

**Rio Grande Citizens Forum
USIBWC Headquarters
El Paso, TX
September 29, 2009
*Tentative Meeting Notes**

Welcome and Introductions

The meeting was chaired by Citizens Forum Co-Chair Louis Irwin. He asked the members of the board and members of the audience to introduce themselves.

Board members in attendance:

Louis Irwin, community activist
John Hernandez, Elephant Butte Irrigation District
Sal Masoud, El Paso Association of Builders
Conrad Keyes, Jr., Paso del Norte Watershed Council
Doug Echlin, Coronado Neighborhood Association
Philip Partridge, Individual Owners of the Rio Grande
John Balliew, El Paso Water Utilities
Mary Frances Keisling, Save the Valley

Board members absent:

Heidi McIntyre Wilson, Texas Commission on Environmental Quality

USIBWC Staff in Attendance:

Al Riera (Citizens Forum Co-Chair)
Liz Verdecchia
Carlos Peña
Daniel Borunda
Cesar Boisselier
Lisa Santana
Ofelia Bolaños
David Madrid
Kathryn Carberry
Leslie Grijalva
Sally Spener

Mexican Section staff in attendance:

Enrique Muñoz

Members of the public:

Larry Nance Upper Valley Neighborhood Improvement Association
Rick and Sherry Bonart, BMBA
Sal Quintnilla, Rio Bosque Wetlands Park
Pat Woods
Justo Rivera
Hector Hinojosa

Chris Brown, New Mexico State University, Paso del Norte Watershed Council
Bill Hagan, El Paso Jamas, Ltd.
David Dodge, Malcolm Pirnie
Garry Zimmerer, FEMA
Linda Delamare, FEMA
Woody Irving, Bureau of Reclamation
Alan Schubert, City of El Paso
Timothy Roberts, El Paso, Inc.
Aida Velasquez, URS
Hassan Sharif, UTEP student
Heather McMurray, Sierra Club
Aimee Roberson, U.S. Fish and Wildlife Service
Beth Bardwell, Audubon New Mexico
Kent Waggoner, Texas Commission on Environmental Quality
Cyndie Abeyta, U.S. Fish and Wildlife Service
Bill Addington, Rio Grande Sierra Club Chapter
Karen Burt
Dara Parker, Office of Senator Bingaman
Sam Rodriguez, City of El Paso
Yvonne Curry, Conde, Inc.
Omar Al-Qudah, UTEP
John D'Ascenzo, Texas Master Naturalists
Cille D'Ascenzo, TMN TPC
Sal Alonzo, CSA Design Group
Fernando Hernandez, CSA Design Group
Nicolas Chapa, Ninyo and Moore
Ernesto Ochoa, Ninyo and Moore
Rick Gatewood, U.S. Army Corps of Engineers
Dennis Roark
Christopher Bradley, UTEP student
Raul Villa, SHS
Sandra Hernandez, Parkhill, Smith & Cooper
Evans Rascon, NMSU student
Anna Apodaca, Office of Sen. Udall
Gail Bauer, EPNG
Ed Hamlyn, UTEP
Channel 4
Judy Ackerman
Inga Groff, League of Women Voters of El Paso

FEMA Flood Insurance Rate Maps for El Paso and Doña Ana Counties

Gary Zimmerer, Senior Engineer, and Linda Delamare, Flood Insurance Specialist, Federal Emergency Management Agency (FEMA), gave a presentation on this topic.

Gary Zimmerer began the presentation. Flood maps depict the 1% chance flood risk and structures that are at risk. FEMA does not own, operate, maintain, or certify

levees. FEMA accredits levees based on documentation received. FEMA reviews documentation and accredits levees and identifies flood risk.

Local agencies or levee owners maintain the levees and certify the levees to FEMA. The community and/or homeowners use maps for insurance and rely on the information for safety. We encourage people to purchase insurance even if they are behind levees because there is a certain risk even with levees.

Some of the considerations related to certification are: Is this levee constructed in accordance with certain guidelines? The levee has to be maintained and the operators certify their operations.

Even properly maintained levees can fail or be overtopped by large flood events, When levees fail, they can fail catastrophically. FEMA recommends all individuals consider their flood risk around levees.

If the levee is accredited by FEMA, the DFIRM (Digital Flood Insurance Rate Map) reflects moderate flood risk (shaded zone X, mandatory insurance is not required in that area). If the levee is not accredited or does not meet the 1-percent annual criteria, then it is a high flood risk (special flood hazard area) and purchase of flood insurance would be required if you have a federally-backed mortgage.

