



International Boundary and Water Commission United States Section

For immediate release
February 8, 2024

USIBWC SELECTS RIO GRANDE CITIZENS FORUM BOARD MEMBERS, PUBLIC MEETING SET FOR FEBRUARY 15

Dr. Maria-Elena Giner, P.E., Commissioner of the United States Section of the International Boundary and Water Commission (USIBWC), has appointed 11 community leaders to serve on the Rio Grande Citizens Forum Board. The purpose of the Citizens Forum is to promote the exchange of information between the USIBWC and the public about Commission projects and related activities.

The new board members are:

- **Genevieve Allan, Project Management Specialist, Bureau of Reclamation, Albuquerque Office**
- **Brenda Barnes, Environmental Consultant, WSP USA Earth & Environment Inc. (El Paso)**
- **Mark Calamia, Cultural Resources Program Manager, National Park Service**
- **Albert Jaramillo Gonzalez, Council Member, City of Sunland Park**
- **Cassandra Hernandez, City Council Representative, City of El Paso**
- **Katie Kruthaupt, Agricultural Programs & Resources Division, New Mexico Department of Agriculture**
- **Omar Martinez, Chair, Upper Rio Grande Flood Planning Group**
- **Suleiman Masoud, Owner, Del Rio Engineering**
- **Karla Sofia Mendez, Environmental Microbiologist, Public Health Practitioner**
- **Gilbert Mesa, Utility Manager, Fort Bliss Water Services Co.**
- **Blanca Trout, Board Member, Canutillo Independent School District**

The first public meeting with the new board will be on Thursday, February 15, 2024, from 6:30 p.m. to 8:30 p.m. MST at:

**USIBWC Headquarters
4191 N. Mesa St.
El Paso, TX 79902**

The meeting will also be held virtually. To join the Microsoft Teams meeting, go to: <https://msteams.link/JYU0>. If you do not have Teams installed on your device the program will work on any internet browser. It may be helpful for you to test connectivity, prior to the meeting by clicking on the “Join” link and ensuring your camera and microphone are functioning. Or join by phone: +1 872-240-1286 | Conference ID: 270 244 629#

For those connecting via phone, the presentations will be available before the start of the meeting. Go to the Rio Grande Citizens Forum page to view them online: <https://www.ibwc.gov/meetings/category/upper-rio-grande/>.

For more information or if you would like to speak during the public comment period, please sign up ahead of time by contacting Leslie Grijalva at leslie.grijalva@ibwc.gov or 915-832-4770 by noon on February 15.

Leslie Grijalva, Public Affairs Specialist for the USIBWC, will provide the new board members and the public with a brief overview of the agency and its history.

David Duran of the USIBWC will present an overview of Commission activities in the Upper Rio Grande region, including sediment control, levee maintenance and other water management responsibilities.

A complete agenda follows.

News Media Contact:

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Rio Grande Citizens Forum
Thursday, February 15, 2023, 6:30 – 8:30 p.m. MST

USIBWC Headquarters
4191 N. Mesa St.
El Paso, TX 79902
And via [Teams Webinar](#)

Agenda

- **Welcome and Introductions** – Leslie Grijalva, Public Affairs Specialist
- **Opening Remarks** – Frank Fisher, Director of Public Affairs, USIBWC
- **IBWC Overview & History** – Leslie Grijalva, Public Affairs Specialist
- **Commission Activities in the Upper Rio Grande Region** – David Duran, Area Operations Manager, USIBWC Upper Rio Grande Field Office
- **Public Comment**
- **Board Discussion**
- **Suggested Future Agenda Items**

If you have a disability that you wish to self-identify confidentially that requires accommodation, please advise us ahead of time. For more information call 915-832-4770 or email leslie.grijalva@ibwc.gov.

Microsoft Teams meeting

Join on your computer, mobile app or room device: [Click here to join the meeting](#)

Meeting ID: 256 674 021 768

Passcode: PhKfSH

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[+1 872-240-1286,,270244629#](#) United States, Chicago

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INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES SECTION

IBWC History and Activities

Leslie Grijalva

Public Affairs Specialist



IBWC MISSION

The International Boundary and Water Commission, United States and Mexico, is responsible for applying the boundary and water treaties between the two countries and settling differences that arise in their application.



EARLY HISTORY OF THE IBWC

- **Convention of Nov. 12, 1884-** Adopted rules about the location of the boundary when the rivers changed course.
- **Convention of March 1, 1889-** Established the International Boundary Commission
- **Focus on maintaining the international boundary**



Boundary Marker #123



CONVENTION OF 1906

- Distribution between Mexico and the U.S. of the waters of the Rio Grande in El Paso- Cd. Juarez
- U.S. to deliver 60 KAF/Yr
- Proportional reduction in deliveries in case of extraordinary drought
- Water stored in Elephant Butte Dam, NM
- Water diverted by Mexico at International Dam



International Dam



CONVENTION OF 1933

- Stabilized the boundary in the El Paso- Cd. Juarez Valley
- Straightened the river channel
- Flood control levees in both countries
- Rio Grande Rectification Project



The meandering river channel was straightened.



1944 WATER TREATY- RIO GRANDE

- Mexico delivers water to the U.S. from Ft. Quitman to Gulf of Mexico
- U.S. receives 1/3 of the waters arriving in the Rio Grande from 6 Mexican tributaries
- Minimum annual average of 350 KAF/yr in cycles of 5 years
- Treaty authorized construction of up to three storage dams on the Rio Grande; only 2 were built



Rio Grande at Fabens Port of Entry,
Fabens, TX



1944 WATER TREATY- COLORADO RIVER

- U.S. to deliver to Mexico a volume of 1.5 MAF/yr
- When there are surplus waters, U.S. to deliver to Mexico a total volume of up to 1.7 MAF/yr
- In extraordinary drought, Mexico reduced in proportion to U.S.



