



United States Section  
International Boundary and Water Commission

*Scoping Meeting Summary*

**Programmatic Environmental Impact Statement  
Rio Grande and Tijuana River Flood Control Projects  
New Mexico, Texas and California**

March 2005



*Final Report*

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# Section 1

## Introduction

The United States Section of the International Boundary and Water Commission (USIBWC) has proposed to gather information necessary to analyze and evaluate impacts of management activities for the flood control projects maintained by USIBWC along the Rio Grande and the Tijuana Rivers. The four Rio Grande flood control projects are located between Percha Dam in Sierra County, New Mexico, and the Gulf of Mexico. The Tijuana River flood control project is in the United States portion of the Tijuana River in San Diego County, California.

The findings of this evaluation will be documented in a Programmatic Environmental Impact Statement (PEIS). The environmental review of this project will be conducted in accordance with the requirements of Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, CEQ Regulations (40 CFR Parts 1500-1508), other appropriate regulations, and the USIBWC procedures for compliance with these regulations. Copies of the PEIS will be transmitted to federal and state agencies and other interested parties for their review and comment and will be filed with the Environmental Protection Agency in accordance with 40 CFR Parts 1500-1508 and USIBWC procedures.

This report is an administrative record of public comments received during the scoping period (December 10, 2004 to February 7, 2005) and at the scoping meetings that were held on January 11, 12, 13, 19, and 27 in El Paso, Texas; Las Cruces, New Mexico; Presidio, Texas; McAllen, Texas; and Imperial Beach, California, respectively.

This document is organized as follows. Section 1.0 is an introduction, Section 2.0 is a summary of the advance public notifications provided to elected officials, government agencies, organizations and individuals, and Section 3.0 provides a summary of comments received. Appendix A provides public information materials (Notice of Intent, affidavits of publication, notification letters and mailing list). Appendix B provides a copy of the presentation materials used and the handouts provided at the public scoping meetings. Appendix C contains a copy of the registration sheets from the public scoping meetings. Appendices D through G provide public comments received during and after the scoping process regarding the project.

### 1.1 Background

The USIBWC maintains four flood control projects along the Rio Grande:

- 1) Canalization Project, extending 105.4 river miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas;
- 2) Rectification Project, extending 86 river miles from American Diversion Dam to Fort Quitman, Texas;



- 3) Presidio-Ojinaga Flood Control Project, extending over a total length of 15.2 river miles including the Rio Grande and spur levees at Cibolo Creek and Brito Creek in Presidio, Texas; and
- 4) Lower Rio Grande Flood Control Project (LRGFCP), extending 186 river miles on the Rio Grande from the town of Peñitas, Texas, to the Gulf of Mexico, and including 119.9 miles of interior floodway.

In addition, the USIBWC maintains the Tijuana River Flood Control Project, located in the United States portion of the Tijuana River, containing 2.3 miles of channel starting at the international boundary. This project represents a continuation of the flood control project located in Mexico, and provides flood protection to areas of San Diego, California, in the United States.

The purpose of the proposed federal action is to identify, evaluate, and implement alternatives for the management of existing flood control projects in the Rio Grande and Tijuana River that would allow USIBWC to comply with its mandate for flood protection, water deliveries, and/or boundary stabilization, while creating opportunities to enhance environmental and recreational resources.

The USIBWC, as Lead Agency, proposes to collect information necessary for the preparation of the PEIS. The PEIS will consider a range of alternatives, including the no action alternative, based on issues and concerns associated with the projects. The PEIS will identify, describe, and evaluate the existing environmental, cultural, sociological, economic, and recreational resources; explain the flood control/protection projects; and evaluate the impacts associated with the alternatives under consideration. The types of issues that may be addressed in the PEIS include, but are not limited to, impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, land use, environmental justice, socioeconomics, agricultural lands, and recreation.

## 1.2 Purpose and Objective

The intent of the scoping process is to gather public input to help identify the significant issues and narrow the scope of the PEIS based on comments. The public scoping period must occur as soon as possible after the decision to prepare the PEIS is made, and after the Notice of Intent (NOI) is published in the Federal Register. The USIBWC published the NOI in the Federal Register on December 10, 2004. Public meetings were held in January of 2005 as part of the scoping process, one in each of the five USIBWC flood control project areas. Public comments were accepted through February 7, 2005.

Full public participation by interested federal, state, and local agencies and organizations as well as the general public was encouraged during the scoping process. Notification of the public meetings was made through letters to agencies, organizations, and individuals; newspaper announcements; and publication of the NOI in the Federal Register. Each mailing contained a response form on which comments could be written and submitted. An address to mail comment letters was

provided in all communication to potential stakeholders. Discussion was encouraged during the scoping meetings and verbal comments were noted. Comment forms were distributed during the meetings, and could be turned in during the meeting or mailed to the USIBWC after the meeting.

This document is a record of the public scoping meetings and of advance public notifications, meeting documents, verbal comments received at the meetings, and all written comments received during the scoping period.

### 1.3 Scoping Meeting Synopsis

The public scoping meetings were held in five locations that were selected to correspond with the five areas in which the USIBWC maintains flood control projects. Table 1-1 lists the meeting dates, locations and attendance.

**Table 1-1**  
**Scoping Meeting Sites and Attendance**

<b>Date of Public Scoping Meeting <sup>a</sup></b>	<b>Meeting Location</b>	<b>Attendance <sup>b</sup></b>
Tuesday, January 11, 2005	El Paso Marriott 1600 Airway Boulevard El Paso, Texas	23
Wednesday, January 12, 2005	Holiday Inn Las Cruces 201 East University Avenue Las Cruces, New Mexico	27
Thursday, January 13, 2005	Presidio Chamber of Commerce 202 West O'Reilly Street Presidio, Texas	23
Wednesday, January 19, 2005	Four Points Sheraton Hotel 2721 South 10 <sup>th</sup> Street McAllen, Texas	16
Thursday, January 27, 2005	Imperial Beach City Hall 825 Imperial Beach Boulevard Imperial Beach, California	11

a All meetings started at 6:00 PM, local time

b Indicates number of persons who signed the sign-in sheet, not including USIBWC or contractor staff. Actual attendance numbers may have been higher since some people did not sign in.

