

LOWER RIO GRANDE CITIZENS FORUM
USIBWC FIELD OFFICE
Mercedes, TX
May 10, 2017

*Tentative Meeting Notes

Citizens Forum Board Members in attendance:

Omar Rios, Co-Chair, City of Harlingen, Environmental Services Division
Rick Cavazos, Mayor, City of Los Indios
Henry Leo, Agent in Charge – Harlingen Border Patrol Station
Sonny Hinojosa, Hidalgo County Irrigation District # 2
Sonia Lambert, Cameron County Irrigation District # 2
Joel Espinoza
Lawrence Drake, Drake Farms
Bill Lewis, Retired Engineer, Halff and Associates

USIBWC Staff in attendance:

Juan Uribe, USIBWC Mercedes Lower Rio Grande Field Office (LRGFO) Area Operations Manager
Frank Martinez, USIBWC Mercedes LRGFO Assistant Area Operations Manager
John Claudio, USIBWC Engineering Department Mercedes Realty Specialist
Jason Caltzontzint, USIBWC Engineering Department Surveying Technician
Sally Spener, USIBWC HQ El Paso Secretary

Members of the public in attendance:

Antonio Ibarra Jr., DHS/CBP
Tony Davila, Davila & Assoc.
Bill Keltner, La Feria News
Jim Darling, Rio Grande Regional Water Authority
Jose Muñoz, GMES
John Sparks, ARCADIS
Mario Davila, Davila & Assoc.
Troy Allen, Delta Lake Irrigation District
Tom McLemore, HID
Ernesto Reyes, US Fish and Wildlife Service
Juan Degollado, Brownsville Public Utility Board
Jim Chapman
Bryan Winton, US Fish and Wildlife Service
David Ramirez, Texas Commission on Environmental Quality (TCEQ)-Harlingen
Jose Luna, TCEQ
Jose Davila, TCEQ
Sandra Sanchez, The Monitor
Lorenzo Zazueta, The Monitor
David Negrete, Mexican Section, International Boundary and Water Commission
Carl A. Boyd, National Association of Retired Federal Employees
Marci Oviedo, Lower Rio Grande Valley Development Council
L. Saenz, Lower Rio Grande Valley Development Council
Ana Williams Cass, Proyecto Azteca/Equal Voice

Florence Huff
Claudia Lozano TCEQ RIS
Alfonso Carmona, Mexican Section, International Boundary and Water Commission
Rogelio Chanes, Sen. Lucio's office
Marisela Cortez Congressman Vela's office
F. Rodriguez, Cameron County DOT/Surveyor

Opening Remarks:

At 3:00pm Omar Rios, Co-Chair, convened USIBWC Mercedes LRGFO's Quarterly Citizens Forum. Mr. Rios began with a short welcome and allowed attending board members and those people in attendance to introduce themselves. He then introduced Mr. Antonio Ibarra Jr., the first presenter on the agenda to discuss Border Patrol operation in the Rio Grande valley.

Presentation One: Border Patrol Video "The Shift"

<https://www.youtube.com/watch?v=jRihEaftSOM&sns=em>

Border Patrol Agent Tony Ibarra presented a video about changing trends in enforcement challenges along the U.S.-Mexico border. The South Texas border has become the focal point of border security. Crossings on the border have dropped due to the increased surveillance, patrols, and man power.

Question: Ms. Ana Williams, posed the question: Why don't you go after the employers who employ illegal immigrants working illegally in the US?

Answer: Agent Ibarra replied: BP focuses on the border and enforcement. That is our primary focus.

Question: What would help you make your job easier?

Answer: Agent Ibarra replied: More consequences for Illegal immigrants crossing illegally, more immigration judges for faster processing. Agent in Charge Henry Leo replied: More personnel, technology, and infrastructure, (PTI) ie. Updated camera systems, handheld night vision devices, more mechanics, radios, border wall, gates access codes, can't have one without the others. In the early 90's sectors were missing PTI's. We are currently upgrading all sectors to newer technologies. President Trump signed Executive Order to hire an additional 5000 DHS employees.

Question: Mr. Joel Espinoza posed the question:
What percentage of border crosser to the US do not get caught?

Answer: Agent Ibarra replied: It's hard to get a precise number, we are trying to improve with technology and camera systems. Agent in Charge Henry Leo replied: How do we know unknown information? We rely on help from the local authorities to assist us in enforcement

Question: Ms. Ana Williams posed the question: How important is it for Border Patrol to get the upgrades to the requested PTI?

Answer: Agent Ibarra replied: More resources are beneficial to focus in high activity areas. Working side by side with local authorities helps complete our primary mission objectives, the local authorities will assist in high speed car chases, searching and finding contraband, and notifying our agency when they have detained assumed illegal immigrants.