Colorado River at NIB



CHAMIZAL CONVENTION OF 1963

- Relocated the Rio Grande in a concrete-lined channel through central El Paso- Cd. Juarez
- Resolved a century-long boundary dispute



President Adolfo Lopez Mateos Channel



1970 BOUNDARY TREATY

- IBWC to maintain the Rio Grande and Colorado Rivers as the international boundary
- Boundary is middle of the channel occupied by normal flow or middle of the channel which in normal flows has the greatest average width over its length
- IBWC to delineate the boundary on maps
- IBWC may stabilize or rectify the channel (numerous rectifications carried out)
- Prohibits construction of works that would obstruct or deflect normal or flood flows



IBWC STRUCTURE

TREATY OFFICERS

U.S. SECTION

- Commissioner
- Secretary
- 2 Principal Engineers
- Legal Advisor

MEXICAN SECTION

- Commissioner
- Secretary
- 2 Principal Engineers
- Legal Advisor



IBWC MINUTES

- Decisions of the Commission are recorded in the form of Minutes.
- Minutes are binding agreements of the IBWC intended to implement Treaty.
- They take effect once approved by the U.S. Department of State and Mexico's Foreign Affairs Ministry

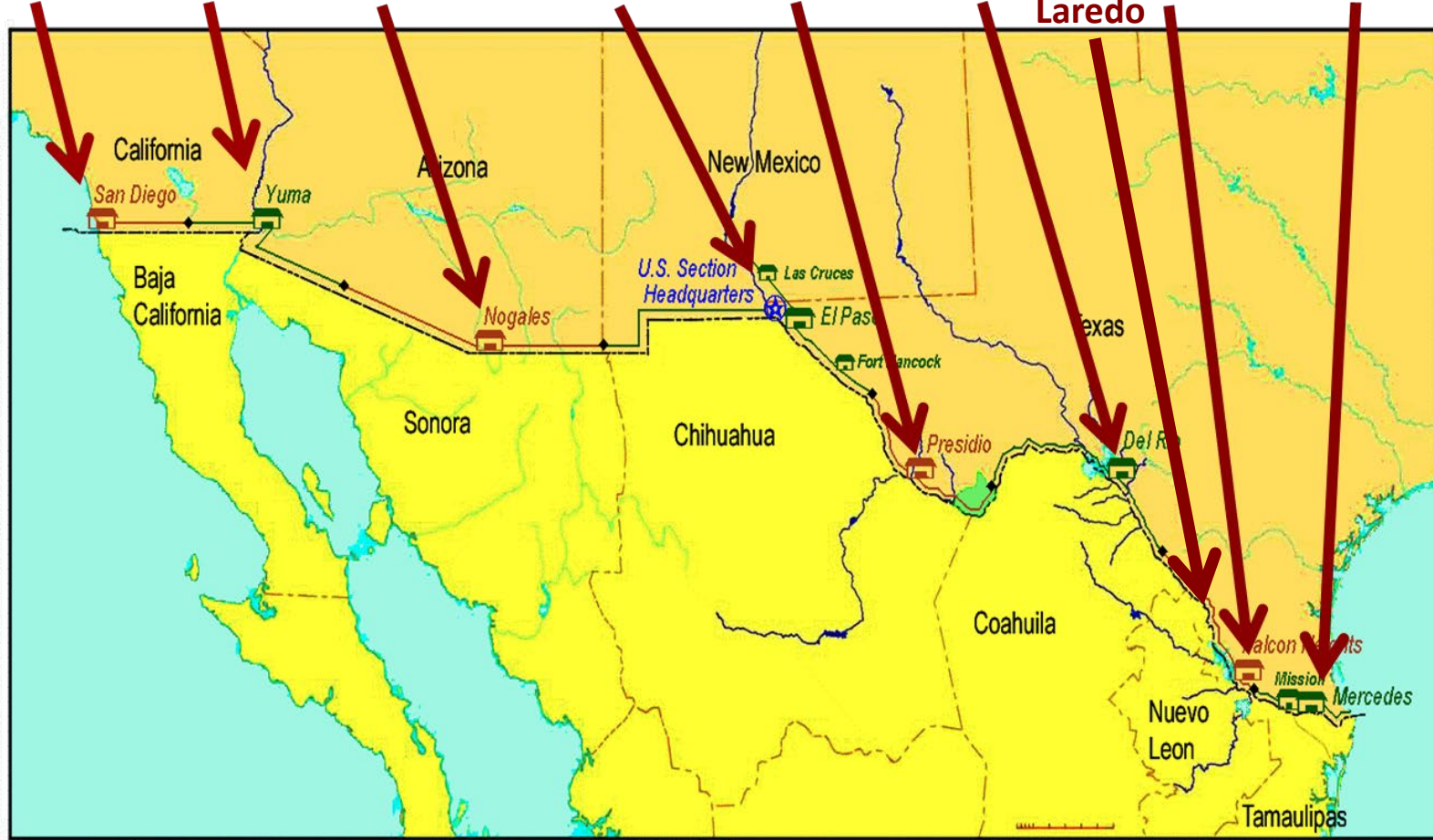


IBWC Commissioners and Secretaries sign Min. 327 on Jan. 28, 2022 in Sonora, Mexico



FIELD OFFICES

San Diego Yuma Nogales Up. Rio Grande Presidio Amistad Falcon L. Rio Grande





BOUNDARY DEMARCATON

- U.S. and Mexican Sections of IBWC jointly determine location of the boundary and demarcate the boundary
- 258 principal monuments along the U.S.- MX border from California to the Texas/New Mexico state line
- Hundreds of intermediate boundary markers
- Boundary demarcation plaques at Ports of Entry/International Bridges
- IBWC responsible for maintaining the monuments



BOUNDARY DEMARCATION



Monument No. 123, Nogales



Boundary demarcation at Tecate Port of Entry



INTERNATIONAL BRIDGES

IBWC maintains 2 international bridges

- Cordova International- Bridge of the Americas (El Paso- Juarez)
- Ft. Hancock TX- El Porvenir, Chih.



