INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

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USDA-Forest Service
Content Analysis Enterprise Team
Attn: UFP
Building 2, Suite 295
5500 Amelia Earhart Drive
Salt Lake City, Utah 84116

MAY 24 2000

Subject: Comments on the proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management

Dear Sir or Madame:

Staff members from the United States Section, International Boundary and Water Commission (USIBWC) have reviewed the proposed notice of a Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management published in the Federal Register on February 22, 2000. We are very interested in becoming a participating agency in this policy, and offer the following information and comments for your consideration.

As you may know, the International Boundary and Water Commission, United States and Mexico (IBWC) was created more than a century ago by the two governments to apply the provisions of various boundary and water treaties, and to settle differences arising from such applications through a joint international commission located in El Paso, Texas and its Mexican counterpart located in Ciudad Juarez, Chihuahua, Mexico. The IBWC's jurisdiction extends along the United States-Mexico boundary, and inland into both countries where they may have international boundary and water projects. The IBWC is charged with operating and maintaining various boundary and flood control projects including, but not limited to, the Rio Grande Canalization Project, the Rio Grande Rectification Project, the Rio Grande Boundary Preservation Project, the Lower Rio Grande Flood Control Project, and the Lower Colorado River Boundary and Capacity Preservation Project. A brief description of each of these projects is provided below.

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The Rio Grande Canalization Project, which is entirely within the United States, extends for about 106 miles along the Rio Grande from Percha Diversion Dam, located downstream from Caballo Dam in Sierra County, New Mexico, through Doña Ana County, New Mexico to the vicinity of American Diversion Dam in El Paso County, Texas. The Canalization Project was constructed between 1938 and 1943 in compliance with the convention between the United States and Mexico concluded May 21, 1906, to provide for the equitable division of the waters of the Rio Grande for use in the two countries. The project included acquisition of right of way for the river channel and adjoining floodways and improvement of the alignment and efficiency of

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the river channel to convey deliveries to Mexico, as well as conveyance of deliveries to the United States Bureau of Reclamation Rio Grande Project in the Mesilla and Rincon Valleys in New Mexico and the El Paso Valley of Texas. The Canalization Project also controls floods in this river reach. The project includes approximately 6,800 acres of floodway, the majority of which are leased.

The Convention of February 1, 1933 provided for rectification of the Rio Grande through the highly developed El Paso-Juárez Valley a distance of 86 miles. The Convention charged the then International Boundary Commission (IBC) with its implementation. Its purpose was to stabilize the international river boundary between the United States and Mexico in this valley and to provide flood protection for its suburban and agricultural lands. The Rio Grande Rectification Project was started in 1934 and completed in 1938. The project straightened the river and in the process shortened its meander length from 155 miles to 86 miles between El Paso and Fort Quitman, Texas. The Joint Commission cut a new channel along the axis of the meanders of the old river channel in such a way that the number of acres transferred from one country to the other was equal, so that there was no loss or gain of territory by either country. Exactly 5,121.08 acres were exchanged in 175 parcels of land.

To implement Article IV of the 1970 Boundary Treaty, the two Governments approved in 1979 an IBWC recommended joint project for works to restore and preserve the Rio Grande's character as the international boundary in a 199-mile reach from a point near Fort Quitman to Haciendita, Texas about five miles upstream of Presidio, Texas-Ojinaga, Chihuahua. The United States portion of the Rio Grande Boundary Preservation Project was authorized by the American-Mexican Treaty Act of October 25, 1972. The project works consist of restoration of the channel of the Rio Grande at locations where it is so clogged with silt and so overgrown with exotic (salt cedar) vegetation that the location of the river channel and international boundary is difficult to find.

The Governments of the United States and Mexico pursuant to an agreement reached in 1932, developed through the IBWC (then IBC) a coordinated plan for an international project for protection of the Lower Rio Grande Valley in the United States and Mexico against the river's floods. The project is located in the delta of the Rio Grande, situated in Hidalgo, Cameron and Willacy Counties in the State of Texas and in the State of Tamaulipas in Mexico. Emergency construction of works on the United States side was performed under the National Industrial Recovery Act of June 13, 1933. The United States part of the international project was authorized by the Act of August 19, 1935, as amended. The works initially planned in the United States were completed in 1950. The Lower Rio Grande Flood Control Project was improved after the floods of 1958 and 1967. As improved, the Lower Rio Grande Flood Control Project on the United States side includes 102.1 miles of river levees and 119.9 miles of off-river improved floodways which are bordered by 167.5 miles of levees to carry to the Gulf of Mexico the United States half of the Rio Grande floodwaters. For the United States, the project has provided full protection against 13 Rio Grande floods since 1930 and protected most of the area from serious flooding from the river in 1967. As now improved, the part of the project in the United States provides a high degree of protection against Rio Grande floods for the Lower Rio Grande Valley

of Texas which includes 730,000 acres of highly productive irrigated agricultural lands. Similar benefits accrue to the Mexican side of the Lower Rio Grande Valley.

