in the Rio Grande at Brownsville-Matamoros. There are 420 drain structures and 180 irrigation structures that cross the levees. Gaging stations measures the water flow.

The Lower Rio Grande Flood Design Criteria used to determine the level of flood protection required in both countries considers the following flow rates at various locations:

- 250,000 cubic feet per second (cfs) at Rio Grande City
- 105,000 cfs into the U.S. floodway at Anzalduas Dam
- 21,000 cfs in the Arroyo Colorado
- 84,000 cfs in the North Floodway
- 105,000 cfs in the Mexican floodway at Retamal Dam
- Limit flows to 20,000 cfs at Brownsville-Matamoros

Mr. Martinez went on to present an overview on the Current Operations of the Lower Rio Grande Flood Control Project (LRGFCP). Structures within the IBWC floodways and levees are inspected on a yearly basis. Status of each gate is logged and submitted to supervisor. The critical issues on any of these structures are addressed immediately and based on field reports, replacement of structure gates and assemblies are planned – 20 per year. For Levee Resurfacing & Repair, under a Memorandum of Agreement (MOA) with the U.S. Department of Homeland Security (DHS), approximately 10 miles of levee roadway is resurfaced with new flex-base material each year on the river levee. DHS provides

flex-base material and USIBWC provides labor and equipment. USIBWC also resurfaces the levee roadway in different areas on the North Floodway.

Levee and Floodway Mowing has a total of 8,500 acres scheduled to be mowed every year. Crews have been trained to perform bird surveys during migratory and nesting season. Drains are cleared of brush and desilted. These lateral drains allow for proper draining of water flows from the landside of the levees and into the pilot channel.

Hydrologic and Water Accounting is the responsibility of project personnel, assisting the Water Accounting Division at Headquarters in the accounting of river flow data used to determine water ownerships of both countries. Hydrologic personnel are tasked with the operation and maintenance of river and off-river gaging stations. These stations are necessary to house equipment that is used to accurately measure flow in the river and interior floodways. LRGFCP personnel are required to perform 36 historical cross sections of the Rio Grande in accordance with the 1970 Treaty between the United States and Mexico. It is critical that these cross sections be performed in order to check for any possible international boundary changes that might occur due to changes in the course of the river. Approximately 12 cross sections are performed per year; it is a three-year cycle. Under IBWC Minutes No. 223 and 303, the LRGFCP is charged with overseeing the operation and maintenance of the Morillo Drain Project, a salinity control project in Mexico.

The USIBWC also has a levee rehabilitation program within the Lower Rio Grande Flood Control Project. In 2005, the Federal Emergency Management Agency (FEMA) sent USIBWC a letter asking for the agency to certify our levees as meeting new FEMA criteria. The USIBWC began in-house projects to begin working on the levees to meet these requirements both in the Lower Rio Grande and Upper Rio Grande Flood Control Projects. In 2009, the USIBWC was provided $220 million in funding for levee rehabilitation as part of the American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act).

The USIBWC used the funding for design and construction of the required levee rehabilitation in several levee reaches of the agency's flood control projects. ARRA funding was fully utilized by the agency and expired in September 2015. The USIBWC continues to fund the required design and construction of levee rehabilitation projects under its annual funding as approved by Congress.

A FEMA accredited levee system is a levee system that meets the requirements of 44CFR65.10 and therefore is shown on the Flood Insurance Rate Map (FIRM) as providing protection from the 1-percent-annual-chance flood (commonly referred to as the 100-year flood). FEMA does not own, operate, maintain, or inspect levee systems or develop certified levee-related data for accreditation purposes. As the levee owner, USIBWC evaluates that the levees have been constructed to required design standards and are operated appropriately. For FEMA to accredit a levee system with 1%-annual-chance flood hazard reduction capability on a FIRM, the levee owner/local project sponsor must submit a package containing the required data and documentation to show that the levee system meets all design and operation requirements of 44CFR 65.10.

The USIBWC has maps on the website that show the status of all the levee rehabilitation projects. Status descriptions are: Conceptual design, in design, design complete, in construction, construction

complete, and certification submitted. A total of 7 Lower Rio Grande Valley maps can be found on the website at: http://www.ibwc.gov/GIS_Maps/levee-rehab-status_tabbed.html

Recently Completed/Ongoing Projects:

1. Los Indios to San Pedro Levee Improvements– (Donna to Brownsville Reach #3):
    - 11.9 levee miles.
    - $11.7 million contract to LECON Inc.
    - Project Substantially completed October 2015.
    - Project administratively closed out January 2016.
    - FEMA Package sent in March 2016.
2. Progreso Levee Improvements (Donna to Brownsville Reach #1):
    - 6.0 levee miles total (west segment is 2.0 miles; east segment is 4.0 miles)
    - $4.3 million contract awarded to Affolter Contracting Inc.
    - Notice to Proceed issued July 16, 2015
    - Anticipated completion September 20, 2016
    - 42% Complete

FORTHCOMING LEVEE PROJECTS:

Edinburg Pump Levee Rehabilitation- approximately 710 feet of levee/floodwall improvements adjacent to the pump house, closes a gap in the flood control project at Edinburg Pump House (also referred to as Segment O-04B). Construction contract to be awarded by September 30, 2016.