Bridge of the Americas, El Paso-Juarez



SANITATION

- 1944 Treaty authorizes Commission to give “preferential attention to the solution of all border sanitation problems”
- 2 international wastewater treatment plants
 - South Bay
 - Nogales
 - Nuevo Laredo (located in MX)



Nogales IWTP



AMISTAD DAM

- Located at Del Rio, TX- Cd. Acuña, Coahuila
- Built in 1969
- Impounded Rio Grande extends for 75 miles, covers 65,000 acres
- Normal conservation capacity of over 3 million acre-feet



Amistad Dam



FALCON DAM

- Located at Falcon Heights, TX-Nueva Cd. Guerrero, Coahuila
- Built in 1954
- Reservoir covers 78,300 acres at conservation capacity
- Normal conservation capacity of 2.6 million acre-feet



Falcon Dam



FLOOD CONTROL



Presidio levee during 2008 flood

- 4 USIBWC Flood Control Projects
 - Tijuana River- San Diego, CA
 - Upper Rio Grande- Southern New Mexico and West Texas
 - Presidio- Big Bend Area of Texas
 - Lower Rio Grande- Near McAllen, Harlingen, Brownsville, TX
- USIBWC maintains flood control levees, tracks flow, operates diversion dams in coordination with Mexico



LOWER RIO GRANDE FLOOD CONTROL



Anzalduas Dam in 2007



Retamal Dam on July 18, 2010



LEVEE CONSTRUCTION





Questions?

Leslie Grijalva

Public Affairs Specialist

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Upper Rio Grande Field Office

USIBWC Citizens Forum

By: David M. Duran, Regional Manager

February 15, 2024



FLOOD CONTROL RESPONSIBILITIES

- Inspect and maintain approx. 220 miles of river and levees from below Percha Dam to Little Box Canyon
- Maintain approx. 4,500 acres of river floodplains
- Maintain approx. 18.5 miles of Canals
- Inspect and maintain 210 drainage and irrigation structures
- Inspect and maintain 5 major sediment control dams.
- Operate and maintain 2 major diversion dams- American and International.
- Inspect, monitor & maintain 5 flow gaging stations throughout the entire project.
- Manage a sediment disposal program available free of charge to residents and stake holders



AREAS OF RESPONSIBILITIES

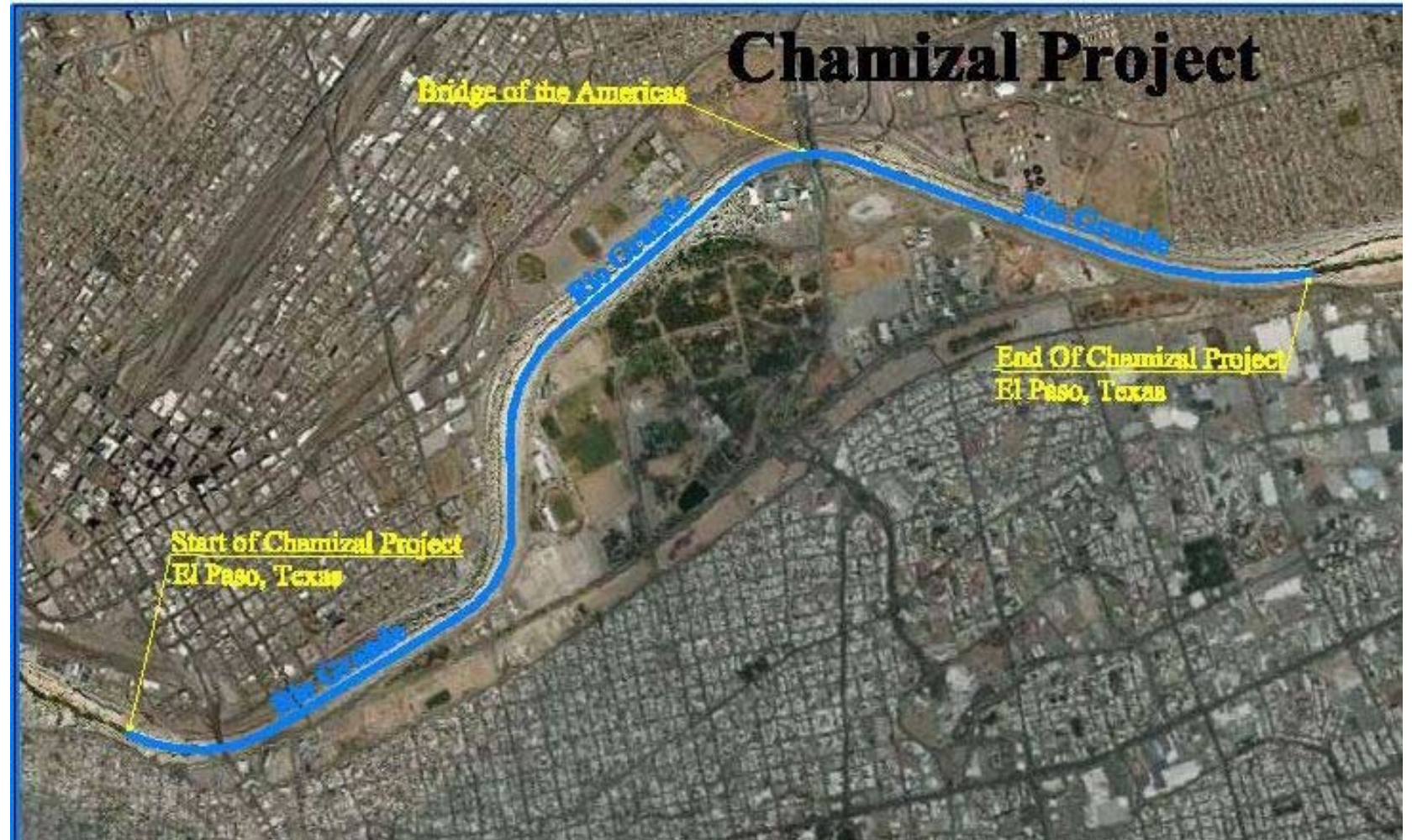
- Water release date is March 8th
- Water arrives at this segment first
- All hands on board this year
- All of our resources from all three field offices are focused on this area this year
- This area to be discussed more in detail...