The meeting rooms were arranged with theater-style seating and a presentation screen in the front of the room. Poster stations in the back of the room covered three topics: Purpose and Need and the NEPA Process, Alternatives Development, and Biological Resources. The posters covered the following subjects:

- Purpose and Need and the NEPA Process
  - Purpose and need
  - What is NEPA?
  - Role of the Scoping Process
  - The PEIS process
  - Preliminary alternative evaluation criteria

- Issue areas to be considered in environmental analysis
- Alternatives Development
  - Project area maps
  - Project area photos
  - Project area aerial photos
  - Alternatives formulation process
  - Preliminary range of alternatives
- Biological Resources
  - Agencies with jurisdiction
  - Evaluation of impacts
  - Biological resources in Project area

The meetings began with a Microsoft PowerPoint presentation by USIBWC and their consultant, Camp Dresser and McKee Inc. (CDM), followed by time for attendees to browse through the poster displays and ask questions to individual representatives from USIBWC and their consultant. Attendees were asked to sign in on registration sheets placed at the entrance to the room. Written comment sheets and flip charts were available to attendees to write their comments. Attendees provided oral comments during open house discussions after the formal presentation at the El Paso, Presidio and Imperial Beach meetings. At the Las Cruces and McAllen meetings, participants went directly to the poster stations after the presentation, and asked questions and provided comments to USIBWC and consultant staff individually. All participants were encouraged to provide written comments, even after expressing them orally, and turn them in at the meeting or by mail on or before the February 7, 2005 postmark deadline.

## Section 2

### Advance Notifications

#### 2.1 Notice of Intent

A Notice of Intent (NOI) to prepare a PEIS was published in the Federal Register by the USBWC on December 10, 2004. The NOI is included in Appendix A - Item 1.

#### 2.2 Cooperating Agency Request Letter

The USBWC sent letters to federal agencies, state agencies, and tribal governments soliciting their participation as Cooperating Agencies during the NEPA process. A total of 87 letters were sent on November 16, 2004. Seven responses were received. Of these responses, 5 agencies agreed to be cooperating agencies and 2 declined. The agencies agreeing to be Cooperating Agencies are:

- United States Army Corps of Engineers (USACE), Los Angeles District
- United States Army Corps of Engineers (USACE), Galveston District
- United States Fish and Wildlife Service (USFWS), New Mexico Ecological Services State Office
- New Mexico Office of Cultural Affairs, Historic Preservation Division
- United States Bureau of Reclamation (USBR), Albuquerque Area Office

A sample copy of the request letter is provided in Appendix A - Item 2. Agencies receiving the request letter, a summary and copies of the responses received are shown in Appendix A - Item 3.

#### 2.3 Media Notifications

A Public Notice announcing the purpose, dates and locations of the scoping meetings was published in the legal section of five local newspapers as shown in Table 2-1. Copies of the publisher's affidavits are provided in Appendix A - Item 4.

**Table 2-1**  
**Newspaper Notifications for the Public Scoping Meetings**

<b>Newspaper</b>	<b>Legal Notice Publication Dates</b>
Las Cruces Sun News	December 14, 15 and 16, 2004
El Paso Times	December 14, 15 and 16, 2004
The International, Presidio, Texas	December 16, 23 and 30, 2004
The Monitor, McAllen, Texas	December 21, 22 and 23, 2004
San Diego Union-Tribune	December 14, 15 and 16, 2004

## **2.4 Notifications to Agencies, Elected Officials, Organizations, and Individuals**

The USIBWC mailed a notification letter for the public scoping meetings to 1,647 elected officials, federal/state/local agencies, organizations, and individuals. The letter, mailed December 10, 2004, contained a description of the USIBWC flood control projects, example lists of potential alternatives, and example lists of potential criteria to be used for evaluating alternatives. Dates and times of scoping meetings, and instructions for submitting written comments were included. A response form was included for recipients to return stating their desire to continue or not continue receiving information on the project. A copy of the letter, a blank response form, and the mailing list for notification are included in Appendix A - Item 5.

Nine of the notification letters sent out were returned as undeliverable. These are shown with a strikethrough in Appendix A - Item 5.



## Section 3

# Summary of Issues and Concerns

Issues and resource areas of concern were identified from the comments received during the public scoping meetings and public comment period. The items identified during the scoping process will be used to help determine a final list of issues and resource areas to be addressed in the PEIS.

Comments were received in five formats: oral, response forms, written comment sheets, letters, and e-mails. Oral comments that were made during the scoping meetings and noted by the USIBWC consultant are included in this Section. Response forms were mailed to 1,647 potential stakeholders and those returned to the USIBWC are summarized in this Section. Written comment sheets were distributed during the scoping meetings and were returned to the USIBWC either during the meetings or by mail. Comment letters and e-mails include any letter or e-mail received by the USIBWC regarding the project during the scoping period.

