

LOWER RIO GRANDE CITIZENS' FORUM MINUTES
USIBWC Field Office
Mercedes, TX
October 29, 2008
***Tentative Meeting Notes**

Welcome and introductions by Citizens' Forum Co-Chair Bill Lewis

Board Members in Attendance

Carl A. Boyd
Dr. Joseph Coulter
Laura DeLa Garza
Glenn Jarvis
William R. Lewis
Bradly Niebert
Phillip D. Waldron

Board Members Absent

Kika DeLa Garza
Edward J. Vela
Jose L. Muñoz

USIBWC Staff in Attendance

Patrick Daize
Rodolfo Montero
Joel Saldivar
MaryAnn Rivera
Belinda Ibarra
Bethany Ansel, TCEQ (on behalf of Liz Verdecchia, USIBWC, Clean Rivers Program)

Members of the Public in Attendance

Ann Williams Casas, Proyecto Azteca
Jaime Longoria, Tx Sec. of State's office
LeeRoy Atkinson, PUB
Jose Saenz, PUB
Jaime Flores, TWRI
Edith Lopez, Univision
Francisco S. Garcia, Aventura
Claudia Lozano, TCEQ
Gayle Laun Day, Migrant Health Promotions
Elizabeth Herrera, UTB
Andres Cardenas, UTB
Janie Paz, Progreso Bridge

Sam Sparks, Progreso Bridge
Celestino Gallegos, Texas Rural Legal Aid
Margaret Dorsey, University of Pennsylvania
Jimmy Paz, Sabal Palm Audubon
Chris Sherman, AP

Citizens' Forum Chair Bill Lewis began the meeting with self-introductions. Immediately after, he introduced Bethany Ansell, Project Manager for the Clean Rivers Program. Ms. Ansell was substituting for Elizabeth Verdecchia, USIBWC Environmental Protection Specialist, who was not able to attend the meeting.

Clean Rivers Program Project Manager Ansell began by apologizing for Ms. Verdecchia's absence. She informed the group that she was going to be presenting a two-part presentation. She then introduced the organizational structure of the Clean Rivers Program of USIBWC.

Project Manager Ansell then presented a video of the work and benefits of having the Clean Rivers Program.

Video included:

Program Background: Clean Rivers Act added to Texas Water Code in 1991. State fee-funded program (wastewater and water rights permit holders). Partnership between the TCEQ and 15 regional water quality authorities (consisting of River Authorities, a Council of Governments, a Municipal Water District, and a federal Water Commission).

We consider these regional water quality authorities our partners. They function to serve the needs of their regional area constituents as well as those of the state as a whole by bringing their own resources to support this program.

The major successes of this program include:

- doubling the available water quality data for TCEQ water quality decision-making
- lead role in developing the quality assurance function of the TCEQ
- involving water quality professionals around the state in TCEQ water quality program development
- coordinating quality-assured monitoring activities statewide
- creating a conduit for stakeholders and partners to get involved in water quality issues locally and at the state level

Water Quality Data: The Clean Rivers Program partners collect over 60% of the water quality data used by the TCEQ to:

- identify water quality issues
- set water quality standards
- initiate and support Total Maximum Daily Load studies & Watershed Protection Plans
- enhance science behind wastewater permitting decisions.

A good portion of that data is provided by the river authorities “free of charge” since they were already collecting it using their own funds.

The water quality data collected through the Clean Rivers Program is used to enhance decision-making at the TCEQ by providing scientific data in the place of unverified assumptions when deciding the assimilative capacity of a stream when setting permit effluent limits. In some cases, the scientific data supports the presumptions made by the TCEQ and in other cases, it provides new information on which better decisions can be made.

We know the data is of good quality because we have instituted a rigorous quality assurance process which involves a litany of controls to ensure the quality of the data. The TCEQ performs audits of our partners on a periodic basis and we review the data when it arrives at the TCEQ prior to its entry into the statewide database.

The CRP partners have also found innovative ways to get more water quality data with the same dollar. They have worked with local entities to bring in their water quality data under a TCEQ-approved Quality Assurance Project Plan. This data is provided free of charge. The only costs lie in the partner’s efforts to assure the quality of the data, which is quite a process, involving frequent audits, data management, data verification and validation, and review of laboratory quality assurance reports.