AREAS OF RESPONSIBILITIES

- Currently have restrictive access to these areas
- Texas C-wire
- Last year our staff was able to remove 20,000 cy of sediment from the concrete lined portion of the river.
- Mexico conducted vegetation removal (last year)
- No work is scheduled this year in this segment__





AREAS OF RESPONSIBILITIES

- Provide flood protection and stabilizes the international boundary
- This area was a focused on FY23 - removing Approx. 200,000 cy of sediment
- Most of our heavy equipment was dedicated to this area last year
- Sediment removal work to resume in this area after water release date __





FY24 CANALIZATION PROJECTS

- Rincon Arroyo
- Reed Arroyo
- Anthony/Washington Bridge to Vinton
- Canutillo & Borderland Segment
- **187 Bridge at Hatch Area**
- **Downstream of Percha Dam**
- **Hershey Arroyo__**





How are we going to accomplish our goal at Canalization this year with irrigation season around the corner?



How are we going to accomplish our goal at
Canalization this year with irrigation season
around the corner?

Additional personnel, overtime, **heavy
equipment**



EQUIPMENT

FY22
\$5.5M

Fuel and Lube Truck
Articulating Dump Truck
Scrapers
Tractors
Crawler Dozer
Loader
Water Truck
Excavator with attachments
Motor Grader
Dump Trucks
Lowboy Trailer

FY23
\$1.7M

Mowers
Wheeled Loader
Dozer Rebuild





SEDIMENT DISPOSAL PROGRAM

- Pre-existing program required a wet signature from prospective customers.
- New program incorporates technology making it more efficient for potential customers. Also, our record keeping.
- Signs, decals, social media, this forum!



* Required

Type of Agreement

1. The Agreement is made between USIBWC and: (select from Individual or Corporate/Business)
*Note: Ranching and Farming fall under Corporate/Business *

An Individual

A Corporate/Business

Next





INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES SECTION



Questions?



OUR INFRASTRUCTURE

The International Boundary and Water Commission is responsible for **applying the boundary and water treaties** between the United States and Mexico. The USIBWC has a broad range of responsibilities, including:

- **Flood Control:** More than 500 miles of levees and 20,000 acres of flood plain
- **Water Delivery:** Ensure compliance with the 1906 Convention and 1944 Water Treaty for the Rio Grande and Colorado River
- **Dams and Hydroelectric Power Plants:** Manage two international dams with hydroelectric plants and four diversion dams
- **Sanitation:** Border sanitation with two international wastewater treatment plants in San Diego, CA and Nogales, AZ
- **Boundary Demarcation:** Maintain two international bridges and almost 800 monuments, markers and buoys that demarcate the U.S.-MX border



UNITED STATES POWER PLANT at Falcon Dam.