How does a levee become accredited? To be accredited, a levee must meet requirements including, general requirements, design criteria, operation plans and criteria, maintenance plans and criteria, certification requirements (an engineer provides certification back to FEMA). FEMA reviews the application for completeness. Design criteria include: Freeboard, (normally 3 feet above the 1% level), closures, embankment protection, foundation stability, settlement, interior drainage (how does the water on the land side get through?) Owners/operators must provide operations and maintenance plans and manuals. FEM review is for the sole purpose of establishing appropriate flood insurance risk zone determination for FIRMS.

Some levees are accredited because they have been certified to meet the FEMA criteria. Some levees are high enough and can be provisionally accredited until certification documentation can be provided to FEMA. There are some that are de-accredited because they do not meet the regulatory requirement. Levees that are under construction can also be considered as partially accredited.

It takes 18-36 months for the mapping process, sometimes longer depending on complexity. There are opportunities for the public to provide feedback on the process.

El Paso County Levee Status – Upstream of International Dam, this levee has not been certified. Stimulus funds have been allocated to rehab the system. We have issued preliminary maps and that levee is not currently on the maps but it is now under construction. From International Dam to Riverside Weir, FEMA recently received certification documents and we are revising our maps as we speak to accredit the levee. Downstream of Riverside Weir, the levee has not been certified.

We anticipate releasing revised preliminary maps toward the first of the year.

For the Greenbelt levee, the City of El Paso has certified it and the flood maps are being revised to reflect the accredited levee.

Doña Ana County Levee Status – Preliminary maps are out in Doña Ana County. The maps do not reflect the levee being accredited. IBWC is working on levee construction. We are currently working on resolution of appeals and protests; the appeal period closed last April. Once appeals are resolved, we will go forward with the maps.

Our maps can change anytime. Once the levee is certified to us, if it happens before we have completed the appeals, we can add it then or we can go through a map revision process.

National Flood Insurance Program and Levee Outreach materials are available at:
www.fema.gov/plan/prevent/fhm/lv_intro.shtm
www.fema.gov/plan/prevent/fhm/lv_home.shtm

Linda Delamare of FEMA then discussed flood insurance issues. Your flood insurance is based on the Flood Insurance Rate Maps (FIRMs), which determine what your risk is. You need to look at the maps to determine if you are in a risk area. Whenever the preliminary maps come out, there will be public notices so you can go and look at them to determine what your flood risk is. However, before the maps become final, it is recommended that you purchase flood insurance. It is a benefit to buy insurance before the maps become effective because you lock in the zone. If you live in a low to moderate risk zone, you will be locked into the rate for the lower risk zone, even if the new map places your property in a high risk zone. We will do public notification in the newspaper but the City will let you know. There are benefits for those who purchase a policy in advance and maintain the policy. You can purchase insurance up to the effective date of that map. Should you sell your house later and you want to transfer the policy, you can transfer it to the new buyer and they can benefit from the lower zone rate. If you purchase it before the maps are final, you get the preferred risk, which is a cheaper rate.

Flood Insurance Rate Maps (FIRMs) are used by agents when determining flood insurance rates. Grandfathering locks in the zone, not the rate. Early purchase can keep premiums at lower costs.

If you are in a low to moderate risk zone, annual premium packages are \$119-\$348 for contents and building if you are a preferred risk policy. Preferred risk is if you are in a low/moderate flood zone with a minimal loss history of no more than one claim equal to \$1,000.

Doug Echlin – Are engineers that provide the certification FEMA engineers, independent engineers, or project engineers?

Gary Zimmerer – We look to the owners and operators of the levees. For the Rio Grande, it will be IBWC. The community plays a role on the drainage structures, such as the City of El Paso certifying drainage structures that drain to the river.

John Hernandez – What is the 1% annual flood event?

Zimmerer – It has a 1% chance of occurring any given year based on historical record and statistical analysis. The 100-year storm is associated with the 1% risk.

Sal Masoud – If a resident wants to raise the elevation of their home to get better rates, what can you do?

Zimmerer – Some areas on the map are Zone A. The City issues building permits to regulate floodplain management. Let's say a big development comes along, there are requirements to keep people safe and determine base flood elevation.

Delamare – You do have current maps. It doesn't hold up development in any way. The local entity requires the developer to establish base flood elevation. If you have an A risk zone, we recommend you build 2 feet off the ground. If you're in Zone A, you are already paying more.