Input received during the scoping process was handled as follows:

- 1) Oral comments received during the open house discussions and poster sessions were noted and are summarized in Table 3-1.
- 2) A master list of respondents was prepared based on all the written responses received during the public scoping meetings and public comment period. This list, divided into agencies, organizations, and individuals, is shown in Table 3-2. Copies of comment sheets, response forms, and comment letters and e-mails received are included in Appendices D, E, F, and G. Response forms expressing a desire not to receive future communication from the USIBWC on this project are not included in Table 3-2 but are included in Appendix E.
- 3) A potential list of resource areas to be addressed was developed as a guide, prior to the scoping process, and includes the following:
  - a. Agricultural economics
  - b. Agricultural land and water use
  - c. Agricultural social issues
  - d. Air quality
  - e. Cultural resources
  - f. Environmental justice
  - g. Fisheries and aquatic ecosystems
  - h. Flood control
  - i. Geology and soils
  - j. Groundwater resources
  - k. Hydroelectric power production and energy
  - l. Hydrology
  - m. Indian trust lands
  - n. Noise

- o. Public health and environmental hazards
  - p. Recreation resources
  - q. Regional economics
  - r. Transportation
  - s. Urban land use
  - t. Urban water supply economics
  - u. Utilities and public services
  - v. Vegetation and wildlife
  - w. Visual resources
  - x. Water quality
  - y. Water supply and water management
- 4) Scoping comments are summarized in Table 3-3. Comments postmarked after the end of the public scoping period are not included in Table 3-3. Of the 25 potential resource areas to be considered, the comments received addressed 12 areas:
- a. Agricultural economics
  - b. Agricultural land and water use
  - c. Environmental justice
  - d. Fisheries and aquatic ecosystems
  - e. Flood control
  - f. Hydrology
  - g. Recreation resources
  - h. Urban land use
  - i. Vegetation and wildlife
  - j. Visual resources
  - k. Water supply and water management
  - l. Water quality
- 5) For each of the resource areas in the responses received, a listing of specific issues raised in the comments was developed. This listing is included in Table 3-4. These issues will assist in defining the scope of the PEIS analysis for their corresponding resource area.
- 6) Table 3-5 is a summary of the sources of all comments received.
- 7) Table 3-6 is a summary of the number of comments received and the number of issues identified for each resource area.

**Table 3-1**  
**Issues Raised Orally at Scoping Meetings (Open House Discussions)**

No.	Comment	Commentator
EL PASO MEETING		
1	Dredge return flow canals so they will drain properly. Beneficially use sediment removed. Investigate effects of meanders on water use, and consider holding lakes instead. Evaluate impact of stagnant areas on mosquitoes.	Robert Kimpal Farm Owner
2	Concerned about the public process. How can we be sure our comments will be taken seriously?	John Kiseda El Paso Zoo Audubon Society
3	What is the percentage of the \$66M predicted to be used for Canalization improvements that will go towards habitat enhancement?	Sal Quintanilla Texas Master Naturalist
4	Where will the funding come from for the \$122M in projects in the Canalization Reformulation Report? Issues of water delivery, sediment control, and vegetation control (exotic species) are important.	Lorenzo Arriaga U.S. Bureau of Reclamation
5	Consider using herbicide or beetles for control of salt cedar. Pecos River project successfully used beetles.	John Kiseda El Paso Zoo Audubon Society
6	Will funding request be made for improvements in Rectification Project?	Maria Trunk Friends of the Rio Bosque
7	How will specific projects be documented after PEIS? Will there be a more project-specific EIS? Water rights and water quality, including salinity, eutrophication, bacteria and meeting NM and TX water quality standards should be considered in objectives and performance measures.	John Hernandez
8	What is role of USIBWC in Total Maximum Daily Load (TMDL) determination? Appropriately weight recreation and public health considerations. Recognize that homeland security and maintenance of international boundary severely limit other available options. Is wastewater treatment within the scope of this project?	Eric Hutson Paso del Norte Health Foundation
9	Will weighting of objectives in Alternative evaluation be made public?	Joe Groff
10	Delay of original Canalization EIS was a good idea. It allows for stakeholder input.	John Hernandez
11	What will happen to the first Canalization EIS? Will issues raised in the original EIS be revisited in this PEIS?	Henry Magallanez Elephant Butte Irrigation District (EBID)
12	Will this PEIS override the original Canalization EIS?	Joe Groff
13	Suggest contacting New Mexico State University cooperative extension officer for Fish and Wildlife Service, Audubon Society, and other local agencies for lists of species sightings in project areas.	John Kiseda El Paso Zoo Audubon Society
14	What is the time horizon of this proposed activities?	Eric Hutson Paso del Norte Health Foundation
15	Salt cedar will not grow in shade, so quickly revegetate after eradication to establish shade. Broad herbicides are not the answer. Consider removing salt tainted soil.	Unattributed
LAS CRUCES MEETING		
	Public open house discussion did not take place at this meeting. However, the following issues were raised during the informal portion of the meeting: <ul style="list-style-type: none"><li>Control access to levee roads to avoid damage to levees and vegetation</li><li>Will USIBWC project be coordinated with the City of Las Cruces Rio Grande Comprehensive Plan?</li><li>Include recreational opportunities near the City of Las Cruces</li><li>Control salt cedar</li></ul>	
PRESIDIO MEETING		
1	Consider eradication of exotic species and effects of salt cedar removal.	Lacy Carlson

