

MINUTES

Paso del Norte Watershed Council
Executive Committee
Friday, January 7, 2005, 1:30 pm
International Boundary and Water
Commission, U.S. Section
El Paso, TX



Attending:

Gilbert Anaya, US IBWC
Kevin Bixby, Southwest Environmental Center
Christopher Brown, New Mexico State University
Bobby Creel, NMWRRRI
Mike Fahy, El Paso Water Utilities
Alfredo Granados, Universidad Autónoma de Ciudad Juárez
Inga Groff, League of Women Voters
Joe Groff, Chihuahuan Desert Wildlife Rescue
Nancy Hanks, PdNWC Program Coordinator
Brian Hanson, U.S. Fish & Wildlife
Jaime Iglesias, Texas A&M Extension Center
Woody Irving, U.S. Bureau of Reclamation
Ari Michelsen, TAES-TAMU, Treasurer
Bernardino Olague, US IBWC
Carlos Rincon, Environmental Defense
Zhuping Sheng, TAES-TAMU
Sue Watts, Chair

1. Convening the Meeting and Welcome

Sue Watts convened the meeting at approximately 1:40 pm.

2. Introductions

Those attending introduced themselves.

3. Discussion of Council participation in Paso del Norte Mapping for Public Access (PdNMaPA)

This topic was postponed in anticipation of the arrival of Robin Ransom, who is in charge of organizing PdNMaPA. By the end of the meeting, when it was determined that she could not attend, Ari explained that the group is a coalition of agencies that are responding to the need for transboundary GIS in far-west Texas, southern New Mexico, and northern Chihuahua, Mexico. The PdN MaPA steering committee consists of the Paso del Norte Health Foundation, the Center for Border Health Research, El Paso Water Utilities, the City of El Paso, El Paso County Central Appraisal District, El Paso County Roads and Bridges, El Paso County 911, the University of Texas at El Paso, the Institute for Municipal Planning and Development of Ciudad Juárez.

It was moved by Joe Groff and seconded by Bernardino that the Council send a Letter of Resolution to join PdNMaPA as an affiliate member. The letter of resolution needs to be circulated, approved, notarized, and signed by February 1, 2005. The motion passed unanimously.

4. Approval of minutes from November 22, 2004

After some silent reading, Bernardino Olague moved and Ari Michelsen seconded approval of minutes as written. The motion passed unanimously.

5. Report on El Paso - Las Cruces Regional Sustainable Water Project

In response to questions from members of the Biological Working Group, Mike Fahy reported that the El Paso-Las Cruces Regional Sustainable Water Project (SWP) was still viable,

provided that sufficient water rights can be obtained. Mike said he understood that enhancements and mitigations regarding the 2 percent were triggered by the construction of a structure to divert surface water from the Rio Grande. Ari asked about the Texas adjudication regarding the SWP and Mike stated that the hearings were scheduled for January 18-19, 2005.

Kevin Bixby reported on the North Valley Regional Water and Wastewater Treatment Project (NVRWWTP), which was initiated as a cooperative effort between Doña Ana Mutual Domestic Water Consumers Association (MDWCA), Leasburg MDWCA, Fort Selden Water Company, Jornada Water Company, and Picacho MDWCA. These groups are represented by the firm of Souder, Miller & Associates and the NVRWWTP is funded by several New Mexico state agencies and by the Border Environment Cooperation Commission. The NVRWWTP has had no NEPA documents prepared yet; the parties are still trying to determine the lead agency. Kevin reported that there will be a public meeting of the NVRWWTP Steering Committee on January 13, 2005.

Bobby Creel provided insight as to why the NVRWWTP is not considered to be part of the SWP: even though it was included in the SWP studies, it was inadvertently left out of the SWP Environmental Impact Statement (EIS) and Record of Decision (ROD), probably because it was regarded as a supplemental activity. As a result, the NVRWWTP must do its own EIS.

Kevin said that he had spoken to members of the Souder/Miller team about a percentage of the construction costs going toward environmental enhancements (as with the SWP). He invited them to the next Paso del Norte Watershed Council meeting to discuss the topic.