Masoud – For the Upper Valley of El Paso and Doña Ana County, most maps indicate it is already a Zone A. There is concern that some land that is currently mapped in low/moderate risk Zone X will change to elevated risk on the new maps so developers are hesitant to build.

Delamare – When a local entity gives permission for a subdivision, it's based on the current effective map.

Judy Ackerman – You said the City had some responsibility to not build in the floodplain. Houses are built on the side of the mountain with no flood risk; however, there's a development that could go above them on the mountain with impervious roads, buildings, etc. So the City says they cannot deny the developer to build there. So if the people downhill get flooded, can they sue the City?

Zimmerer – Anyone can buy flood insurance and if it's not a high-risk area, they can get a low rate. The local community enforces the flood insurance program.

Echlin – That happened in the Coronado Neighborhood where three homes were wiped off the map in a flood; the homes had been there since the 1950s.

Zimmerer – We do see homes flooded that are not in risk areas. It's not static and we have to update them. Our maps do not show all areas that could flood.

Bill Addington - Given the increased flood risk since the 2006 storm or regular events off the side of the mountain, how can FEMA justify development in a major arroyo above the new outlet mall? FEMA needs to take a look at this. City Engineering says you have to approve their planned channel improvements, a cement channel in place of a natural arroyo.

Zimmerer – FEMA does not sign off on the permitting. If it is already a known floodplain, there is a portion of the ordinance that requires a letter of map revision to go to FEMA for a changed watercourse on a floodplain if it causes a rise in the water surface elevation within the defined floodway.

Man – In the Upper Valley, from Country Club north, you had on your slide that the stimulus package is allocating funds and they will let the contract. Is the map being held up until the levee work is completed?

Zimmerer – FEMA doesn't wait for levee construction but we show the flood risk as it is. There is still a timing issue on how fast they can get it constructed but we cannot wait across the nation on levee construction. We expect revised preliminaries in the December time frame then they go to public comment and appeal. Before it goes effective, we will continue to talk to IBWC and the City.

Upper Rio Grande Basin Advisory Meeting and Clean Rivers Program Update

Elizabeth Verdecchia and Leslie Grijalva, Environmental Protection Specialists, Texas Clean Rivers Program for the Rio Grande Basin, USIBWC, gave a presentation on this topic.

Leslie Grijalva discussed the history of the Clean Rivers Program (CRP) in Texas. We have over 80 water quality monitoring stations in the Rio Grande, about half monitored by USIBWC and about half by the Texas Commission on Environmental Quality (TCEQ). CRP collects water quality data from Rio Grande and Pecos Rivers. CRP does routine water quality monitoring, monthly or quarterly at the stations. We do special studies, such as if there was high salinity. We also do water quality assessments and we put out publications, including the annual basin highlights report and a 5-year

Basin Summary Report, which goes into much more detail. We do outreach and education, such as at schools.

CRP accomplishments for Fiscal Year 2009 include: We submitted all data through Nov. 2008 for the TCEQ 2010 assessment. We have a laboratory accredited for bacteria, more outreach activities, participated in Big Bend workshops and salt cedar biological control meetings. We funded five water quality and education projects, and took over coordination of the USIBWC Adopt-A-River program.

Projects funded in the Upper Rio Grande region include the El Paso Community College (EPCC) Early College Program; we provided them with equipment and supplies for their salinity research. We also provided supplies for RiGO river cleanups, a grant for a UTEP continuous water quality station, and supplies for bacteria-source tracking research by EPCC.

In the Lower Rio Grande Valley, we printed brochures for their soil erosion control program.

There is something called Texas Stream Team, <http://txstreamteam.rivers.txstate.edu/>. It's a voluntary water quality monitoring program; it's good for teachers.

In the Upper Rio Grande, seven partners help with monitoring: USIBWC, University of Texas at El Paso, El Paso Community College, University of Texas at Brownsville, TCEQ El Paso Field Office, Big Bend National Park and TCEQ Continuous Water Quality Monitoring Program.

Elizabeth Verdecchia then continued her presentation with a map showing water quality monitoring sites. There are 31 stations in the Upper Rio Grande Basin, including some on the Pecos River, 17 collected by us and the rest by the TCEQ field office. The State of Texas has water quality standards that vary in parts of the river based on its designated use, usually based on contact recreation and non-contact use. The lined portion of the Rio Grande in El Paso is designated for non-contact use. They look at TDS (salinity), bacteria, dissolved oxygen, PH, etc. There are standards based on the designated use.