**Table 3-1**  
**Issues Raised Orally at Scoping Meetings (Open House Discussions)**

No.	Comment	Commentator
2	Cooperation with Mexico so far has been minimal in Lower Rio Grande Valley. Agency coordination important, especially with Mexico.	Robert Flores Texas Water Development Board (TWDB)
3	Is coordination with the Mexican Section of the IBWC, Comisión Internacional de Límites y Aguas (CILA), taking place?	Ben DeLuca U.S. Customs and Border Protection
4	Role of Mexican authorities. Make invitations at a more local level. Local agencies are willing to do what they can.	Dora Lopez
5	Consider water quality monitoring, wastewater treatment in Mexico; \$750,000 from North American Development Bank (NADB) to Presidio, what has come out of this money?; salinity of return flows from Mexico; farming in the U.S. is disappearing due to water quantity and quality; water quality as it pertains to human health issues, and wetlands. Look at issues from the farmer's perspective. Salt cedar was brought in by a Federal agency, so a Federal agency should get rid of it.	Carlos Nieto
6	When arroyos do not drain they affect farming. Alamito Creek is an example.	Jarrel McCaogh
7	Consider erosion and providing an easement.	Carlos Nieto
8	Consider the salt cedar problem and who will finance it?	unattributed
<b>McALLEN MEETING</b>		
	Public open house discussion did not take place at this meeting. However, the following issues were raised during the informal portion of the meeting: <ul style="list-style-type: none"><li>• Avoid or reduce habitat fragmentation</li><li>• Assess right-of-way and land tenure needs for the creation of wildlife corridors</li></ul>	
<b>IMPERIAL BEACH MEETING</b>		
1	Does PEIS have a website? Where can public get more detail?	David Gomez Congressman Bob Filner's office
2	Public needs more access to information. Consider USIBWC buying additional property as an alternative. Also consider water quality benefits. Will PEIS look at off-site alternatives, such as downstream improvements?	James Peugh San Diego Audubon Society
3	Are effects downstream of flood control project considered? Consider benefits and impacts both upstream and downstream of project. For example, trash removal is an upstream/downstream issue. State interested in water quality objectives and relationship of project to TMDL program.	Bart Christensen State Water Resources Control Board (SWRCB)
4	Look at sustainable design criteria and best practices. Need to consider ongoing projects in Tijuana.	Oscar Romo Tijuana River National Estuarine Research Reserve (TRNERR)
5	Is flooding in area considered in the Purpose and Need? Consider impacts of water velocity in concrete channel.	Carolyn Lieberman U.S. Fish and Wildlife Service
6	Can we comment on all USIBWC flood control projects or just Tijuana River Project?	Josh Goff U.S. Customs and Border Protection
7	Project should use integrated land management and should not conflict with plan to address bacteria levels. There is a potential conflict with other objectives if we only look at flood control.	Ed Kimura Sierra Club
8	City of San Diego does sediment and trash removal downstream of the USIBWC Project. Upstream sediment and trash control is important. Will proposed project affect/exacerbate trash problem? Will there be any improvement to canyon collectors? Are upstream structures being considered? Will project look at increasing capacity to handle sewage flows?	Michael Handal City of San Diego
9	Look at ongoing projects in Mexico as part of hydraulic/hydrologic modeling.	Oscar Romo TRNERR

**Table 3-1**  
**Issues Raised Orally at Scoping Meetings (Open House Discussions)**

<b>No.</b>	<b>Comment</b>	<b>Commentator</b>
10	Consider water quality needs and requirements, including bacteria and nutrients. Project should produce water quality benefit. Look at downstream impacts of sediment removal. Trash removal should be listed as an objective, especially to offset the effects of mowing. Mowing exacerbates trash problems by allowing sediment and trash to pass downstream. Trash creates flooding problems. Is there any data to show that mowing willows actually increases flow capacity? Why are willows being removed? Not in original plan.	James Peugh San Diego Audubon Society
11	Has project resulted in increased flow rates or flooding?	Carolyn Lieberman U.S. Fish and Wildlife Service (USFWS)



**Table 3-2**  
**Master List of Individuals or Agencies Submitting Written Comments**

Designator	Commentator	Format Submitted
EL PASO MEETING (EP)		
Agencies		
EP-01	Texas Commission on Environmental Quality (TCEQ) (Ida Munoz)	Comment Sheet
EP-02	United States Bureau of Reclamation (USBR) (Lorenzo Arriaga)	Comment Sheet
Individuals		
EP-03	John Hernandez	Comment Sheet
EP-04	Al Blair	Comment Sheet
EP-05	Robert Kimpel	Comment Sheet
LAS CRUCES MEETING (LC)		
Agencies		
LC-01	La Union SW & Hispanic Farmers and Ranchers of America (HFRA) (Edward Provencio)	Comment Sheet
LC-02	Natural Resources Conservation Service (NRCS) Socorro Area Office (Cliff Sanchez)	Comment Sheet
LC-03	Las Cruces Metropolitan Planning Organization (MPO) (Andy Hume)	Comment Sheet
Organizations		
LC-04	Southwest Environmental Center (SWEC) /Amigos Bravos (Nubia Ortiz)	Comment Sheet
LC-05	Caballo Soil and Water District (Bruce Redd)	Comment Sheet
Individuals		
LC-06	Donaciano Gonzalez	Comment Sheet
LC-07	Jean Apgar	Comment Sheet
PRESIDIO MEETING (PR)		
Agencies		
PR-01	Office of Border Health (Dora Lopez)	Comment Sheet
PR-02	Texas Department of State Health Services (Rebecca Wainright)	Comment Sheet
Organizations		
PR-03	Rio Grande Institute (Tyrus Fain)	Comment Sheet
McALLEN MEETING (MC)		
	No written comment sheets were received at or as a result of this meeting.	
IMPERIAL BEACH MEETING (IB)		
Organizations		
IB-01	TRNERR (Oscar Romo)	Comment Sheet
OTHER COMMENTS RECEIVED (OC)		
Agencies		
OC-01	El Paso Water Utilities (EPWU) (Ed Archuleta)	Response Form
OC-02	City of El Paso, TX (Rick Conner)	Response Form
OC-03	Presidio County, TX (Jerry Agan)	Response Form
OC-04	City of Rio Hondo, TX (Santiago Saloana)	Response Form
OC-05	Texas Office of the Governor (Mike Morrissey)	Response Form
OC-06	Elephant Butte Irrigation District (EBID) (Lee Peters)	Response Form
OC-07	Village of Hatch, NM (Judd Nordyke, Mayor)	Response Form
OC-08	Comanche Nation (Donnita Sovo)	Response Form
OC-09	New Mexico State University (NMSU) Cooperative Extension (Denise McWilliams)	Response Form
OC-10	Texas House of Representatives (Aaron Peña)	Response Form
OC-11	California Coastal Commission (Mark Delaplaine)	E-mail
OC-12	USFWS (Carlsbad, CA) (Therese O'Rourke)	Letter