Engage Stakeholders: The glue that holds the Clean Rivers Program together and what has made it as successful as it is today is stakeholder involvement. The stakeholders play a crucial role in deciding where resources will be placed and which priorities are of the most importance. They bring issues to the table that may not have been previously identified as a priority and they play an active role in dealing with the water quality issues that arise in their communities. It takes everyone in the community to take care of and bring attention to water quality issues that are impacting the community. The Clean Rivers Program is here to bring those stakeholders together, share information, and investigate possible solutions.

One example of the role of the steering committee process, is how the CRP partners take on an active role in the next stage of a water quality issue. Where the CRP role of identifying and explaining water quality issues ends, the CRP partners can continue with other projects and other funding relating to TMDLs and Watershed Protection Plans.

Doing a short briefing of the above, Ms. Ansell began the next presentation titled: Update on Water Quality for the Rio Grande and Clean Rivers Program.

Presentation Outline:

- Texas Clean Rivers Program
- Local Partnerships - 7 partners in the Lower Rio Grande help monitor, collect, & analyze samples: Sabal Palm Audubon Center & Sanctuary, UTB, TCEQ Harlingen, TCEQ-CWQM, Brownsville PUB, USGS, USIBWC
- Binational Water Quality Restoration and Protection Initiative
- TCEQ and EPA sponsors - Federal US and Mexican agencies, Texas and Mexican state

- agencies, universities and organizations
- Program Impact - Address impairments on Rio Grande and Focus first on Lower Rio Grande
- Clean Rivers Program - Water Quality Assessment – Publications - Annual Basin Highlights Report - 5-year Basin Summary Report - Outreach and Education
- New Program Activities: NELAC accreditation - Pesticides study continues - Special Study on Pecos River - Environmental Education and Outreach - Involvement with local schools / environmental groups - Request for Proposals for small project grants - Water Quality special studies - River Education projects.
- Grant Application Forms - Email elizabethverdecchia@ibwc.gov or visit CRP Website at ibwc.gov/Organization/Environmental/CRP/Index.htm

After her presentation, Ms. Ansell opened the floor for questions.

Question: Is the request for proposed projects limited to \$10,000 maximum?

Answer: Unsure, it depends on the number of project applications. I can get back to you with that information.

With no further questions, Ms. Ansell concluded.

Citizens' Forum Co-Chair Bill Lewis then introduced Area Operations Manager and Citizens' Forum Co-Chair Patrick Daize.

Mr. Daize began his presentation titled “Storage and Flood Conditions in the Rio Grande Basin.”

Presentation Outline:

- Overview of the basin
 - Water delivery under the 1944 Water Treaty
 - September-October 2008 flood at Presidio-Ojinaga
 - Current conditions
- Major Mexican Dams: Conchos River Basin, Boquilla Dam, Francisco Madero Dam (Las Virgenes), Luis Leon Dam (El Granero), Conchos-Rio Grande confluence at Presidio-Ojinaga, Salado River, Venustiano Carranza Dam, (Salado River flows into Falcon Dam), San Juan River, Marte Gomez Dam, El Cuchillo Dam, San Juan-Rio Grande confluence at Rio Grande City
- Amistad Dam
 - IBWC International Dam/Storage Reservoir - Located at Del Rio, TX-Ciudad Acuña, Coah.
 - Uses: Water Storage, Flood Control, Hydropower, Recreation
- Falcon Dam
 - IBWC International Dam/Storage Reservoir - Located along the border between Laredo and McAllen, Texas

Purposes: Water Storage, Flood Control, Hydropower.
Releases from Falcon affect Lower Rio Grande Valley

- Lower Rio Grande Flood Control Project
180 river miles from Peñitas, TX to Gulf of Mexico
270 miles of U.S. levees
30,000 acres of interior floodway in U.S.
2 diversion dams able to divert flood flows into U.S. and Mexican interior floodways

- Photographs:
Lower Rio Grande Flood Control Project Map
Anzalduas Dam
Retamal Dam

- 1944 Water Treaty
U.S. receives 1/3 of the waters arriving in the Rio Grande from six Mexican tributaries:
Conchos, Salado, San Rodrigo, Escondido, Arroyo de Las Vacas, and San Diego