North of El Paso we have a bacteria problem. Downstream of El Paso we have bacteria and salinity. In Hudspeth County we have high salinity. These are actually considered impaired on the Texas 303 (d) list of impaired river segments. Salinity upstream of Presidio and bacteria in the Presidio area are also concerns.

Concerns in the Upper Rio Grande include chlorophyll-a, an indicator of high nutrients, orthophosphorus, total phosphorus, ammonia, and nitrate. A special study being planned now is salinity. It would be intensive monitoring with partners EPCC and UTEP. We are also going to do a metals study. We have limited metals data. We are going to use the TCEQ metals kits at five stations in the El Paso area. We also completed a pesticides study. We tested for 23 organic chemicals for the last three years. Not much was detected. In general, we don't have a pesticide problem.

CRP received feedback from stakeholders about information they requested to be presented at this meeting. One question was about the Clean Water Restoration Act Senate Bill 787, which is currently in Congress. It amends the Clean Water Act to replace the term "navigable waters" that are subject to the Act with the term "waters of the United States."

Another issue raised by stakeholders relates to vehicles along the river. Motorized vehicles are prohibited on the levee and in the river. If you see them, contact the sheriff.

For more information, please consult our web site, www.ibwc.gov/CRP/Index.htm. We have monitoring station data on the web site. We also have our publications online, a calendar of activities, new scientific research portal, photo gallery, and Adopt-A-River information.

For the Adopt-A-River program, community groups adopt a two-mile section of river for two years and commit to two to three cleanups per year. Groups leave bags of trash on the levee and USIBWC picks them up for disposal. A sign acknowledging the group is posted.

For people who would like a copy of the CRP calendar, there is a sign-up sheet. Additional questions may be directed to:

Elizabeth Verdecchia, 915-832-4701 elizabethverdecchia@ibwc.gov

Leslie Grijalva, 915-832-4770 legrijal@ibwc.gov

Man – Is there harmful algae here?

Verdecchia – On the Pecos River there are very bad algae problems that have caused fish kills.

Record of Decision (ROD) for Environmental Enhancements in the Rio Grande Canalization Project

Daniel Borunda, Environmental Protection Specialist, USIBWC, gave a presentation on this topic. We starting a public scoping and consultation process in 1999 and released a Draft Environmental Impact Statement (EIS) for public comment in 2003 and issued a final EIS in July 2004. We had anticipated a ROD in August 2004 but we received several requests from key stakeholders to delay signing the ROD because of concerns over the preferred alternative. The EIS evaluated four alternatives: No Action, Flood Control Improvements, Integrated Land Management, and Targeted River Restoration. Goal of the project was to try to accomplish flood control, water delivery, and Operations and Maintenance (O & M) activities in a manner to enhance or restore the river ecosystem.

In June of this year Commissioner Ruth signed the ROD. We worked with key stakeholders, irrigation districts, environmental groups, and local community leaders to take a hard look at the preferred alternative. We continue to work with Elephant Butte Irrigation District to complete a water rights framework for New Mexico. The Integrated Land Management alternative was selected. The ROD maintains O & M activities, modifies the grazing lease program to improve erosion control, considers recreational use of the project under cooperative agreements, and makes partial changes to floodplain maintenance within the USIBWC right-of-way. It also addresses developing a riparian corridor and stream bank reconfiguration for overbank flows.

Water delivery and flood control are addressed in the ROD and remain the core mission of the project. We also want to do river ecosystem enhancement. Restoration measures consider water depletions (evapo-transpiration, infiltration, floodplain storage losses). We also looked at where we would obtain water for restoration purposes. The ROD sets the stage for USIBWC to lease or acquire the water through a cooperative water transaction program with Elephant Butte Irrigation District, El Paso County Water

Improvement District #1, and other water rights holders. Another issue was maintaining farmland in production. There was a misconception that USIBWC was going to take farmland out of production. Nearly all measures under consideration will be conducted in non-agricultural lands maintained by USIBWC. There is a conceptual plan for 30 restoration sites as a template for restoration but it does not preclude other restoration opportunities.