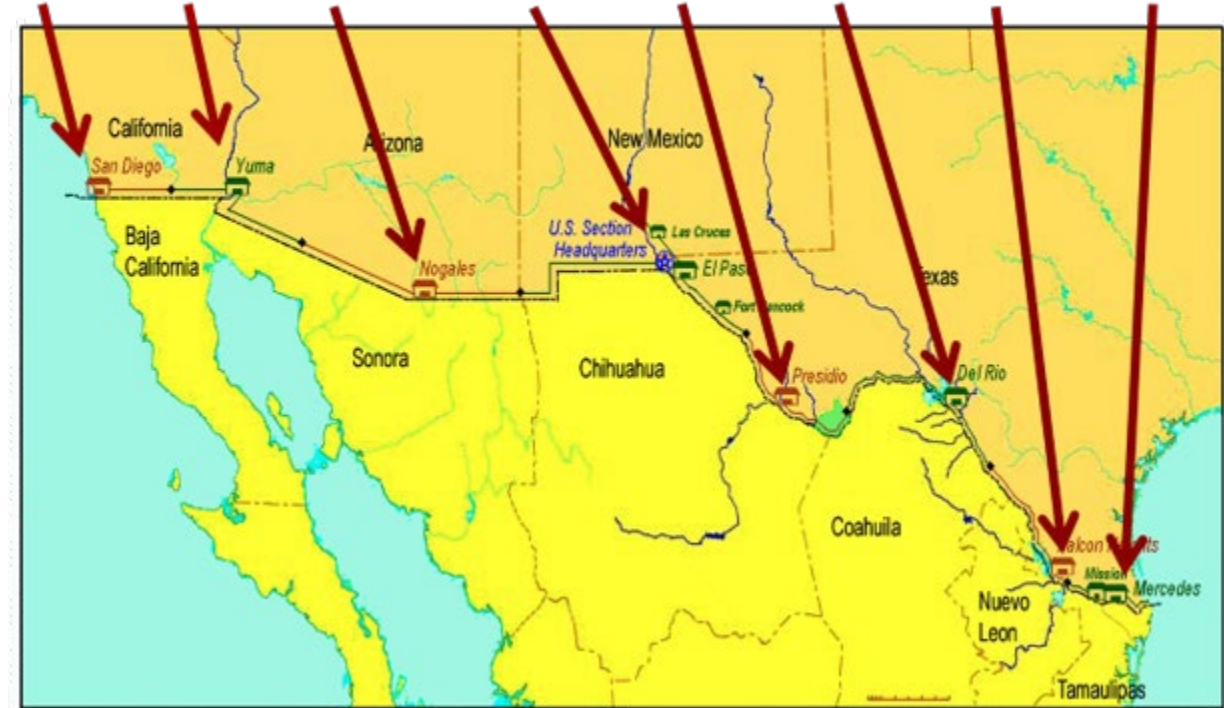




MAJOR ONGOING PROJECTS

- South Bay International Wastewater Treatment Plant (SBIWTP)
- Colorado River Conservation Projects (Minute 323)
- Nogales International Outfall Wastewater Interceptor
- Upper Rio Grande: Sunland Park Levee Construction
- Lower Rio Grande: Edinburg Levee Construction and Arroyo Colorado Sediment Removal
- Amistad Dam Seepage Correction
- Heavy Equipment Replacement
- Mercedes, TX Field Office Administrative Building

San Diego Yuma Nogales Up. Rio Grande Presidio Amistad Falcon L. Rio Grande



USIBWC staffing at 12 offices in the border region and Washington D.C.:

- 300 authorized positions
- 1/3 of employees at or near retirement age



OTHER PROJECTS

- **SEDIMENT MANAGEMENT PROGRAM**
- **EQUIPMENT REPLACEMENT PROGRAM**
- **FLOOD CONTROL PROGRAM**
- **CAPITAL IMPROVEMENTS**



Equipment on the levee



Levee rehabilitation

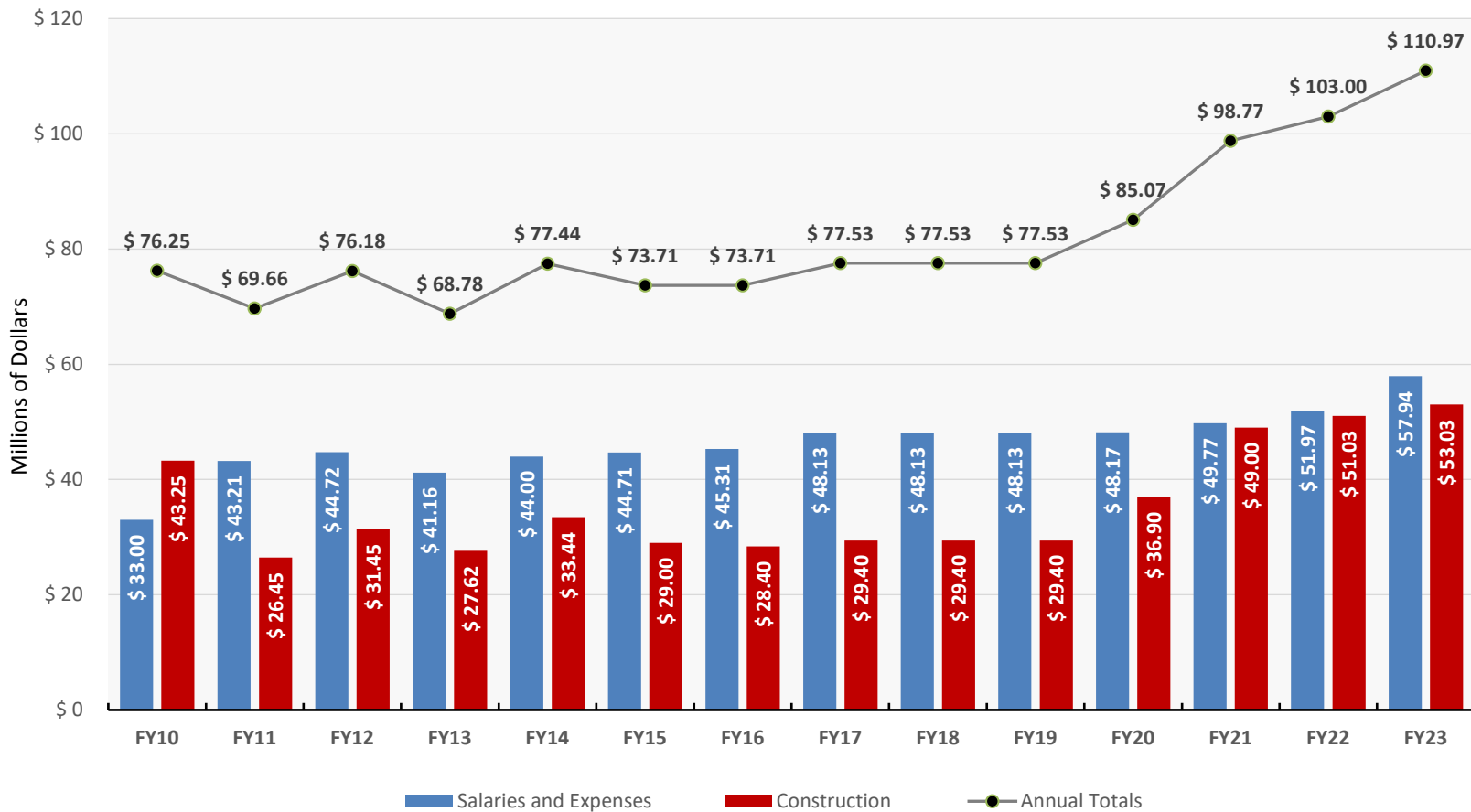


Amistad Dam



History of Appropriations

Annual Appropriations for IBWC S&E and Construction



IBWC Annual Funding in Millions

Fiscal Year	Salaries and Expenses	Construction	Annual Totals
FY10	\$ 33.00	\$ 43.25	\$ 76.25
FY11	\$ 43.21	\$ 26.45	\$ 69.66
FY12	\$ 44.72	\$ 31.45	\$ 76.18
FY13	\$ 41.16	\$ 27.62	\$ 68.78
FY14	\$ 44.00	\$ 33.44	\$ 77.44
FY15	\$ 44.71	\$ 29.00	\$ 73.71
FY16	\$ 45.31	\$ 28.40	\$ 73.71
FY17	\$ 48.13	\$ 29.40	\$ 77.53
FY18	\$ 48.13	\$ 29.40	\$ 77.53
FY19	\$ 48.13	\$ 29.40	\$ 77.53
FY20	\$ 48.17	\$ 36.90	\$ 85.07
FY21	\$ 49.77	\$ 49.00	\$ 98.77
FY22	\$ 51.97	\$ 51.03	\$ 103.00
FY23	\$ 57.94	\$ 53.03	\$ 110.97
Totals	\$ 648.35	\$ 497.77	\$ 1,146.13