**Table 3-2**  
**Master List of Individuals or Agencies Submitting Written Comments**

Designator	Commentator	Format Submitted
OC-13	USFWS (Albuquerque, NM) (Susan MacMullin)	Letter
OC-14	California State Water Resources Control Board (Bart Christensen)	Letter
OC-15	U.S. Customs and Border Protection (San Diego) (David Brown)	Letter
<b>Organizations</b>		
OC-16	TX Master Naturalist Trans Pecos Chapter (Paul Aston)	Response Form
OC-17	R.J. Brandes Co. (James Machin)	Response Form
OC-18	The Nature Conservancy (Sonia Najera)	Response Form
OC-19	SWEC/Amigos Bravos (Nubia Ortiz)	Letter
OC-20	San Diego Audubon Society (James Peugh)	Letter
OC-21	Rio Grande Institute (Tyrus Fain)	Letter
OC-22	Friends of the Rio Bosque (Maria Trunk)	Letter
OC-23	Hubert & Hernandez, P.A. Law Offices for Elephant Butte Irrigation District (EBID) (Gary Esslinger)	Letter
OC-24	SWEC (Kevin Bixby)	Letter
<b>Individuals</b>		
OC-25	Carl Boyd	Response Form
OC-26	Arlan Raatz	Response Form
OC-27	Jack Briggs	Response Form
OC-28	Leon Silverstrom	Response Form
OC-29	Louis Lamit	Response Form and Letter
OC-30	Kevin Doyle	E-mail
OC-31	Thomas Schuster	Letter
OC-32	Rebecca Miller	Letter
<b>Other Comments Received – Postmarked After Close of Public Comment Period (AC)</b>		
<b>Agencies</b>		
AC-01	NRCS Socorro Area Office (Cliff Sanchez)	E-mail
<b>Individuals</b>		
AC-02	William Forbes	Letter

LC Las Cruces Meeting 01/12/05  
 EP El Paso Meeting 01/11/05  
 PR Presidio Meeting 01/13/05  
 MC McAllen Meeting 01/19/05  
 IB Imperial Beach Meeting 01/27/05  
 OC Other comments received by mail/fax/e-mail  
 AC Other comments received by mail/fax/e-mail – postmarked after close of public comment period

**Table 3-3**  
**Summary of Scoping Comments**

Designator	Geographical Area Referenced	Commentator	Resource Area												
			AE	AL	EJ	FA	FC	HG	RR	ULU	VW	VR	WQ	WS	NC
EL PASO MEETING															
Agencies															
EP-01	RGW	TCEQ									X		X		
EP-02	CAN	USBR									X			X	
Individuals															
EP-03	ALL	John Hernandez													X
EP-04	RGW	Al Blair													X
EP-05	RECT	Robert Kimpel		X										X	
LAS CRUCES MEETING															
Agencies															
LC-01	ALL	La Union SW & HFRA		X				X			X	X			
LC-02	ALL	NRCS Socorro Area Office				X					X				
LC-03	CAN	Las Cruces MPO				X		X	X			X			
Organizations															
LC-04	CAN	SWEC/Amigos Bravos							X		X				
LC-05	CAN	Caballo Soil & Water District									X				
Individuals															
LC-06	CAN	Donaciano Gonzalez					X								
LC-07	CAN	Jean Apgar					X								
PRESIDIO MEETING															
Agencies															
PR-01	ALL	Office of Border Health			X										
PR-02	ALL	Texas Department of State Health Services							X			X			
Organizations															
PR-03	RGW	Rio Grande Insitute									X				

**Table 3-3  
Summary of Scoping Comments**

Designator	Geographical Area Referenced	Commentator	Resource Area													
			AE	AL	EJ	FA	FC	HG	RR	ULU	VW	VR	WQ	WS	NC	
IMPERIAL BEACH MEETING																
Organizations																
IB-01	TR	TRNERR							X						X	
OTHER COMMENTS RECEIVED																
Agencies																
OC-01	ALL	EPWU														X
OC-02	ALL	City of El Paso, TX														X
OC-03	ALL	Presidio County, TX														X
OC-04	ALL	City of Rio Hondo, TX														X
OC-05	ALL	Texas Office of the Governor														X
OC-06	ALL	EBID														X
OC-07	ALL	Village of Hatch, NM														X
OC-08	ALL	Comanche Nation														X
OC-09	ALL	NMSU Cooperative Extension					X		X		X			X		
OC-10	ALL	Texas House of Representatives														X
OC-11	TR	California Coastal Commission				X	X	X	X	X	X	X	X			
OC-12	TR	USFWS (Carlsbad, CA)				X					X					
OC-13	CAN	USFWS (Albuquerque, NM)			X											
OC-14	TR	CA State Water Resources Control Board												X		
OC-15	TR	U.S. Customs and Border Protection (San Diego, CA)								X						
Organizations																
OC-16	RECT	TX Master Naturalist Trans Pecos Chapter							X		X					
OC-17	ALL	R.J. Brandes Co.														X
OC-18	ALL	The Nature Conservancy														X
OC-19	CAN	SWEC/Amigos Bravos				X	X	X			X					
OC-20	ALL	San Diego Audubon Society					X				X		X			

**Table 3-3  
Summary of Scoping Comments**

Designator	Geographical Area Referenced	Commentator	Resource Area												
			AE	AL	EJ	FA	FC	HG	RR	ULU	VW	VR	WQ	WS	NC
OC-21	RGW	Rio Grande Institute				X	X		X						
OC-22	RECT	Friends of the Rio Bosque							X		X	X			
OC-23	CAN	EBID	X		X						X			X	
OC-24	RECT,CAN	SWEC				X		X		X	X				X
<b>Individuals</b>															
OC-25	ALL	Carl Boyd					X								
OC-26	ALL	Arlan Raatz													X
OC-27	ALL	Jack Briggs													X
OC-28	ALL	Leon Silverstorm													X
OC-29	ALL	Louis Lamit				X				X	X				
OC-30	ALL	Kevin Doyle													X
OC-31	RGW	Thomas Schuster						X			X				
OC-32	RECT, CAN	Rebecca Miller	X				X							X	