Question: Mr. Omar Rios posed the question: Will the new law Governor Abbott signed in reference to sanctuary cities help or hurt the current mission? Do you foresee any changes in our area?

Answer: Agent in Charge Henry Leo replied: Border Patrol has a great relationship with the local, state, and federal law enforcement in the area, and we don't see any problems with sanctuary cities locally. We don't have the problems the larger cities have like Austin, Texas or San Francisco, California.

Question: Joel Espinoza posed the question: When you get a group of people crossing the border, what are the steps Border Patrol takes? Are they released locally or transferred to another city location?

Answer: Agent in Charge Henry Leo replied: Border Patrol duties changed after 9/11. Border Patrol focuses on the border and enforcement. That is our primary focus. We deter illegal crossings and detain individuals that cross illegally. We transport illegal border crossers to local stations. We categorize and process individuals and families in one of our nine Border Patrol facilities. Those of Mexican descent are returned to Mexico.

Presentation Two: Mexico's Rio Grande Water Deliveries to the United States: Sally Spener, USIBWC

The 1944 Water Treaty covers the Rio Grande from Ft. Quitman to the Gulf of Mexico. Mexico delivers water to the US from 6 tributaries. The US receives 1/3 of the flow arriving in the Rio Grande from the 6 Mexican tributaries; this third shall not be less, as an average amount in cycles of 5 consecutive years, than 350,000 acre-feet annually.

Historically 70% of the water originates in Mexico but 50% is allotted to the US. The current five-year cycle began October 25, 2015. Mexico has until October 24, 2020 to deliver 1.75 million acre-feet except in the event of extraordinary drought or serious accident to the water conveyance system. Also, when the US conservation capacity fills at Amistad and Falcon international reservoirs, all debts are canceled and a new cycle begins.

If a cycle ends in deficit, Mexico repays in the next five-year cycle. Waters for both countries are stored at the 2 international reservoirs -- Falcon Dam near Falcon Heights, TX and Amistad Dam near Del Rio, TX. Mexican deliveries to the US are continuous in the sense that the US always receives 1/3 of the flow arriving in the Rio Grande from the 6 tributaries.

Currently, Mexican storage in reservoirs on the six tributaries is 70% of conservation capacity. However, in the international reservoirs (Falcon and Amistad), Mexico is at less than 20% of conservation capacity while the US is at 60%.

The Commission has been meeting periodically to address the deficit in Mexico's Rio Grande water deliveries to the US, which is approximately 138,000 acre-feet. We are working to implement short- and long-term strategies IBWC has developed modeling tools and a naturalized flow approach for equitable distribution of waters. The Mexican government is working on a domestic water regulation for the Basin that would include deliveries to the US.

Mexico points out that during the first year of the current cycle, they delivered 482,000 acre-feet, which is in excess of the 350,000-acre-foot annual average. However, 263,250 acre-feet of this amount was applied to the previous cycle's debt, leaving a deficit in the first-year deliveries of 137,792 acre-feet.

To respond to the current deficit, Mexico has indicated it will release water from 3 treaty tributaries in April-June to reduce deficit: the San Rodrigo, Salado, and Conchos Rivers. This will result in an

estimated delivery of 49,000 acre-feet to US, covering about 1/3 of the year 1 deficit. Current year deliveries depend on conditions; full delivery is expected under median conditions.

IBWC to form a Binational Hydrology Work Group, modeled on a group that has analyzed the Colorado River with Mexico. The group will consider data, modeling, and operations to address treaty compliance. Separately, a policy group will meet every few months to discuss treaty compliance actions. The State of Texas and Mexico's National Water Commission (CONAGUA) serve as technical advisors to the Commission on these work groups.

Question: Mr. Lawrence Drake, posed the question: Who determines the amount of water release? Is it IBWC?

Answer: Ms. Sally Spener replied: CONAGUA presented a proposal to IBWC to initiate water releases from its dams to reduce the deficit. Texas, which manages the U.S. water through the Texas Commission on Environmental Water Quality, requested deliveries to start in April, rather than the proposed May release date. Mexico agreed to release in April.

Question: Public member posed the question: Where does 100% of the water go?

Answer: Ms. Sally Spener replied: Under the treaty 1/3 of the water arriving to the Rio Grande from the six Mexican tributaries is allotted to the US, 2/3 is allotted to Mexico.

Question: Mr. Sonny Hinojosa posed the question: Out of the 49,000 acre-feet, is this shared with Mexico?

Answer: Ms. Sally Spener replied: The 49,000 acre-feet is the estimated amount credited to the US as our 1/3 share. An estimated amount of 150,000 acre-feet would arrive in the Rio Grande and the US is allotted 1/3. So, we estimate the amount credited to the US to be around 49,000 to 50,000 acre-feet.

