

Texas Commission on Environmental Quality
Rio Grande Watermaster Program
Watermaster Advisory Committee (WAC) Meeting
July 21, 2023 @ 10:00

MINUTES

Attendees:

TCEQ

Kim Nygren
Georgina Bermea
Samantha Stillman
Juan Pena
Cari-Michel La Caille
Rafael Lopez
Jose Davila
Georgina Bermea
Edward Flores
Tiffany Tamez
Commissioner Bobby Janecka (MS Teams)
Krista Kyle (MS Teams)
Stephen Kinal (MS Teams)
Iliana Spaeth (MS Teams)

WAC Members

Troy Allen; Delta Lake ID (MS Teams)
Barry Gilpin; Select Energy Services (MS Teams)
Daniel G. Arrant; Kingsley Constructors, Inc. (MS Teams)
Jose Ramirez III; Ramirez Viejo Ranch
Jorge Barrera, Jr.; City of Eagle Pass WWS
Albaro Emilio Martinez; La Feria Irrigation District
Gregory Velazquez; City of Del Rio (MS Teams)

Non-WAC members

Lupe Garcia, Brownsville PUB (MS Teams)
Cosme Rodriguez. Eagle Pass Water Works (MS Teams)
Anthony Stambaugh, HCID#2 (MS Teams)
Jose Ibarra (MS Teams)
Michael Kent, Donna ID

Discussions:

1. Meeting started. Sonny Hinojosa, chair, and Sonia Lambert, vice-chair were not present. Secretary Troy Allen attended via MS Teams. Mr. Allen stated Georgina could proceed and conduct the meeting.
2. Roll call and introductions were made around the room beginning with Eduardo Flores along with the committee members and virtual members.

A statement from Commissioner Bobby Janecka, regarding making the treaty more effective and mutually beneficial for all parties.

3. Update on WAC membership, & WAC New Rule Adoption. Jose Davila provided information on a 1-year and 2-year WAC member expiration date to stagger terms for WAC membership. The WAC requested this variation previously to put the terms on staggered basis. TCEQ underwent a sunset review period (every 12 yrs for all state agencies) and was directed to renew the WAC by rule, and not by Commission order. The Sunset Review committee reported it needed to conform with Texas Government Code Chapter 2110. A new rule was adopted and became effective on July 6, 2023, and established an expiration date. The WAC has a term of 10 year and will expire on December 31, 2032.
 - a. Questions/ Concerns:
 - i. When term is up do we need to reapply?
 1. TCEQ will inform committee members of their term end date and member can decide whether or not they choose to continue. It will then go to the executive director for consideration.
 - ii. How many members are part of committee?
 1. 15 members in terms of 1 or 2 years. Those on 1 year terms will be considered for 2 year terms next year when their terms expire
4. Determination of quorum: No quorum was present due to only 7 members in attendance (8 needed). The meeting continued with comments on the agenda.
 - a. Questions/ Concerns:
 - i. Can we comment?
 1. Yes.
5. Elections and Bylaws. Jose Davila stated the WAC has not held elections and the bylaws state officers are elected for one-year terms. Also, the bylaws are outdated and needed to reflect some technical updates. Per Kim Nygren, TCEQ has gone through all WACs to look at and request updates to bylaws with statues. Troy Allen stated that the committee is ready to hold elections during next called meeting, and agreed the bylaws were outdated.
6. Minutes of the previous meeting were presented on packet handed out at beginning of meeting.
7. Jose Davila discussed FY23 expenditures through the third quarter. The program was able to access rider 20 funds and has pre-purchased items from FY24 budget, or is in the process of doing so, mitigating the impact of salary increases to be discussed by Kim Nygren. The funds at the start of FY23 was \$621,868.85, and it is projected be at \$527,156.82 by the end of FY23. This is slightly higher than the 6 months of operational expenses we normally need to carry in the fund.

Watermaster Program updates and reports:

a.) Watermaster report by Georgina Bermea: Storage levels as June 15, 2023

- i. Combined: 26.64%
- ii. Amistad: US – 32.94 %
- iii. Falcon: US – 18.86%
- iv. Mexico – 26.09% at Amistad/Falcon

b. Questions/ Concerns:

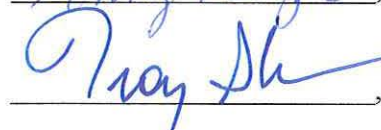
- i. With numbers being that low, is TCEQ sending notices for conservation out?
 1. Georgina Bermea stated that the watermaster programs has been sending messages since January regarding water conservation. Kim Nygren stated it has been added to the monthly report along with a drought letter that was mailed out on May 15.
- ii. How much time will people get to know when to start conserving?
 1. Georgina Bermea stated that the watermaster programs has been sending messages since January on conservation. She stated the monthly report is a snapshot of the system status. Georgina stated that she has reached out to educate on how to read the monthly report.
- iii. With Amistad being low, Eagle Pass never got off stage one. Will there be a notice of possible negative allocation?