RECT Rectification Project  
 CAN Canalization Project  
 PRES Presidio Project  
 LRGV Lower Rio Grande Valley Project  
 TR Tijuana River  
 RGW Rio Grande Watershed projects  
 ALL All projects, or general comment

AE Agricultural Economics  
 AL Agricultural Land and Water Use  
 EJ Environmental Justice  
 FA Fisheries and Aquatic Ecosystems  
 FC Flood Control  
 HG Hydrology  
 RR Recreation Resources  
 ULU Urban Land Use  
 VW Vegetation and Wildlife  
 VR Visual Resources  
 WQ Water Quality  
 WS Water Supply and Water Management  
 NC Keep Informed or Request for Information, but no comment



**Table 3-4**  
**Summary of Issues Identified During Public Scoping**

Resource Area	Issue	Source	Commentator
Agricultural Economics			
	effects on pecan crop	• comment letter	• Rebecca Miller
	analyze economic effects of shifting water rights from agriculturally productive to non-productive use	• comment letter	• EBID
Agricultural Land and Water Use			
	use dredged sediment beneficially	• public meeting (EP) • written comment sheet	• Robert Kimpal
	end grazing leases	• written comment sheet	• La Union SW & HFRA
Environmental Justice			
	cooperate with Mexican agencies/CILA	• public meeting (PR)	• Robert Flores • Ben DeLuca • Dora Lopez
	increase public access to information	• public meeting (PR) • public meeting (IB) • written comment sheet	• David Gomez • San Diego Audubon Society • Joe Groff • Dora Lopez
	use sustainable design criteria and best practices	• public meeting (IB) • written comment sheet	• TRNERR
	do not favor one state over another and consider disadvantaged populations	• comment letter	• EBID
Fisheries and Aquatic Ecosystems			
	protect current fish species and promote wildlife habitat	• comment letter • response form • written comment sheet	• NRCS • Las Cruces MPO • USFWS • San Diego Audubon Society • Rio Grande Institute • SWEC (Kevin Bixby) • Louis Lamit
	construct fish passages	• comment letter	• SWEC/Amigos Bravos (Nubia Ortiz)
Flood Control			
	control flooding that inhibits the use of local roads	• written comment sheet	• Donacio Gonzalez

**Table 3-4**  
**Summary of Issues Identified During Public Scoping**

Resource Area	Issue	Source	Commentator
Flood Control (cont'd)	recontour Tijuana River for flood control	<ul style="list-style-type: none"> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>San Diego Audubon Society</li> </ul>
	use holding ponds, wetlands and lakes for flood control	<ul style="list-style-type: none"> <li>written comment sheet</li> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>Robert Kimpal</li> <li>SWEC (Kevin Bixby)</li> </ul>
	adequate personnel to control major floods	<ul style="list-style-type: none"> <li>response form</li> </ul>	<ul style="list-style-type: none"> <li>Carl Boyd</li> </ul>
	use two-dimensional modeling such as FLO-2D for flood control studies	<ul style="list-style-type: none"> <li>comment letter</li> <li>written comment sheet</li> </ul>	<ul style="list-style-type: none"> <li>SWEC/Amigos Bravos (Nubia Ortiz)</li> <li>SWEC (Kevin Bixby)</li> <li>Jean Apgar</li> </ul>
	eliminate mowing if not necessary for flood control	<ul style="list-style-type: none"> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>San Diego Audubon Society</li> </ul>
Hydrology			
	do not channelize or destroy river meanders	<ul style="list-style-type: none"> <li>written comment sheet</li> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>La Union SW &amp; HFRA</li> <li>Las Cruces MPO</li> <li>Thomas Schuster</li> </ul>
	improve flow of river and enlarge floodplains	<ul style="list-style-type: none"> <li>written comment sheet</li> </ul>	<ul style="list-style-type: none"> <li>SWEC (Kevin Bixby)</li> </ul>
	dredge return flow canals for proper drainage	<ul style="list-style-type: none"> <li>public meeting (EP)</li> <li>public meeting (PR)</li> <li>written comment sheet</li> </ul>	<ul style="list-style-type: none"> <li>Robert Kimpal</li> <li>Jarrel McCaogh</li> </ul>
	continue to dredge the channel	<ul style="list-style-type: none"> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>EBID</li> <li>Rebecca Miller</li> </ul>
	do not dredge the channel	<ul style="list-style-type: none"> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>Thomas Schuster</li> </ul>
	do accurate sediment loading analysis	<ul style="list-style-type: none"> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>SWEC (Kevin Bixby)</li> </ul>
	investigate effects of stagnant water on mosquitoes	<ul style="list-style-type: none"> <li>public meeting (EP)</li> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>Robert Kimpal</li> <li>EBID</li> </ul>
Recreation resources			
	promote recreation through bike and walking trails	<ul style="list-style-type: none"> <li>written comment sheet</li> <li>public meeting (PR)</li> <li>response form</li> <li>comment letter</li> </ul>	<ul style="list-style-type: none"> <li>Las Cruces MPO</li> <li>SWEC/Amigos Bravos (Nubia Ortiz)</li> <li>TX Dept. of State Health Services</li> <li>NMSU Cooperative Extensión</li> <li>Rio Grande Institute</li> </ul>