Question: Mr. Lawrence Drake posed the question: Who gets the water debt payment? Where does it go? I thought it came from the San Juan River tributary?

Answer: Ms. Sally Spener replied: It goes to Amistad and Falcon international reservoirs. Under a different article of the treaty, we may accept water from the San Juan River. Under that arrangement, the San Juan water would only be counted as a delivery from Mexico if it was diverted and put to beneficial use in Texas.

Question: Ms. Sonia Lambert posed the question: Essentially IBWC was using San Juan as a tributary not included in the treaty?

Answer: Ms. Sally Spener replied: Under article 9 of the Treaty, we may receive water from the San Juan River. The treaty provides if one country has excess water, it can allow the other country to use it. As we understand, Mexico wouldn't allow the US to use this water unless a credit was given as a five-year cycle delivery. That arrangement has historically been done in the past.

Question: Mr. Sonny Hinojosa posed the question: Was this a written agreement?

Answer: Ms. Sally Spener, replied: I don't recall who signed the agreement. The agreement was an operating protocol. We consulted with the State of Texas, working side by side with Mexico to accept the water.

Question: Ms. Sonia Lambert posed the question: Is everybody aware we are letting water into the ocean? I informed TCEQ of the excess water and TCEQ informed me that the water was from the Mexican side.

Answer: A representative from the Mexican Section of the International Boundary and Water Commission stated sometimes this occurs and releases need to be adjusted to meet demand.

Question: Mr. Lawrence Drake posed the question: Has IBWC made any progress on the naturalized flow approach for allocating water?

Answer: Ms. Sally Spener, replied: We will be forming a Binational Hydrology Work Group. The group will be modeled on the Colorado River Hydrology Work Group. The technical analysis will benefit the US and Mexico.

Question: Mr. Sonny Hinojosa posed the question: I don't believe Mexico has paid off their 5-year cycle water obligation from previous years. 187,000 was credited from the San Juan River. How is this operating procedure at Anzalduas Dam to accept San Juan River water permitted in the Treaty and Minutes?

Answer: Ms. Sally Spener replied: The San Juan water has been delivered previously to the US and goes back many years. It has historically been approved by the Department of State.

Question: Public member posed the question: When Mexico doesn't deliver their water as per the treaty the system suffers even though we get 100% of the water from Rio San Juan. That's because the Rio Grande upstream and the reservoirs are not receiving the water from the Mexican tributaries.

Answer: Ms. Sally Spener replied: That is a valid concern. If we were to greatly reduce deliveries from the 6 tributaries and rely primarily on the San Juan River, it would affect the river upstream because it would see less flow.

Presentation Three: US-Mexico Colorado River Cooperation: Sally Spener, USIBWC

The Colorado River Basin includes 7 U.S. states – Wyoming, New Mexico, Utah, Colorado, Nevada, Arizona, and California, and 2 Mexican states – Baja California and Sonora. In accordance with the 1944 Water Treaty, the US delivers to Mexico a volume of 1.5 million acre-feet/year of Colorado River water. When there are surplus waters, Mexico may receive an additional 200,000 acre-feet. In extraordinary drought, the deliver to Mexico is reduced in proportion to reductions in the United States. The US has always met its delivery obligation. In 2007, the 7 U.S. Basin States & 2 federal governments asked IBWC to convene stakeholders, after several years of drought had reduced reservoir levels. Four Work Groups were established in 2008. Minute No. 317 (2010) formalized work groups and a framework for US-Mexico cooperation. There was an earthquake in the Mexicali Valley in 2010 that damaged Mexico's irrigation infrastructure. Minute No. 318 (2010) allowed Mexico to store water in the US until it could fix the earthquake damage.

On Nov. 20, 2012, the IBWC signed Minute No. 319, a 5-year agreement thru 2017 that contains a series of cooperative actions in the Colorado River Basin, including extension of the Minute 318 provisions due to ongoing earthquake repairs. Another section deals with Intentionally Created Mexican Allocation (ICMA). Mexico may create ICMA through adjustments to its annual delivery schedule resulting from water conservation projects or new water sources projects. Essentially, Mexico defers delivery of a

portion of its annual allotment and can then request the water at a later time. The Minute also provides additional water volumes to Mexico based on 4 high elevation tiers at Lake Mead (Hoover Dam).

The Minute was also developed based on the principle that when one country is in shortage, the other country should be in shortage. This is demonstrated in the section on low reservoir conditions, providing for annual reductions to Mexico based on 3 low elevation tiers at Lake Mead. Lake Mead hit a record low of just 37% full in 2016 but has not yet reached the level requiring mandatory cuts to Mexico and the United States. The water Mexico has stored in the lake has helped to boost its elevation by 2-3 feet, thereby forestalling mandatory water reductions to users in both countries.