Mercedes Railroad Floodgates (Union Pacific Railroad crossing at North Floodway Levees) - approximately 250 feet in levee improvements, requires agreement and coordination with Union Pacific Railroad and Rio Grande Valley Switching Company due to active track. Closes gap on the north and south levees of North Floodway between Business 83 and Interstate 2/83. Construction contract to be awarded by September 30, 2016.

Union Pacific Railroad crossing at Brownville Levee - approximately 600 feet in levee improvements where railroad track was recently decommissioned**,** closes gap on the Rio Grande levee within the Upper Brownsville Levee Reach. Construction contract to be awarded by September 30, 2016.

Beyond fiscal year 2016

- Sebastian Railroad Floodgates
- Brownsville Levee Cracking Remediation

There are 155 miles of levee improvements completed, including 91 miles on Interior Floodway levees in the U.S. Lower Rio Grande Valley (LRGV) and 64 miles on U.S. Rio Grande levees. Approximately $133 Million expended on construction contracts to include Construction Management in LRGV since 2009. This figure does not include costs for geotechnical investigations and design. There were 24 certification packages submitted to FEMA for LRGV.

Public Comment:

Citizen Florence Huff expressed concerns and made a request to IBWC regarding levees near her home in north of Santa Rosa near the Sugar Mill. She would like levees fixed and/or replaced.

Public meeting adjourned, citizens were welcomed to stay for board orientation.

Board Orientation commenced at 4:25pm

Presentation Three – Lower Rio Grand Citizens Forum New Board Orientation- Sally Spener, USIBWC Secretary:

Sally Spener presented the background on the Citizens Forum and expectations of board members. USIBWC established the first Citizens Forum Board in 1999 in El Paso, TX-Las Cruces, NM.

Program expanded in early 2000s to:

- USIBWC Citizens Forum (CF) in San Diego County, CA
- Colorado River CF in Yuma County, AZ and Imperial County, CA
- Southeast Arizona CF
- Lower Rio Grande CF (TX) – 2003

The Mexican Section of the IBWC established a Citizens Forum program in 2014 and now has boards in a few of the Mexican border cities.

The purpose of the Citizens Forum is to promote the exchange of information between the USIBWC and the community about Commission activities and related projects in the Lower Rio Grande Valley of Texas. The meetings offer a means to share information with the board and hear about what is happening in different areas. The Citizens Forum is intended to bring together community members, enabling the early and continued 2-way flow of information, concerns, values, and needs between the USIBWC and the general public, water managers, irrigators, neighborhoods, environmentalists, recreational interests, government agencies, etc. We are not a Federal Advisory Committee. We welcome a diversity of viewpoints. Meetings are open to public. There are emails sent out for reminders and information is posted on the Citizens Forum webpage: http://www.ibwc.gov/Citizens_Forums/CF_Lower_RG.html. All Board members are volunteers and receive no payment. Board members are expected to attend all meetings. Members are encouraged to help share what is happening with their organizations. Wide range of issues are discussed.

Past agenda items have included:

- Levee improvement projects
- Rio Grande water quality studies
- Rio Grande water supply

Quarterly public are meetings are held in the Valley and board members are expected to attend all meetings.

Board Member duties:

- Review and comment on projects and documents
- Discuss Commission activities and projects
- Present information on related activities
- Bring issues to attention of the USIBWC

The board is made of 10 community board members plus USIBWC Area Operations Manager Juan Uribe. A Community Co-Chair is selected by the board.

Co-chair duties:

- Attend all meetings
- Chair every other meeting
- Determine agenda items with input from board
- Be available in between meetings to handle any business

There were two board members interested in becoming co-chair, Larry Drake and Omar Rios. It was determined that Larry Drake will be co-chair for year 1 and Omar Rios will be co-chair for year 2. Juan Uribe will serve as USIBWC co-chair.

Meetings will be held the second Wednesday of every third month, 3:00 – 5:00 p.m. at the USIBWC Field Office in Mercedes, TX. The final meetings for 2016 are scheduled for August 10 and November 9.

Field trip is scheduled for June 8, 8:00 a.m. – 12:00 p.m. Board to meet at USIBWC field office in Mercedes. USIBWC will provide a Suburban and John Goolsby will provide a USDA van to transport the group. Separate field trips may be scheduled in the future such as to Santa Rosa levee and Falcon Dam.

Suggested Future Agenda Items:

- Texas Clean Rivers Program for the Rio Grande water quality update
- Condition of Santa Rosa levee and plans for its rehabilitation
- Regular updates on status of Mexico's Rio Grande water deliveries to the US under the 1944 Water Treaty
- Status of El Morillo Drain repairs
- BECC-NADB study of reuse of Morillo Drain water
- Rio Grande salinity study
- Arroyo Colorado vegetation clearing to restore conveyance capacity
- Raw sewage discharge from Reynosa upstream of Pharr Bridge (possibly the Anhelo Drain)

Sally Spener presented the board members with framed certificates.

Board Orientation/Discussion adjourned at 5:00PM

*Meeting notes are tentative and summarize in draft the contents and discussion of Citizens Forum Meetings. While these notes are intended to provide a general overview of Citizens Forum Meetings, they may not necessarily be accurate or complete, and may not be representative of USIBWC policy or positions.