Mexico delivers water to the U.S. in cycles of five years between Ft. Quitman and the Gulf
Minimum annual average of 350,000 acre-feet
1,750,000 acre-feet 5-year delivery obligation
Conchos River is the main tributary for water deliveries to the U.S.
When U.S. conservation capacity is reached in Amistad and Falcon Dams, all debts are paid
and a new five-year cycle begins
Mexico incurred a deficit in deliveries in the 1990s but paid off the deficit in 2005

- Presidio Flood Control Project:
15 miles of U.S. levees
Levees 6-14 feet in height; 25-year design flood
Protects 5400 acres of land – farmland, City of Presidio
Series of gaging stations on Rio Grande and tributaries
- Presidio Flood:
Heavy precipitation in the Conchos River basin in Aug. & Sept. filled Mexican Dams,
requiring spills/releases
USIBWC began flood operations at Presidio Sept. 5
Peak flow of 53,000 cfs on September 16 (levees designed for 42,000 cfs)
Downstream portion of U.S. levee failed, flooding farmland and a golf course
Widespread flooding in Ojinaga due to failure of Mexican levees; international bridge closed
for weeks
Massive effort to shore up remaining U.S. levee, protect the City of Presidio
USIBWC deployed available personnel from TX, NM
Flood operations continued through mid-October
- Presidio Flood Downstream Effects:
Flows from the Conchos entered the Rio Grande and filled Amistad Dam
Amistad Dam went into flood operations at the end of September, releasing 17,657 cfs

Releases reduced Oct. 17 as inflows tapered off
Minor flooding downstream of Amistad
Falcon levels have increased significantly

- Presidio Flood Treaty Effects:
U.S. conservation capacity at Falcon was reached October 8, 2008
Per treaty, a 5-year cycle ends when U.S. conservation capacity is reached at both reservoirs (previously reached at Amistad)
Entire cycle lasted one year; total delivery of 788,544 acre-feet
- San Juan River:
Mexico went into flood operations on the San Juan River in September
Spills from Marte Gomez Dam of approx. 7000 cfs began in early October
Increased flow from the San Juan River has elevated levels in the Rio Grande from Rio Grande City to Gulf
- Projections:
Spills from Marte Gomez to continue into November
IBWC hopes to avoid flood releases from Falcon while San Juan flow remains high
IBWC plans to set a higher temporary conservation capacity at the international dams to store more water, avoid additional flood releases.

When U.S. storage at both dams fluctuates above conservation capacity, this affects the duration of water delivery cycles.

After the above presentation, Citizens' Chair Daize then continued with a brief presentation on Hurricane Dolly and the Emergency Actions the Lower Rio Grande Flood Control Project underwent. (Presentation attached).

The presentation included:

- Hurricane Dolly: Effects and landfall date
- Arroyo Colorado Floodwater Photos
- IBWC Action
- Flooded Areas West of Brownsville
- IBWC 24 Hour Emergency Operations
- Manpower and Equipment

Before concluding the presentation, Citizens' Chair Daize emphasized the need to maintain the Project's structures. Stating that a letter had been sent out to the licensees concerning such. Concluding the presentation, he opened the floor to questions.

Question: U.S. levees were built for a 25 year flood, what type of flood went through Presidio, a 25 or 75 year flood?

Response: I do not know that information but I will get back to you on that.

Question: Can we determine as to what transpired in Presidio?

Comment: It is difficult to compare. There are things to take into consideration. Mexico not being prepared for water or too much water in the reservoirs.

Question: The data you showed in your presentation, is that data from 2008?

Response: Yes

Question: Are Amistad and Falcon at conservation levels?

Response: Falcon is at 84 percent and Amistad is at 1.34% above conservation which is current data or from October 18th.

Question: What is winter storage and summer storage?

Response: It depends on flows, we can get that information for you.

Question: Does the water come in from Falcon?

Response: The water is coming from the Rio San Juan because Marte Gomez is spilling.

Question: Isn't there a treaty for a current conservation level? In changing the conservation level, will that affect the treaty and cycle?

Response: Treaties are set and must be complied with. We must stick to treaty compliance.

Comment: Marte Gomez is not a gated dam but El Cuchillo is.

Question: In one of the meetings, it was stated that the integrity of the Dam at Amistad was bad. Can we get a report of the experts? Is there actually a report?

Response: I believe there are reports, we will get back to you with that information.