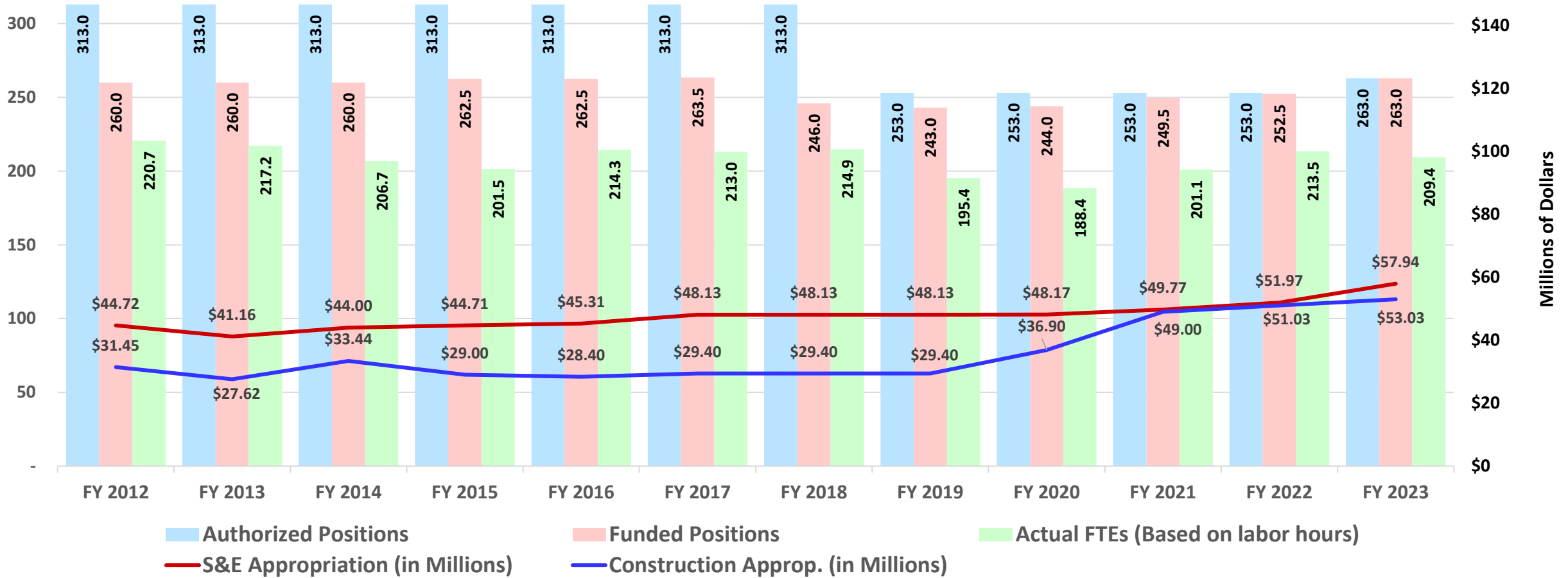
IBWC Annual Resources and Positions

FY 2009 to FY 2023

Category	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Authorized Positions	313.0	313.0	313.0	313.0	313.0	313.0	313.0	253.0	253.0	253.0	253.0	263.0
Funded Positions	260.0	260.0	260.0	262.5	262.5	263.5	246.0	243.0	244.0	249.5	252.5	263.0
Actual FTEs (Based on labor hours)	220.7	217.2	206.7	201.5	214.3	213.0	214.9	195.4	188.4	201.1	213.5	209.4
Actual FTEs vs. Funded Positions	84.9%	83.5%	79.5%	76.8%	81.6%	80.8%	87.4%	80.4%	77.2%	80.6%	84.6%	79.6%
S&E Appropriation (in Millions)	\$ 44.72	\$ 41.16	\$ 44.00	\$ 44.71	\$ 45.31	\$ 48.13	\$ 48.13	\$ 48.13	\$ 48.17	\$ 49.77	\$ 51.97	\$ 57.94
Construction Approp. (in Millions)	\$ 31.45	\$ 27.62	\$ 33.44	\$ 29.00	\$ 28.40	\$ 29.40	\$ 29.40	\$ 29.40	\$ 36.90	\$ 49.00	\$ 51.03	\$ 53.03
Construction Carryover (in Millions)	\$ 51.23	\$ 54.31	\$ 52.42	\$ 75.06	\$ 72.10	\$ 74.60	\$ 76.38	\$ 99.48	\$ 135.35	\$ 160.90	\$ 160.90	\$ 126.49
Total Constuction Funds (in Millions)	\$ 82.68	\$ 81.93	\$ 85.86	\$ 104.06	\$ 100.50	\$ 104.00	\$ 105.78	\$ 128.88	\$ 172.25	\$ 209.90	\$ 211.93	\$ 179.52
S&E Appropriation Increases (%)	Baseline	-7.96%	6.89%	1.61%	1.34%	6.24%	0.00%	0.00%	0.07%	3.32%	4.42%	11.49%
Cons Appropriation Increases (%)	Baseline	-12.19%	21.07%	-13.27%	-2.07%	3.52%	0.00%	0.00%	25.51%	32.79%	4.14%	3.92%
* Indicates Projected Amounts												