6. Report on the Coordinated Database/GIS

Christopher Brown reported on Phase 2 of the EPWU funding of the Council's Coordinated Database/GIS (DB/GIS), which will end March 1, 2005. There will be a workshop similar to the one held at the end of Phase 1, to inform interested parties about progress on the web site and database. Phase 2 of the USCOE funding will end September 30, 2005. EPWU's Challenge Grant proposal includes funding for Phase 3 of the DB/GIS project. Ping reported on the RiverWare workshop, which was held over a three-day period in December 2004.

Ari reported that the DB/GIS was discussed at the MAC meeting held on January 6, 2005, and that group is planning to send a letter of support for URGWOM to congressional representatives. Ari moved that the Council write a similar letter and that it be circulated via email among the Council Executive Committee for approval by the end of January. Chris seconded and the motion was unanimously approved. Mike will write this letter and it will be sent to the appropriate legislators.

Ari also moved that a letter of appreciation be sent to Gail Stockton on the occasion of her retirement. Chris seconded and the motion was unanimously approved. Chris will write the letter to Gail.

Bobby reported that the Council has received from Gail Stockton a volume of hydrologic data for the stretch of the Rio Grande from Caballo Reservoir to the American Dam, completed in July 2004. The Corps has also provided the Council with about 890 gigabytes of digital data for the watershed, prompting Bobby to purchase a new disk drive so that at some point in the future it will be online for access. This material is available now for use by Council members and Bobby offered to assist members obtain digital versions of special areas of interest.

7. Water 2025 Challenge Grant Proposal

Mike Fahy reported this was the second year of the U.S. Bureau of Reclamation (BOR) Water 2025 Challenge Grant Program. The Council is part of a proposal, "Installation of River and Drain Instrumentation Stations to Monitor Flow and Water Quality and Internet Data Sharing," being submitted this month by EPWU. This proposal is in conjunction with two other Commission member proposals: the City of Las Cruces, "Burn Lake Regulating Reservoir: Reclaiming Water for Conservation and Recreation," and Elephant Butte Irrigation District, "Flow Metering and Data Collection Project." These three proposals have been written so that they will work together if all three are funded or they can work separately if all three are not funded.

Bernardino offered to write a letter of support from the IBWC and Mike offered to provide a template. A second letter regarding right-of-way issues will be written later. Mike explained EPWU's concerns about water quality at the American Dam. Bernardino stated that the benefits of the EPWU proposal would coincide with the IBWC's Clean Rivers Program. Gilbert Anaya suggested that the IBWC's ARCIMS could "talk" to the Council's site. At this point, IBWC Commissioner Arturo Duran stepped in to say hello and to offer his organization's assistance to the Council. After the Commissioner left, Mike explained the timeline for the BOR proposal and the scheduling of the tasks over a two-year period, beginning approximately in August 2005. Carlos requested a copy of Mike's presentation.

8. Report from the Biological Working Group

Kevin reported that the World Wildlife Fund has offered to contract a consultant to prepare a scope of work for the Council's biological management plan. The group also wants to do a GIS inventory of the floodplain to identify remnant aquatic riparian habitats to establish conservation priorities and Kevin provided a hand-out to the Council regarding this (attached to these minutes). He also presented a summary of the pertinent parts of the ROD for the SWP (also attached to these minutes).

Bobby mentioned that NMWRRRI has been collaborating with a faculty member of the Agriculture Department of NMSU to identify riparian habitat through the use of aerial photography with ground-truthing. Bobby thought it might be possible to use free digital data to identify areas where one would want a higher resolution and then purchasing that area from the Doña Ana County Flood Control Authority, which has acquired photography of the river valley in September 2004 at a high resolution. Ari mentioned that the lower valley [of Texas] has data like this. Gilbert explained that there were new photos of the entire state of Texas that go about 5 kilometers into Mexico. Ping asked if the Council could get a copy.

Ari reported that at yesterday's MAC meeting they asked Carlos Duarte from the IBWC to come back and update the New Mexico-Texas Water Commission about IBWC activities. He suggested that Bernardino provide a similar update to the Council. Bernardino reported that there would be two scoping meetings next week (one in El Paso and one in Las Cruces) to provide information on the Flood Control Programmatic EIS (PEIS), which is linked to the Canalization Draft EIS (DEIS). Bernardino encouraged the Council to attend the PEIS scoping meetings and to provide comments. Ari reminded the group that the funding entities for the Canalization project need to be made aware of their responsibilities by the program sponsors.