Comment: I understand the Mexican government was doing something. During this drought, water levels were low and you could see the holes. Mexico poured and poured yards of concrete.

Question: From the recent Presidio flood, who's water was that?

Response: The water was accounted as though it was still in the reservoir.

Question: What discussions were made with Mexico to prevent flooding?

Response: The reservoirs were diligently researched by U.S. and Mexico to allow storage to prevent flooding.

Comment: Mexico knew that it would present a problem with the Rio Grande Valley; therefore, it all had to go to the spillway. There were no releases. Presidio's rain was all Mexican rainfall.

Comment: There was a gravity flow to the canal from Marte Gomez to Reynosa. Marte was at 120 cubic meters and 50 was going through Anzalduas.

Question: Is Marte Gomez being used?

Response: No, it's closed.

Citizens' Forum Chair Daize then went into a discussion about Hurricane Dolly and how there was discussion of levee breaches; however, those discussions were never validated. He then went into a discussion on Santa Rosa, stating that the IBWC went beyond its area of responsibility and assisted in flood fighting.

Question: Do you recall the total rainfall for that event?

Response: We can get those statistics.

Comment: There might not have been a possible way to gage the rainfall because one would have to turn their gage sideways. Although there was heavy rainfall, it was good to know that Donna, Weslaco, and Mercedes had cleaned their drainage ditches. Had those drainage systems not been cleaned, things could've been much worse.

Citizens' Chair Daize then stated there was a letter sent out to all the licensed structures to bring the structures to compliance. He emphasized the need to communicate to ensure the licensees contact the license lease manager to bring all structures to compliance. He then added that IBWC was willing to conduct a one day course in inspecting and maintaining the structures if warranted by the licensees.

Comment: It would be of an interest to see the water quality data for that period. Sure that the bacteria levels were low because the water levels were extremely high. It's apparent that the flows flushed out the system.

Comment: The Hydrilla is gone.

Comment: There was public concern with the levee work being done and the Hurricane approaching.

Response: There was no need for concern. Part of the requirements with DHS was that they follow emergency action procedure, including the contractors working on the levees. DHS and

the contractors understand that they are to take immediate action and not compromise the levees. Quick response was taken by all parties. There is a construction methodology to protect the levees. Major factor is to not compromise the levee system.

Question: Are there emergency measures written in a document?

Response: Every contractor and DHS has an emergency action plan.

Question: How much water was reaching the mouth of the river?

Response: There were big flows arriving. We have that information. Available through IBWC telemetry stations. Rio Grande Valley flow information is also available in El Paso.

Comment: Although there were high flows, they are beginning to level off.

Question: Do you document communication with the contractors?

Response: Our communication is not with the contractors, it's with Hidalgo County. It's a two tier system.

Question: At the Lower Rio Grande Water Committee meeting there was discussion about the licensed structures, has anything transpired since then?

Response: Licensees have to be more involved in maintaining their structures.

Comment: Structures are important because when water levels rise, rain and floodwater goes out through these structures. IBWC needs to take control of these structures; not rely on the licensees because it is a flood control agency.

Response: We have an agreement with the licensees. When these licensees requested obtained their licenses, they have to continue comply with the specifications.

Comment: Although you have an agreement with the licensees, flooding the people will bring forth lawsuits. Monies will be issued but the people will still experience the damage and effects.

Question: I heard there was a group forming to protect the people from such.

Response: Am not aware of any group.

Comment: I believe I did hear about a group forming and a list of people to coordinate with.

Comment: Not at the Region M. At least not that I know of.

Comment: There is a perpetual lease agreement that states a licensee cannot plant anything higher than 3 feet. Along the river and the North Floodway there cannot be any sugar cane. There is a difference between the North Floodway and the Interior Floodway. The North Floodway is a natural thing that we share with Mexico. IBWC has easements on the North

Floodway but does not have control along the river.

Question: Is there an Action Stage and a Flood Stage?

Response: The Dams will only release what the river will take. Releases are controlled. Flood stage releases are properly coordinated through procedure.

Question: What is the conservation level?

Comment: NOAA website has that information. IBWC also has the information.

Comment: Currently Falcon is going up because Amistad is still releasing. We will continue to release but if we get high rains, there will be no releases.

Question: Will contingency plan consist of releases from Anzalduas?

Question: Can IBWC authorize release even with the construction being done?