Under the 1944 Water Treaty, the IBWC recommended and the two Governments approved a joint project to maintain clear of vegetation the channel of the Colorado River and adjoining floodplain through the approximately 20 mile boundary section of the river from Morelos Diversion Dam downstream to the point where the Arizona-Sonora boundary intersects the river, and further downstream therefrom a distance of about 20 miles in Mexico. United States participation in the Lower Colorado River Flood Control Project was authorized by the Act of Congress of August 10, 1964, as amended. The initial clearing was jointly performed in 1964 and maintenance clearing is performed periodically, under the joint supervision of the IBWC. This project serves to maintain the flood-carrying capacity of the channel and floodway formed by levees on the United States bank and on the Mexican bank in the boundary section of the river, and downstream therefrom on both banks in Mexico, thereby guarding against flooding of extensive irrigated agricultural lands in the United States and in Mexico. The effectiveness of the clearing was demonstrated during high discharges in 1980, when the project enabled the flows to naturally scour and improve the river channel.

The following is a summary of activities undertaken by the USIBWC in the Texas portion of the Rio Grande Basin which parallel many of the goals and objectives of the proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management. In addition, one of our strategic goals is to improve our water resources management by evaluating the variety of activities performed in floodways, and the issuance of leases, licenses, and easements on our property.

In 1991, the Texas Legislature passed the Texas Clean Rivers Act in response to growing concerns that water resource issues were not being addressed in a holistic manner. This legislation requires that water quality assessments be conducted for each river basin in Texas using an approach that integrates water quality issues within a river basin or watershed. In accordance with the statute, the Texas Natural Resource Conservation Commission (TNRCC) adopted guidelines for comprehensive regional water quality assessments which utilize a watershed management approach to identify and evaluate water quality issues, establish priorities for corrective action, and outline strategies to implement those actions. The TNRCC implements the Clean Rivers Program (CRP) by contracting with 15 regional agencies, including river authorities, municipal water authorities, and councils of government, to conduct regional water quality assessments in the 23 river coastal basins of Texas. In each basin, the designated partner agency (the contractor) has primary responsibility for surface water quality assessment in its basin. The Rio Grande Basin poses a unique challenge in the fact that it has no governing river authority, and it forms the 1,254-mile international boundary between the United States and Mexico. Due to the international nature of the Rio Grande, the USIBWC was contracted by the TNRCC to administer the CRP for the Rio Grande Basin.

The CRP in the Rio Grande provides a vehicle for local, regional, and statewide interests to examine water quality issues on a watershed basis. Planning and management by watershed

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allows the examination of complex relationships between water resources and human activity. The water quality assessments performed under the Rio Grande CRP focus on the cumulative effects of a variety of potential pollutant sources within the setting of watershed. By looking at the entire watershed and the total impacts on the water quality of that system, more informed decisions are possible when implementing management practices that protect water resources.

Our agency supports the goals and objectives of the proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management and has already implemented many of the recommended approaches to improve water quality and management where we have jurisdiction. If we are considered a participating agency, the policy group must be aware that there are some limitations to developing watershed protection programs for binational rivers such as the Rio Grande and Lower Colorado River. In all cases, such programs are subject to existing treaties and agreements with Mexico concerning commitments for: delivery of water; flood control; allowing no obstructions to flow; maintenance of international boundary markers; etc. In addition, the sharing of some of the information gathered over the course of a watershed assessment may be subject to approval by Mexico. There will also be many opportunities to share information with our Mexican counterparts for their use and consideration in project development and maintenance.

The IBWC is also involved in coordinating other binational efforts such as the upcoming Rio Grande Symposium and proposed follow-up and the Lower Colorado River Delta - Fourth Work Group. The binational symposium will be held on June 14, 2000 in Cd. Juarez, Chihuahua, Mexico. The fourth work group is comprised of technical representatives from both countries committed to developing restoration projects for the Lower Colorado River Delta.

We have begun to implement improvements in many areas and look forward to exploring other opportunities to protect water quality with the policy group. In our opinion, with some funding assistance and through some possible partnering agreements, it would be very cost effective for our agency to expand the CRP to include other projects and waterways within our jurisdiction. Our experience in a binational setting may be of assistance to those participating agencies faced with inter-and intra-state water quality protection constraints.

In closing, as the federal land management agency for the 2,000-mile long U.S.-Mexico border, we are very interested in being a participating agency in this effort. We are willing to further explore our own land management activities to find ways to minimize water pollution.

Sincerely,

for Rodney L. Adkins

John M. Bernal
Commissioner
United States Section