Another major issue was the Endangered Species Act (ESA). We worked with key stakeholders and we want to utilize a water-based Safe Harbor Agreement concept. Right now there are no known endangered species within the project and if our restoration measures bring in endangered species, we would have a Safe Harbor Agreement so that if we are not able to provide water and habitat during dry years, we are not penalized under the ESA. Another issue was channel maintenance. We had been criticized about our dredging practices, some for it and some against it. We wanted a science-based approach to determine where/when we dredge so the ROD sets up this approach. For floodway vegetation management, it makes permanent three green zones. We look at salt cedar and Russian thistle management and we look at areas to develop study sites for modified grassland management. All of this is considered in light of impacts to flood control and water usage.

He showed a slide and poster of the location of the 30 restoration sites.

The ROD called for a 10-year implementation schedule. During Phase 1 in 1-5 years, we are going to do studies and pilot projects. During Phase 2 for years 6-10 we will complete the remainder of the restoration sites. We are going to be phasing out our grazing leases and we hope to use an adaptive management approach.

We are hoping to organize meetings or technical workshops whereby the agency will present the plans and discuss the topics of trails, maintenance, restoration, or vegetation management. We are always open for partnerships. He presented a slide and handout with six restoration sites that can be implemented fairly easily.

The conceptual restoration plan is available online at:
www.ibwc.gov/Organization/Environmental/canalization_eis.html

The ROD is available online at:
www.ibwc.gov/Files/ROD_River_Mgmt_Alt_RGCP.pdf.

Al Riera (USIBWC) – The Canalization Project is from American Dam to Caballo Dam. We will analyze the areas and target areas that need dredging based on the need to provide flood control, and deliver water to Mexico and U.S. users.

Public Comment

Heather McMurray – Contamination from Asarco on our river and the area around the Asarco smelter for 30 miles out is a concern. IBWC employees have commented about this over the years. They are sick. In March 2005, the State Department issued a report and agreed with the workers that they are indeed sick and they could not get independent medical reviews. The Clean Rivers Program is encouraged to find a non-conflicted agency or other sources to do their analysis, an entity other than TCEQ, which has liabilities in the Asarco issue. We asked Commissioner Ruth not to build the floating wall near Asarco because of the extreme contamination. We would like the specialists and engineers to consider that in Arizona the border wall has exacerbated flooding and would like to know if the 12-foot steel wall on our levees,

which has destabilized the Presidio levee, will increase the risk of flooding to communities behind that wall.

Louis Irwin – The issue of Asarco is probably one we will be adding as an agenda item for future meetings.

Elizabeth Verdecchia (CRP/USIBWC) – We are doing a metals study this year at five stations in the El Paso area, including upstream and downstream of Asarco. We will be analyzing metals in the water.

McMurray - Will you be sending it to TCEQ?

Verdecchia – The metals kits are a TCEQ project. The routine monitoring is done by a nationally-accredited lab in Tennessee. El Paso Water Utilities also analyzes for metals. The data is available on the CRP website.

Al Riera (USIBWC) – The responsibility of the agency is flood control within the levees. The U.S. Department of Homeland Security (DHS) consulted with us prior to construction of the fence, they modeled the impact of the proposed fence and our Engineering Department reviewed the model. In this case, the fence did not show to obstruct or deflect flows in our flood control project.

McMurray – When you find out that a community has been flooded because of the wall, what will your response be to the community?

Riera – Our response will likely be to talk to DHS as our responsibility is just the flood control project.

Bill Addington – Commissioner Marin had some definite opinions about the flood impacts of the fence. You should look at the record.

Man – When will the river be dredged around the Ysleta area?

Riera – It's a function of whether the river needs to be cleaned from a hydraulic perspective. Just because it looks like it has sediment does not mean the river is not able to convey the required flows.

Man – In 2006, it was 3 feet from the top of the levee there so I am concerned.

Woman – Suggested that USIBWC have a better microphone and provide one for comments from the audience.

Suggested future agenda items

Sal Masoud – Would like a presentation about levee construction and design in the Canalization Project. How will certification be handled and how quickly?

Riera – We can have someone from the USIBWC Engineering Department provide an update on the Recovery Act contracts. We can also run through the self-certification process.

Louis Irwin – If you have issues, please let the board know what you want to hear about.

The next meeting will be Dec. 15 in Las Cruces at the Doña Ana County Government Center, Meeting Room 113, 845 N. Motel Blvd. in Las Cruces, 6:30 p.m.. Take I-10 west . Go north on Motel Blvd. It's on your left.

*Meeting notes are tentative and summarize in draft the contents and discussion of Citizens' Forum Meetings. While these notes are intended to provide a general overview of Citizens' Forum Meetings, they may not necessarily be accurate or complete, and may not be representative of USIBWC policy or positions.