Response: The release will not interfere. Releases are not an issue.

The forum then went into a discussion on releases and the effects on the levees. Continuing with back and forth discussion about property and effects on the communities on both sides of the border. The discussion then ended with a comment about the flood stage but the end result was that although there were high flows, we were in a drought stage and there was no concern on the flows exceeding the banks.

Question: Are you comfortable with the deadline FEMA imposed?

Response: Feel very comfortable in meeting the deadline.

The discussion then reverted to property and people on the Mexican side and what concerns if any the IBWC had with fixing U.S. levees and not Mexico's.

Question: Will Mexico's levees be affected?

Response: I will allow my counterpart to answer that question.

Eng. Chalons: CONAGUA is studying and are in a plan to raise the levees just like the U.S.

Comment: We must remember that there are treaties in place that request that Mexico and U.S. work in unison to construct or work along the river. The treaties work to benefit both countries not just one.

Question: Is there a timeline? When is Mexico's rehab going to take place? We don't want a major event to occur and see Mexico suffering.

Response: I believe that is a question for my counterpart Ing. Chalons.

Eng. Chalons: A study is being prepared but it is barely in the studying stage. There is no time line yet.

Question: Is there a model?

Eng. Chalons: Not that I'm aware of.

Comment: During Beulah, Mexico did its part to cut their levee to salvage Brownsville. So you can see that both countries will do whatever possible to assist the other country.

Citizens' Forum Chair Daize stated that our Mexican counterpart did a very good job of assisting and working cooperatively with the U.S. Section. He then personally thanked Ing. Chalons for his great collaboration with the Lower Rio Grande Flood Control Project.

Progreso Bridge owner Sam Sparks then briefed the forum on a historical moment referencing water flows from Beulah and how the communities came together to assist one another. He then concluded his discussion stating that the levees were in the best shape they had ever been.

Citizens' Forum Chair Daize then expressed his gratitude to Mr. Sparks for sharing his experience with the Forum.

Question: Why can't the engineers speak out and get a timeline for raising the levees on the Mexican side?

Response: Cannot elaborate.

A discussion then ensued about Mexico's levees. A concern about the infrastructure and a need to have the leadership take a more independent and critical look at bi-national relations.

Comment: Although we are a bi-national project, we cannot mandate or pressure Mexico into doing anything.

Citizens' Forum Chair Daize then listened as a forum attendee addressed concerns on what might happen to Mexico if a dire event is to occur. Further commenting that many in Mexico feel they have been placed in a position that if grave event was to happen, the U.S. wouldn't care. The discussion then turned to the leadership, stating that some people had reached a point to opinion that the authority is irrational.

Progreso Bridge owner Sam Sparks interceded by stating that the notion of U.S. not caring about Mexico was false. He then stated that during an event, Mexico would do the same for the U.S. as the U.S. would do for Mexico. He then continued with a brief history of the Progreso Bridge stating that although the bridge was given approval for construction, it took a long time to even get U.S. entities to agree. He stated that U.S. Fish and Wildlife wanted to save animals, the U.S. Section wanted to save lives and it took many many months to finally come to a consensus and have the bridge construction proceed.

Comment: The construction of Retamal Dam was done to handle high flows and both countries work in unison to monitor those flows. Mexico will not put the U.S. in dire straights and vice versa.

Comment: A forum attendee commented that he did not see equal partnership.

Response: We have to remember that the U.S. and Mexico are sovereign countries and we work together by treaties. Treaties are done in the interest of both countries.

Comment: There is even collaboration with the Texas Commission on Environmental Quality, Texas Clean Rivers Program and entities from Mexico collaborating on projects. There is a lot of partnership between the U.S. and Mexico.

Citizens' Chair Patrick Daize then asked if there was further discussion or questions. Receiving no response, he presented the floor to Citizens' Chair Bill Lewis.

Citizens' Chair Bill Lewis then thanked the forum for the topics brought for discussion, emphasizing his appreciation for the open lines of communication. He then asked for a date for the next meeting.

Comment: Can we have the meeting the same day as the Regional Planning Group?

Response: We can discuss that with Sally Spener.

Immediately after, Chair Lewis asked for topics of discussion for the next meeting.

Suggestion: Study on rehab of Amistad Dam.

With no further questions or discussions, the meeting was adjourned.

*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.