**Table 3-4**  
**Summary of Issues Identified During Public Scoping**

Resource Area	Issue	Source	Commentator
Recreation resources (cont'd)	prohibit the use of motorized vehicles in the riverbed	<ul style="list-style-type: none"> <li>• response form</li> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• Las Cruces MPO</li> <li>• SWEC/Amigos Bravos (Nubia Ortiz)</li> </ul>
Urban land use			
	purchase more property as an Alternative	<ul style="list-style-type: none"> <li>• public meeting (IB)</li> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• San Diego Audubon Society</li> <li>• SWEC/Amigos Bravos (Nubia Ortiz)</li> </ul>
	act within California Coastal Management Program	<ul style="list-style-type: none"> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• California Coastal Commission</li> </ul>
	remove brush and sediment to deter illegal border crossings	<ul style="list-style-type: none"> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• U.S. Customs and Border Protection</li> </ul>
	act within existing regional, State and local land use plans	<ul style="list-style-type: none"> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• EBID</li> </ul>
	discourage land development near river	<ul style="list-style-type: none"> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• SWEC (Kevin Bixby)</li> </ul>
Vegetation and wildlife			
	remove salt cedar and replace with native species of vegetation	<ul style="list-style-type: none"> <li>• response letter</li> <li>• written comment sheet</li> <li>• public meeting (EP)</li> <li>• public meeting (PR)</li> </ul>	<ul style="list-style-type: none"> <li>• TCEQ</li> <li>• NRCS</li> <li>• La Union SW &amp; HFRA</li> <li>• Rio Grande Institute</li> <li>• John Kiseda</li> <li>• Lacy Carlson</li> <li>• Carlos Nieto</li> <li>• Bruce Redd</li> </ul>
	protect and restore riparian habitat	<ul style="list-style-type: none"> <li>• public meeting (EP)</li> <li>• public meeting (PR)</li> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• NRCS</li> <li>• Paul Aston</li> <li>• Tyrus Fain</li> <li>• SWEC (Kevin Bixby)</li> <li>• John Kiseda</li> <li>• USFWS Carlsbad</li> <li>• SWEC/Amigos Bravos (Nubia Ortiz)</li> <li>• Friends of the Rio Bosque</li> <li>• Thomas Schuster</li> </ul>
	release regular flood flows from Caballo Dam to promote native vegetation and sustain channel geometry	<ul style="list-style-type: none"> <li>• comment letter</li> </ul>	<ul style="list-style-type: none"> <li>• SWEC (Kevin Bixby)</li> </ul>

**Table 3-4**  
**Summary of Issues Identified During Public Scoping**

Resource Area	Issue	Source	Commentator
Vegetation and wildlife (cont'd)			
	do not mow in floodplain	• comment letter	• SWEC/Amigos Bravos (Nubia Ortiz) • San Diego Audubon Society
	mow in floodplain	• comment letter	• EBID • U.S. Customs and Border Protection
	protect and restore habitat for listed and sensitive species	• comment letter	• USFWS (Carlsbad)
Visual Resources			
	clean up trash along the Rio Grande	• written comment sheet	• La Union SW & HFRA • Las Cruces MPO
	enhance scenery by means of flora/fauna in Rio Bosque Wetlands Park	• comment letter	• Friends of the Rio Bosque
Water quality			
	salinity, eutrophication, bacteria, and state standards in scope of work	• comment letter • public meeting (EP) • public meeting (IB)	• CA State Water Resources Control Board • Eric Hutson • Carlos Nieto • Ed Kimura • San Diego Audubon Society • EBID
	use of herbicides and effects on Rio Grande	• written comment sheet	• TCEQ
	trash and sediment collection in scope of work	• comment letter • public meeting (IB) • written comment sheet	• CA State Water Resources Control Board • San Diego Audubon Society • Michael Handal • Jim Peugh • Oscar Romo
	TMDL coordination	• comment letter	• CA State Water Resources Control Board
Water supply and water management			
	no water can be used, lost or wasted without water rights	• comment letter	• EBID • Rebecca Miller
	explore all options to obtain water rights for river restoration measures	• comment letter	• SWEC (Kevin Bixby)

EP El Paso meeting 01/11/05  
PR Presidio meeting 01/13/05  
IB Imperial Beach meeting 01/27/05

**Table 3-5**  
**Summary of Scoping Comments by Source and Format**

<b>Source</b>	<b>No. of Comments</b>
<b>1. SOURCE OF COMMENTS</b>	
<b>a. Cooperating Agencies</b>	
Cooperating Agency Request Letters Sent by USIBWC	87
Responses Received: (1) Will Participate	5
(2) Unable to Participate	2
(3) No Response	80
<b>b. Sources of Comment Letters and Affirmative Response Forms Received</b>	
Federal Agencies	3
TX State Agencies	2
NM State Agencies	0
CA State Agencies	1
TX Local Agencies	4
NM Local Agencies	3
CA Local Agencies	1
Irrigation or Water Districts	2
Organizations	8
Individuals	8
<b>c. El Paso Scoping Meeting</b>	
Persons in Attendance	23
Written Comment Sheets Received	5
<b>d. Las Cruces Scoping Meeting</b>	
Persons in Attendance	27
Written Comment Sheets Received	7
<b>e. Presidio Scoping Meeting</b>	
Persons in Attendance	23
Written Comment Sheets Received	3
<b>f. McAllen Scoping Meeting</b>	
Persons in Attendance	16
Written Comment Sheets Received	0
<b>g. Imperial Beach Scoping Meeting</b>	
Persons in Attendance	11
Written Comment Sheets Received	1
<b>2. FORMAT OF COMMENTS RECEIVED</b>	
Written Comment Sheets	16
Response Forms Received (affirmative)	18
Letters Received	12
Email Comments Received	2
Total Comments Received	48



**Table 3-6**  
**Summary of Scoping Comments by Subject**

Description	No. of Comments
<b>1. NUMBER OF COMMENTS RECEIVED FOR EACH RESOURCE AREA<sup>a</sup></b>	
Air Quality	0
Agricultural economics	2
Agricultural land and water use	3
Agricultural social issues	0
Cultural resources	0
Environmental justices	3
Fisheries and aquatic ecosystems	8
Flood control	9
Geology and soils	0
Groundwater resources	0
Hydroelectric power production and energy	0
Hydrology	7
Indian trust lands	0
Noise	0
Public health and environmental hazards	0
Recreation resources	8
Regional economics	0
Transportation	0
Urban land use	4
Urban water supply economics	0
Utilities and public services	0
Vegetation and wildlife	18
Visual resources	5
Water quality	4
Water supply and water management	6
Keep informed or request for information, but no comment	18
<b>2. NUMBER OF ISSUES IDENTIFIED FOR EACH RESOURCE AREA<sup>b</sup></b>	
Agricultural economics	2
Agricultural land and water use	2
Environmental justice	4
Fisheries and aquatic ecosystems	2
Flood control	6
Hydrology	7
Recreation resources	2
Urban land use	5
Vegetation and wildlife	6
Visual resources	2
Water quality	4
Water supply and water management	2

a Comments received as indicated on Table 3-3

b Tabulated from comments received as indicated on Table 3-4

# APPENDIX A

# ITEM 1

## Notice of Intent

WI030008 ((Jun. 13, 2003))  
WI030032 ((Jun. 13, 2003))