Brian Hanson recalled that the IBWC had a consultant for the DEIS who has identified areas along the river with the potential for enhancement. Brian thought that might be a good starting point for the Council's prioritization of restoration activities and he asked if all the alternatives presented in the DEIS include an enhancement component. The general consensus was that they do and that the Council is in the document as an important voice in recommending which restoration projects to do.

Regarding the progress of the DEIS, it was determined that its ROD was stalled out because the IBWC is waiting for comments from New Mexico Governor Bill Richardson's office. Kevin understood that the Governor's office was waiting for the stakeholders to settle their issues among themselves. There was a discussion about whether the stakeholders should send their comments to the Governor or to the IBWC, and what role the Council should play in resolving the delay. Ultimately, it was determined that the Council needs to see a copy of the Governor's letter regarding the delay of the ROD. Bernardino promised to scan the letter from the Governor's office and send it to Brian, so that the Council could see exactly what was said.

Brian volunteered to write a letter to the Governor's office on behalf of the Council (after getting a copy of the Governor's letter), with copies to the stakeholders, reminding them that the IBWC is awaiting a response from them. Ari moved and Chris seconded that Brian do so; the motion was unanimously approved, with a copy sent to Bingaman if he wrote a letter to IBWC.

9. Other Business and Action Items

Sue asked for members to attend the PEIS scoping meetings; Kevin and Mike will be attending. Brian distributed brochures, an information sheet, and an application from the U.S. Fish & Wildlife Service for "Partners in Fish and Wildlife," a grant program for non-federal individuals to enhance habitat in New Mexico. \$100,000 has been allotted to New Mexico.

10. Date and location of the next Executive Committee meeting

The next meeting was set for Friday, February 25, 2005, at 1:30 pm at Southwest Environmental Center in Las Cruces. [Subsequent to this, the meeting was rescheduled for Monday, February 28, 2005, at 1:30 pm at the NMDA offices on NMSU campus.]

11. Adjournment

The meeting was adjourned at approximately 4:30 pm.

Respectfully submitted by Nancy N. Hanks

Proposal for GIS Inventory of Rio Grande Floodplain

The Southwest Environmental Center and Paso del Norte Watershed Council share the goal of restoring the Rio Grande ecosystem in southern New Mexico and west Texas. To assist in identifying opportunities and priorities for restoration, we propose to create a GIS database of the Rio Grande floodplain between Caballo Dam (NM) and Little Box Canyon (TX/CH) that would ideally include:

- Delineation of pockets of remnant native riparian and aquatic habitats
- Land ownership classification (i.e., private, federal, etc.)
- Parcel-level ownership data (likely available from counties)
- Water rights data (From EBID, EP#1, and Hudspeth)
- Access to surface water delivery infrastructure
- Plant communities and rare species distributions
- Salt cedar stands
- Occurrences of species of concern (e.g. yellow-billed cuckoo)
- Current and past restoration projects
- Topological, geological, and hydrological data
- Public infrastructure (roads, etc.)

The main function of this database would be to identify areas along the Rio Grande where new conservation efforts would be most beneficial. It would aid our efforts by:

- Allowing an assessment of linkages and potential synergies between proposed restoration projects and existing habitat. For example, would a new project create a migration corridor between two isolated areas?
- Aiding in the identification of existing restoration projects for the purposes of communication and collaboration.
- Identifying and assessing risk to remnant native floodplain habitats.
- Providing an analytical basis for determination of restoration project boundaries.
- Identifying land that may be easily acquired.
- Identifying adjacent landowners and other potential stakeholders who may be interested in creating conservation/restoration partnerships, or who may need to be convinced of a project's value.
- Determining the suitability of a proposed site for public education and outreach.

Once established, the database will allow us to concentrate our efforts in the most crucial and promising areas. It will also allow us to make a stronger case for funding restoration efforts once target areas are chosen. Furthermore, it will serve as an invaluable tool to visually enhance public outreach efforts and build popular support for Rio Grande restoration.

