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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 27, 2022

Dr. Maria-Elena Giner, P.E, Commissioner
International Boundary and Water Commission, U.S. Section
4191 North Mesa St.
El Paso, TX 79902-1441

Subject: 1944 Water Treaty Deliveries

Dear Commissioner Giner:

The United States International Boundary and Water Commission (USIBWC) acknowledges Mexico's long-term treaty compliance challenges and has been examining ways to address those challenges. USIBWC's initial efforts during this treaty cycle have focused significant energy towards identifying projects that extend existing water supplies that may be eligible for federal funding and in modeling efforts that would examine treaty delivery options. While I believe it is important to work on long-term solutions to treaty compliance, there needs to be immediate and continued focus on securing deliveries from Mexico in the short-term and ensuring compliance during the current cycle. To that end, I'd like to request an interim meeting of the binational Rio Grande Policy Workgroup within the next four to six weeks to continue the discussions from May of this year here in Austin.

The current cycle began on October 25, 2020. As of July 2, 2022, Mexico has delivered 68,700 acre-feet (AF) of water and has a pro-rated cycle deficit of 521,026 AF. As of June 25, 2022, the United States storage ownership in Amistad-Falcon reservoir system was at a low of 26.39% which has not occurred since 1998 and 2002. This has translated into critical U.S. water shortages that reduce water allocations to Texas users. These water shortages adversely impact agricultural operations and increase water delivery costs for municipalities. During the current treaty cycle, the Rio Grande Watermaster has only been able to allocate water to irrigation users in 7 of 20 months and has been forced to use water from operational reserves in April, May, and June of 2022. In July of 2022, the Rio Grande Watermaster projects it will be necessary to cut the amount of water in irrigation user accounts (referred to as "negative allocations") due to the water shortages.

In our May 12, 2022, Policy Workgroup meeting, Mexican representatives presented information that demonstrated:

- Mexico will not comply with its treaty obligations, even if weather patterns change and a semi-wet pattern prevails for the duration of the treaty cycle.
- Current Mexican releases to Amistad and Falcon Reservoirs are zero to minimal and targeted to only satisfy Mexican municipal demands. There is no Mexican water available in Amistad or Falcon reservoirs for treaty deliveries.

- Mexico is unlikely to make releases from its interior reservoirs on the six named Mexican tributaries to satisfy treaty obligations.
- Mexico is focused on identifying alternative sources of water for future treaty deliveries.

Mexico has long depended on wet weather patterns or large rainfall events (such as those associated with hurricanes) to meet treaty obligations. Now, with the new focus and efforts to identify projects to extend existing water supplies, Mexico is looking exclusively to weather or future alternative sources of water for treaty deliveries.

Mexico's strategies have resulted in water shortages in Texas - and Texas cannot continue to bear the impacts from these strategies. I am reaching out to insist that you engage Mexico in discussions regarding an immediate increase in treaty deliveries to the United States. Mexico needs to demonstrate their ability to control and manage their water in the Rio Grande basin by making timely and consistent treaty deliveries to Texas. Good faith efforts from Mexico in this regard should be a prerequisite for any federal funding for Mexican projects.

Although much of the basin is experiencing drought conditions, rain events - such as the most recent event in late May/early June that generated approximately 30,000 AF water to Mexico in Falcon Reservoir - are opportunities for Mexico to make treaty deliveries. Other opportunities exist as well. Deliveries by reservoir transfer or those waters allocated to Mexico in Article 4.A.(c) and/or (d) should be the focus of those discussions. Deliveries of water that cannot be stored in a reservoir controlled by the United States are undesirable given Mexico's pattern of water management and treaty compliance.

Thank you for your attention to this critical issue. TCEQ urges a binational meeting of the Policy Workgroup for both countries to continue discussing these challenging issues and collaborating to devise creative solutions. It is clear that Mexico's plan is a path to non-compliance. Texas is looking to the USIBWC to work aggressively towards identifying pathways towards current cycle and long-term treaty compliance. Texas stands ready to also engage with the United States Department of State and elected officials on this vital issue to the State of Texas.

Sincerely,



Bobby Janecka, Commissioner
Texas Commission on Environmental Quality

Cc: Department of State, Texas Legislative Officials, United States Congressional Members