IBWC Annual Resources and Positions from FY 2012 to FY 2023





Enterprise Asset Management Program

Enterprise Asset Management Status Report- Phase I

Contractor: LH&J/Arcadis Joint Venture, L.L.P

Contract Number: 191BWC24C0003

Phase I: Wastewater Treatment Plants Asset Plan, Software and Pilot Project (Permanent Operating Equipment (POE) and Gauging Stations(GS) Recommendations

Reporting Period: 2/1/2024

Schedule:

Contract Award: 12/21/2023

Notice to Proceed: 1/16/2024

Required Completion: 12/23/2023

Current Required completion: 7/11/2025

Scheduled final payment: NA



Enterprise Asset Management Program

Funding allocated:

- Enterprise Asset Management Program shares funding with the Capital Plan Project. The Cost Center is called “Asset Management and Capital Planning” (ACP) and we received \$5.5M total.
- Enterprise Asset Management Program Phase I cost was \$2.1M
- We will be modifying the contract to add software: \$1.2M approx.
- We will also be modifying the contract to add asset management plans for the Pilot Program (Permanent Operating Equipment and Gaging Stations): \$600k



ENTERPRISE ASSET MANAGEMENT PROGRAM

PILOT PROJECT

FY23-FY26

1. Permanent Operating Equipment
2. Gaging Stations

PHASES II & IV

FY27-FY31

6. Diversion Dams
7. Levees
8. Bridges
9. Buildings
10. Monuments

PHASE I

FY24-FY26

3. Wastewater Treatment Plants

PHASE II

FY26-FY28

4. Storage Dams
5. Hydropower Plants





Manpower Survey

- **Why?** It was Leadership's belief that the Agency was not properly structured, had the correct number of authorizations, correct classification of positions, and funding to support the full scope and mission of the USIBWC. Nor did the USIBWC have a methodology or system in place to provide such analysis.
- **End Result –**
 - A Manpower Analysis Tool – This will allow the agency in the future to conduct internal analysis and prioritization of positions based on mission requirements and changes in funding and position allocations.
 - A Review and Recommendations on:
 - Organization Structure changes
 - How many positions are needed per office
 - What grade level should the positions be
 - Changes in Position Descriptions (PDs)
 - Drafts of PDs for any new recommended positions
 - What type of positions and/or work could/should be contracted out
 - Recruiting and Retention analysis and recommendations
 - Provide us with Benchmarking against other Agencies with similar work.
- Kickoff was August 29, 2023 and will conclude on April 1, 2024 (initially was 20 Feb but was extended)



Capital Plan

USIBWC 20-Year Capital Plan (Capital Plan)

- This is a contract to develop a 20-year capital plan for the USIBWC
- The Capital Plan will be based on \$50 million and \$75 million funding scenarios
- The two funding scenarios will not include the hydropower plants as they are funded by a dedicated funding source
- The hydropower plant projects will be based on \$7.5 million annual funding
- This was solicited in FY 2023 to the small business community however, we did not receive any bids
- This will be re-soliciting in FY 2024
- Once awarded, the project is estimated to take approximately nine months to complete
- The draft Capital Plan will be submitted for review and comment prior to finalizing
- This will greatly assist the USIBWC in assessing our long-term capital project requirements as well as establishing funding of high-priority projects in a timely and cost-effective manner
- Having a long-term Capital Plan will assist the Commissioner when going before Congress



Stakeholder Outreach

- Agency has public meetings regularly to update stakeholders on status of issues of high importance
 - July 2023: a conference on water programs for stakeholders in the Lower Rio Grande – programs offered by the federal government that can help them cope with drought and low water deliveries.
- Five active Citizens Forums along the border
- Area Operations Managers engage with the public and local congressional staff
- X (formerly Twitter): Regular updates posted related to IBWC project updates



MINUTE 325

Signed 10/21/20

Binding agreement to end the 2015-2020 cycle without a debt

Established technical and policy work groups to develop tools to **improve predictability and reliability** of Rio Grande deliveries

Set expectation of a new Minute by Dec. 2023



Minute 325 Signing



RIO GRANDE MINUTE TEAM (RGMT)



Rio Grande near
Brownsville, TX

IBWC Commissioners agreed in late 2022 to establish RGMT to negotiate the new Minute

RGMT meeting regularly since early 2023

Goal: Negotiate a new Minute by Dec. 2023 to increase the predictability and reliability of Rio Grande water deliveries to users in both countries



RIO GRANDE MINUTE TEAM (RGMT)

U.S. Members: IBWC and State of Texas

Mexico Members: CILA and CONAGUA

Observers: Department of State and
Secretariat of Foreign Relations

Hydrology Work Group binational model to
analyze water delivery scenarios



**July 14 RGMT meeting
in El Paso, TX**



WORK GROUPS

Rio Grande Policy Work Group

- 10 binational meetings in since 2021

Rio Grande Minute Team

- 7 binational meetings held so far in 2023

Rio Grande Hydrology Work Group

- Meets every 1-2 months
- Calibrations completed
- Water delivery scenarios being analyzed

Environment Work Group

- Focus on Big Bend region
- 5 binational meetings held since December 2022



2022 Rio Grande Policy Work Group in Austin, TX



OVERARCHING PRINCIPLES

Status quo is not working

- Break the pattern of debt since the 1992-97 cycle

Facilitate earlier deliveries – legal path forward for Mexico

Collaboration between countries

- Both sections have to agree to application of certain provisions
- Water needs to be put to beneficial use

Transparency through dialogue and science

- Agreement to fundamentals of the system

Understand the impact to Texas stakeholders

“Growing the Pie”

Manage the Basin with Texas as a user



EXISTING WORKGROUPS

Address water quality concerns through the existing binational **Lower Rio Grande Water Quality Initiative** (LRGWQI).