**Environmental Commitments Contained in the Record of Decision
for the
El Paso-Las Cruces Regional Sustainable Water Project**

1. As part of the Sustainable Water Project, project sponsors made a commitment to funding and implementing certain types of environmental enhancements intended to benefit fish and wildlife.

“Environmental commitments that will be implemented consist of the fish and wildlife enhancements described in the EIS and in the following text. The utilities and other project sponsors that will build project features have agreed that these fish and wildlife enhancements will be part of the project.” **Section 8.1.**

[Note: project “sponsors” is not defined in the ROD, but presumably includes members of the NM-TX Water Commission, as well as the USIBWC.]

2. The Paso del Norte Watershed Council was established to oversee the implementation of these enhancements, including making recommendations regarding site specific designs and locations of enhancement measures.

“A watershed council (WC) has been established to oversee the implementation of enhancements that, when combined, will provide the greatest blend of benefits to project-area fish and wildlife and their habitat, while not exceeding the budget for environmental commitments (described in the following paragraphs). The WC will have flexibility in recommending the site specific designs, locations, and frequencies for implementing enhancement actions.” **Section 8.1.**

3. Enhancement measures will be developed and implemented from within each of eight categories described in the ROD. Other measures may be implemented as well, provided they are approved by project sponsors.

“Specific individual enhancements within each of eight enhancement categories will be implemented. In addition, some individual enhancements that are outside the eight enhancement categories also could be selected by the WC for implementation, if approved by project sponsors. The project sponsors must approve enhancement details and locations recommended by the WC to ensure such enhancements are consistent with long-range project goals and sustainability.” **Section 8.1.**

4. An unspecified number of WC members must also be members of the NM-TX Water Commission.

“Some members of the WC will be members of the New Mexico-Texas Water Commission and the Commission’s Management Advisory Committee, thus assuring a balanced process to equally consider and implement enhancements.” **Section 8.1.**

5. An amount equal to two percent of project construction costs will be made available by project sponsors for the “construction, operation and maintenance” of these environmental enhancements.

“The project sponsors have committed to a binding 2 percent of project construction costs for funding the construction, operation, and maintenance of selected and approved enhancements actions.” **Section 8.1.**

6. It is the responsibility of the “permitting and funding” agencies to ensure that this money is allocated for enhancements. [What is the role of the project sponsors in securing this money?]

“As the various actions associated with the Preferred Alternative are implemented, the applicable funding and permitting agencies must enforce the 2 percent provision.” **Section 8.1.**

7. Project sponsors agreed to support efforts to obtain additional funds for enhancement.

“In addition, the project sponsors have agreed to support efforts to obtain additional funds for enhancements beyond the 2 percent construction cost commitment. These funds would potentially come from government or private grants. Further, the committed enhancement monies could be used to leverage such grants.” **Section 8.1.**

8. The Watershed Council is charged with administering funds committed by project sponsors for environmental enhancements.

“Environmental commitment funds would be administered by the WC.” **Section 8.1.**

9. Those funds will be made available at the same time as project construction begins.

“The schedule for constructing enhancement features, and the provision of funds by project sponsors for constructing those features, would be linked to the start of construction of other project features.” **Section 8.1.**

10. Project sponsors made an additional commitment as a result of negotiations with the U.S. Fish and Wildlife Service.

“Further definition and commitment on implementing enhancement actions was developed during consultation between the USIBWC and the U.S. Fish and Wildlife Service (FWS) on the FWS Draft Fish and Wildlife coordination Act Report (FWS Report) (dated September 2000). **Section 8.1.**

11. Project sponsors agreed to fund and implement two additional enhancement measures, referred to as FWS Recommendations Nos. 1 and 3.

“Recommendation No. 1 would widen the Rio Grande channel and levee, where needed, to create a variety of instream and shoreline habitats. Recommendation No. 3 would remove rip-rap, lower the tops of banks, and place boulders to widen the river top width and develop instream habitats.” **Section 8.1.**

12. Project sponsors agreed to implement these measures only if, after analysis in the Canalization Project EIS, they were deemed feasible.