The Minute also provides for \$21 million dollars from the United States for water conservation projects in Mexico. Mexico derives the long-term benefits from waters conserved from U.S. investment while the U.S. funders receive a one-time volume of water to be converted from ICMA; no pipeline required. Measures to address salinity were also covered. Another important element was water for the environment, which included a so-called “pulse flow” during the spring of 2014, an intentional water release for environmental purposes. Ongoing habitat restoration work and environmental monitoring are also included.

Minute 319 ends December 31, 2017. Work began in 2015 on a new agreement based on Minute 319. The new Minute is informed by Minute 319 and evolving basin conditions. A binational Minute Negotiating Group (MNG) met monthly, with domestic consultations held between binational meetings. Work Groups were formed to assist the MNG – the Salinity, Projects, Environment, and Hydrology Work Groups. The existing Minute 319 Work Groups are also helping.

The proposed new Minute would also include a Binational Water Scarcity Contingency Plan, which considers more aggressive water savings earlier to shore up drought-affected reservoirs. Operational changes and infrastructure development to reduce flow variability in daily deliveries to Mexico are also considered in the new Minute.

Question: Public member posed the question: Is there another Dam below Lake Mead?

Answer: Ms. Sally Spener replied: There are a number of dams that exist below Lake Mead but they’re not big storage dams. There are no storage dams in Mexico.

Question: Public member posed the question: What kind of water quality are we delivering to Mexico?

Answer: Ms. Sally Spener replied: Our salinity agreement with Mexico does not specify the parts per million that we deliver them. The delivery should be similar to the quality of water delivered to the U.S. users.

Question: Mr. Sonny Hinojosa posed the question: When will Mexico finalize their rehab project?

Answer: Ms. Sally Spener, replied: They have finished those projects that are considered earthquake repairs.

Question: Mr. Sonny Hinojosa posed the question: Is the US and Mexico NADBank account still current where Mexico was supposed to release water from conservation projects in the Rio Grande basin?

Answer: Ms. Sally Spener replied: We had a Minute, signed around 2004, to invest North American Development Bank funds in Mexico, with conserved waters to be released to the Rio Grande. The U.S. and Mexico have a different view of that Minute and how it should be applied. The conserved water should be going to the Rio Grande, with the U.S. receiving its 1/3 share. Mexico was expecting additional U.S. funding for conservation projects which was not forthcoming.

Question: Ms. Sonia Lambert, posed the question: Do you recall the amount of water that was conveyed to the Rio Grande?

Answer: Mrs. Sally Spener, replied: No I don't recall

Question: Mr. Jim Chapman, posed the question: It's my understanding that IBWC levees are fully rehabilitated? Drainage district Number 1 is saying they need 28 miles rehabilitated for more levee walls. Can you comment on this?

Answer: Ms. Sally Spener replied: The status of the USIBWC levee rehabilitation projects can be viewed on our website. For Hidalgo County, the Rio Grande levee rehabilitation project is almost complete. Two small portions have to be finished. For the completed segments, documents have been submitted to FEMA certifying that we have met the FEMA requirements. The local communities need to confirm they have met the drainage requirements on the land side of the river levees in order to meet FEMA standards. Once the levee rehabilitation and land side drainage work is completed, FEMA will review the project information and will accredit the Rio Grande flood control system.

Question: Ms. Ana Williams posed the question: Can you elaborate about the levee wall between Roma and Rio Grande City? In 2010 The Mexicans were opposed to the levee wall in this location. Has that changed?

Answer: Ms. Sally Spener, replied: It hasn't changed. Mexico does not agree with border wall projects. To move forward, we need to comply with what the Treaty reads. We reviewed the technical specifications from U.S. Customs and Border Protection and they met the criteria required by the Treaty.

Question: Ms. Sandra Sanchez posed the question: If FEMA comes to the valley and inspects the levee project, will the local municipalities have to incur the high costs?

Answer: Ms. Sally Spener, referred the question to Mayor Jim Darling. Mayor Darling replied: A lot of pieces are moving between FEMA and the government and we cannot make any decision until we have the facts.

Closing & Public Comments:

Audience members thanked Border Patrol for participating in meeting. Audience members also thanked Ms. Spener for a very informative meeting.

Question: Public member posed the question: Are any of the public discussions posted on IBWC website & can citizens make comments on meetings?

Answer: Citizens Forum meeting minutes and presentations are posted on the USIBWC web site.

Suggestions for Future Agenda Items:

- How will President Trump's Border Wall effect the IBWC mission locally/agency wide?
- Weather update from Meteorologist Barry Goldsmith- Projected hurricanes, tropical storms, etc...

*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.