- Codifies the existing group in a minute
- Elevate the water quality commitment binationally

Continued role of the **Hydrology Work Group** to analyze scenarios and of the **Policy Work Group** to recommend future actions.

- Technical analysis should continue to inform policy decisions.
- Allows other ideas to be modeled/analyzed for consideration in a future Rio Grande Minute.
- Work on the binational Rio Grande model builds trust.
- Assures continued US-Mexico engagement at the technical and policy level on Rio Grande issues.

----- All points under negotiation -----



NEW WORKGROUPS

Establish a binational Rio Grande **Projects Work Group** to develop water conservation and new water sources projects to benefit users in both countries.

- Potentially long-term water benefits
- Build a framework to address a drying system similar to Colorado River
- Will lead to future minutes for programs and/or projects

Establish a binational Rio Grande **Environment Work Group**.

- Addresses environmental and water quality/quantity issues on both sides of the border in the Big Bend area
- Leveraging an existing binational NGO group, Rio Grande Joint Venture similar to Colorado River

----- All points under negotiation -----



OPERATIONAL IMPROVEMENTS

Improved coordination on demand and releases from **Amistad and Falcon Dams**

- Highlights for both countries physical constraints and have mechanism to adjust for downstream needs
- Will help avoid instances where demand exceeds release capacity from the dams.
- Formalize a process

Define when a **five-year cycle** begins

- Ensures that water is credited as a five-year cycle delivery to the US only when the US can store that water.

IBWC can modify **conservation capacities** temporarily in the international reservoirs (Amistad and Falcon) to store more water/establish a seasonal pool.

- Allows more water to be stored during a wet season for a use in a dry season

----- All points under negotiation -----



ADVANCING FROM THE STATUS QUO

Affirm that Mexico must meet its delivery obligations in a **5-year cycle (not 10 years)** unless there is extraordinary drought or serious accident.

- Gives ability to apply political pressure to complete Treaty deliveries in 5 years
- Expected to result in earlier water deliveries

To address shortfalls in deliveries to the United States, Mexico will consider **making releases** from its interior reservoirs and passing those volumes downstream to the Rio Grande.

- Gives ability to apply political pressure and change current practice.

----- All points under negotiation -----



ADVANCING FROM THE STATUS QUO

Allow delivery to the US **of greater than a 1/3 share** from Mexico's tributaries (use Minute 234 in any cycle)

- New tool in the first cycle to deliver earlier and greater volumes to the U.S.
- In times of low availability of water, it will encourage treaty delivery.

Allow **transfer from Mexican ownership to U.S. ownership** at Amistad and Falcon reservoirs (use Minute 234 in any cycle)

- New tool in the first cycle to deliver earlier and greater volumes to the U.S.
- In times of low availability of water, it will encourage treaty delivery.
- Allows Mexico to deliver from non-traditional sources.

----- All points under negotiation -----



ADVANCING FROM THE STATUS QUO

In recognition of deliveries from **other than the 1/3 share**, the 2 countries will explore **joint cooperative actions**, such as investments for benefit to both countries.

- Explores opportunities similar to Colorado River program.
- Fosters cooperation between two countries
- No projects or funding identified at this time.

If Mexico delivers water in excess of the treaty minimum in a five-year cycle, Mexico could receive a **limited credit** in a subsequent cycle for some of the **transfers** from the international reservoirs and deliveries of **greater than a 1/3 share** from the six tributaries.

- Creates an incentive for MX to deliver water earlier from non-traditional sources.
- US can limit the potential credit. Prior agreement is required for greater than 1/3 delivery.
- Low risk for current cycle given the current shortfall.

----- All points under negotiation -----



ADVANCING FROM THE STATUS QUO

To address a shortfall, consider allotting water to the US from the **San Juan and Alamo Rivers** when agreed to by the US and Mexico, and when put to beneficial use.

- Option of last resort in case of an emergency

Water delivery **provisions would be in effect for 5 years** unless modified or extended by a subsequent Minute.

- To be tested as a pilot
- Allows the new tools to be used to increase deliveries during the final 2 years of the current cycle
- Allows the new tools to be used in the first three years of the next cycle
- If effective in boosting Rio Grande deliveries, provisions could be extended. If problematic, could be dropped or modified in 5 years.

----- All points under negotiation -----



CONCLUSION

- The Commission will **continue to work on additional measures** to improve the reliability and predictability in Rio Grande water deliveries, including a possible future Minute.
- This Minute is not the end game; additional measures should be considered.
 - Continued U.S.- MX cooperation.
- The 1944 Water Treaty does **not require 350,000 af** annually.
 - Unfortunately, the United States' long-term position is that the Treaty requires delivery 350,000 af on average over a 5-year cycle.
 - USIBWC recently confirmed with the State Department this legal interpretation. This has also been reported by the Congressional Research Service.
 - The United States and Mexico are in alignment on this legal interpretation of the Treaty.
 - The United States does not subject itself to the World Court, so this is not an option if the U.S held a different legal position.



WHY IS THIS IMPORTANT?

- Use of US/MX diplomacy through the **Minute process is the only mechanism** the United States has available to encourage compliance with the Treaty.
 - This new Minute is **REQUIRED by an existing Minute**. We have a legal obligation to move forward with the new Minute by December 2023.
 - This new Minute is **CRITICAL** because it takes a progressive step forward, by encouraging Mexico's acknowledgment of the 5-year cycle (political pressure) and **gives Mexico legal tools** to meet the 5-year cycle (legal pressure), to encourage earlier cycle deliveries.
 - This new Minute is **CRITICAL** as it **builds a framework to grow the pie**...creating the start for potential conservation or new water projects for the benefit of both countries.
 - This new Minute is **CRITICAL** as it **expands science** for transparency and sound decision-making in the future.