“The USIBWC and sponsoring utilities agree to implement Recommendation Nos. 1 and 3 under the following conditions:

- The potential measures will focus on simple, low-tech solutions.
- The feasibility of Recommendation Nos. 1 and 3 will be studied as part of the ongoing Canalization Project EIS being conducted by the USIBWC.
- The FWS and WC will provide input during that feasibility process.

- The feasibility studies will address biological values, cost effectiveness, constructability, effects of the canalization Project purposes, regulatory permitting, and public and political acceptance.

If recommended measures are deemed feasible after that analysis, they will be implemented as project features are built. If they prove infeasible, alternative approaches that provide similar fish and wildlife values will be developed and studied and their feasibility assessed using the same criteria. Once feasible alternative approaches are identified, they will be implemented as project features are built.” **Section 8.1.**

13. Project sponsors committed to providing an additional \$2 million to “study and implement” these two recommended enhancement measures.

“The sponsoring utilities commit \$2 million to study and implement acceptable enhancement measures for FWS recommendation Nos. 1 and 3. These funds will be available to leverage the acquisition for other grants and funds to maximize the total budgets dedicated to this effort.” **Section 8.1.**

14. This additional money will be made available as water treatment plants are built as part of the project.

“The utilities will share the \$2 million cost proportionate to the production for their respective water treatment plants, which are planned as part of the Project. These funds would be committed and expended as treatment plants are constructed. This \$2 million fund will be separate and in addition to the 2 percent construction costs available for the other enhancement measures discussed previously.” **Section 8.1.**

The eight categories of enhancements described in ROD

“Specific actions within each of the eight enhancement categories will be implemented in the project area as described in the text that follows. As noted in previous text, details on design, placement, and frequency at which different enhancement features will be implemented will be developed by the WC and reviewed by project sponsors.” **Section 8.1.**

1. Enhancements on the floodway between the levees:
 - a. Modify drain and spillway river confluence.
 - b. Widen active channel with embayments, backwater areas and sloughs.
 - c. Native riparian vegetation planting.
 - d. Tamarisk control.
 - e. Control cowbirds.
 - f. Establish no-mow zones.
2. Plant retired agricultural lands with desired species and control noxious weeds.
3. Assure year round water supply to Rio Bosque Wetlands Park.
4. Enhancements at diversion sites:
 - a. Create treatment wetlands at diversion sites to pre-treat river water before delivery to WTP sites.
 - b. Replace old diversions that block fish movement with new ones, such as rock or boulder clusters, with fish passage facilities and fish screens.
5. Enhancement of NMDGF property near Mesilla (unspecified).
6. Set levees further back from the river.
7. Enhancements to drains and canals:
 - a. Modify drain and spillway river confluences (see above).
 - b. Limit vegetation removal to one side of drains at a time.
8. Enhancements related to watershed management:
 - a. Develop a watershed database and planning tool.

“The objective of this enhancement is to develop a database of information related to the river and its environs. All pertinent information will be assembled in one location, and will form the basis for a watershed level review of past practices that have affected the river ecosystem. This perspective on the past will serve as the basis for developing a watershed planning tool to guide future river management and local development. The basic premise for this action is that a reasonable base of understanding must be in place to establish the parameters for acceptable projects within the eco-region. This planning tool also will be used to guide the specific placement of enhancement actions discussed previously in order to optimize benefits for fish and wildlife.” **Section 8.1.8.1.**

- b. Create a watershed council to oversee the implementation of enhancement actions as previously discussed.

“The following bulleted list contains additional potential enhancement actions that will be considered for implementation by the WC:

- Land-owner inducements for conservation easements
- Creation of a water bank
- Providing a funding mechanism for long-term enhancements
- Developing corridor connectivity
- Improving public access to the river. A successful program of riparian enhancement will require public involvement and volunteerism. Only a very small group of individuals will commit to such a program if it has no discernable interface with the public. Therefore, public access to the river, as a recreational and environmental asset, is needed. These types of projects should include integration of park systems with natural habitat enhancement and interpretive centers.” **Section 8.1.8.2.**

- c. Develop and maintain a coordinated system for measuring and monitoring enhancement and mitigation

“Data from the baseline analysis will be linked to the information gathered from measuring the effects of enhancement and mitigation activities. This information will be extrapolated to actively implement adaptive management as a strategy in regional resource management.” **Section 8.1.8.3.**