1. Use of the operational reserve it is a strong signal there is a possible negative allocation in the future.
 - iv. Can we have a mass statement instead of monthly report regarding water conservation or negative allocation? Farmers are not aware of how to read the monthly report.
 1. We can look into this.
 2. A negative allocation is how the system recovers from these issues. If there are no inflows/releases the system will keep going down.
 - v. Jorge Barrera stated, Eagle Pass was pulling at 800 gals. Now that it's picking up, we are at 1300 gals.
 1. If the system goes lower than 75,000 it means, we are using the operational reserve.
 - vi. Are we having a negative allocation?
 1. Negative projections are now always possible and understanding the monthly report and recognizing the warnings will assist in informing users of a possible negative allocation.
 - vii. We can use the requested water to calculate what the usage will be(monthly)?
 1. POR's help to project that, but they aren't always sent until end of month. Watermasters office is working hard to provide the monthly report out in a timely manner.
8. Kim Nygren and Jose Davila discussed the proposed FY24 budget and proposed rate for FY24 assessments. Proposed Budget is \$1,079,988.39 based on a 99% collection rate, being \$1,069,188.50 in operating needs. The Municipal rate is \$0.4733, and the Irrigation rate is \$0.3786
- a. 5% increase legislative – cost of living adjustment.
 - b. 5% increase in FY25- cost of living adjustment
 - c. Agency salaries will also increase to get TCEQ specific job classifications (mostly field staff) to match other state agencies and help reduce massive turnover across the agency.
 - d. Rider money- used to purchase dopplers for field staff that reduced FY24 operating budget.
 - e. Vehicle purchase is expected to be completed in FY23 using agency wide funds and rider, not budgeted in the FY 24 operating budget. Vehicle market for vehicles under state contract is closed, expected to open in August.
 - f. Eagle Pass office will be vacated on March 1, 2024, and Eagle pass staff will move to a state office building managed by the HHSC. A partial reduction in the rent cost is reflected in the budget.
 - g. Removing internet from iPads and utilizing hot spot to cut costs.
 - h. The program contributed to the purchase of a small remote-controlled boat to measure creeks in tributaries/ canals using rider funds. These will measure flow, ensure meter and diversion accuracy. The program also replaced multiple dopplers and other equipment using FY23 savings and rider funds, mitigating the impact of the salary increases in FY24. The program was able to pre-purchase postage with rider funds and reduce that cost from Fy24.
 - i. Questions/ Concerns:
 1. What service do we use?
 - a. AT&T
 2. The salaries are per employee. How many employees do we have?
 - a. 10 employees, we are fully staffed.
 3. Is this salary increase something to now look at yearly? Will rate of increase go up by that amount per year?
 - a. No. The state doesn't increase yearly. The raise percentage is typically 3%.
 4. Is there a cap?
 - a. No.
 5. If purchasing a small boat how many times per year will it be used?

- a. We are not sure yet, once we get it, we will come up with a plan of use between programs. Since the cost was shared among other watermaster programs.
6. Barry stated he can train operator of boat or offer his services for this plan.
9. Report on Mexican water delivery deficit from previous cycle. Jose provided the total capacity delivered from Mexico is 358,360 AF delivered only leaving a deficit of 587,119 AF. The deficit from Mexico can be tracked on the IBWC webpage.
10. Troy spoke about the Resolution: to gain as much support from the RGV to explain to Mexico how important the Mexican released water is to the valley. Sugar mills are about to shut down due to lost profits from not being able to irrigate or harvest. If Mexico could release 200,000-300,000 AF of the amount they owe us, it would go a long way.
 - a. Due to lack of quorum, they were unable to move forward with this. Troy stated that they agreed to share this resolution via email for consideration. FY24 budget and July 2022 minutes will be shared again via email for comments.
 - b. Per Commissioner Bobby Janecka urged the adoption of the resolution as he considers it critical, like cases where FEMA has stepped in and take charge as a natural disaster. He will be glad to share the resolution with his IBWC counterparts and provide additional support to get Mexico into releasing the water. Be specific to crop issues/ financial losses/ local losses in income due to the lack of Mexican water deliveries.
 - c. Questions/ Comments:
 - i. Why is Mexico hesitant to give water to Tamaulipas?
 1. Chihuahua farmers feel that Tamaulipas got enough rain. There are different political views and inter-governmental issues going on. Chihuahua wants to hold all the water in for their users first.
 - ii. Based on the percentages in Amistad and Falcon is there a timeframe for negative allocation?
 1. It depends on the demand. We would send out warning as well as the monthly report as an indicator.
 2. Jose Davila stated that we rely 100% on users to implement water conservation plans and drought contingency plans to help to reduce demands. Demand is the main factor when and becomes critical when we don't have the inflows, and US reservoir storage is low. We manage out storages planning for the worst-case scenarios.
11. Public Comments and Concerns – N/A
12. Future Meetings – Troy stated that they agreed to share this resolution via email for consideration. FY24 budget and July 2022 minutes will be shared again via email for comments.
13. No formal Adjourn due to no quorum present.

THESE MINUTES WERE READ AND APPROVED ON THIS, THE 28 DAY OF MARCH, 2024.

 CHAIR

 SECRETARY