#### Volume V

##### Missouri

MO030003 (Jun. 13, 2003)  
MO030005 (Jun. 13, 2003)  
MO030007 (Jun. 13, 2003)  
MO030018 (Jun. 13, 2003)

##### Nebraska

NE030003 (Jun. 13, 2003)  
NE030007 (Jun. 13, 2003)  
NE030010 (Jun. 13, 2003)  
NE030011 (Jun. 13, 2003)  
NE030041 (Jun. 13, 2003)

#### Volume VI

##### Alaska

AK030001 (Jun. 13, 2003)

##### Oregon

OR030001 (Jun. 13, 2003)  
OR030007 (Jun. 13, 2003)

##### Washington

WA030011 (Jun. 13, 2003)

#### Volume VII

##### None

### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at <http://www.access.gpo.gov/davisbacon>. They are also available electronically by subscription to the Davis-Bacon Online Service (<http://davisbacon.fedworld.gov>) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which

includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed in Washington, DC this 2nd day of December, 2004.

**John Frank,**

*Acting Chief, Branch of Construction Wage Determinations.*

[FR Doc. 04-26812 Filed 12-9-04; 8:45 am]

**BILLING CODE 4510-27-M**

### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

#### United States Section; Notice of Intent To Prepare a Programmatic Environmental Impact Statement for Its Flood Control Projects Within the Rio Grande and Tijuana River Basins

**AGENCY:** United States Section, International Boundary and Water Commission, United States and Mexico.

**ACTION:** Notice of intent to prepare a programmatic environmental impact statement (PEIS).

**SUMMARY:** This notice advises the public that pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the United States Section, International Boundary and Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate impacts of management activities for the flood control projects maintained by USIBW along the Rio Grande, from Percha Dam in Doña Ana County, New Mexico, to the Gulf of Mexico; and in the United States portion of the Tijuana River in San Diego County, California. The findings of this evaluation will be documented in a PEIS.

This notice is being provided as required by the Council on Environmental Quality Regulations (40 CFR 1501.7) and the USIBWC's Operating Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the PEIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the PEIS.

**DATES:** The USIBWC will conduct five public meetings at the following locations and dates: (1) El Paso, Texas on January 11, 2005, from 6 to 9 p.m. m.s.t. at the El Paso Marriot, 1600 Airway Blvd., El Paso, Texas 79925; (2)

Las Cruces, New Mexico on January 12, 2005, from 6 to 9 p.m. m.s.t. at the Holiday Inn, 201 E. University, Las Cruces New Mexico 88005; (3) Presidio, Texas on January 13, 2005, from 6 to 9 p.m. c.s.t. at the Presidio Chamber of Commerce, 202 W. Oreilly Street, Presidio Texas 79845; (4) McAllen Texas on January 19, 2005, from 6 to 9 p.m. c.s.t. at the Four Point Sheraton Hotel, 2721 S. 10th Street, McAllen, Texas 78503; and (5) City of Imperial Beach (San Diego County), California on January 27, 2005, from 6 to 9 p.m. P.s.t., at the Imperial Beach City Hall, 825 Imperial Beach Boulevard, Imperial Beach, California 91932.

Full public participation by interested federal, state, and local agencies, as well as other interested organizations and the general public is encouraged during the scoping process which will end 60 days from the date of this notice. Public comments on the scope of the PEIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested.

**FOR FURTHER INFORMATION CONTACT:** Comments will be accepted for 60 days following the date of this notice by Daniel Borunda, Environmental Protection Specialist, USIBWC, 4171 N. Mesa Street, Suite C-100, El Paso, Texas 79902. Phone: (915) 832-4701, FAX: (915) 832-4167, e-mail: [danielborunda@ibwc.state.gov](mailto:danielborunda@ibwc.state.gov).

#### SUPPLEMENTARY INFORMATION:

##### 1. Proposed Action

The USIBWC maintains the following four flood control projects along the Rio Grande, in the United States:

A. Canalization Project, extending 106 miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas.

B. Rectification Project, extending 86 miles from American Diversion Dam to Fort Quitman, Texas.

C. Presidio-Ojinaga Flood Control Project, approximately 15 miles in length and located along the Rio Grande within the sister cities of Presidio, Texas and Ojinaga, Chihuahua, Mexico,

D. Lower Rio Grande Flood Control Project (LRGFCP), extending 180 miles between the town of Peñitas, Texas, to the Gulf of Mexico.

These projects were constructed with the objectives of providing flood control to urban, suburban, and agricultural areas adjacent to the river; stabilizing the International Boundary between the United States and Mexico (Rectification Project, Presidio-Ojinaga Project, and LRGFCP); and ensuring water deliveries (Canalization Project, Presidio-Ojinaga

Project, and LRGFCP). In addition, USIBWC maintains the Tijuana River Flood Control Project, located in the United States portion of the Tijuana River, extending 2.3 miles from the international boundary. This project provides flood protection to areas in the United States.

The proposed federal action that will be evaluated in the PEIS may include activities to ensure adequate flood control and water deliveries per international agreements and treaties, while identifying opportunities for enhancements to the riparian ecosystem and the development of recreational opportunities.

## 2. Alternatives

The USIBWC, as the lead agency, proposes to collect information necessary for the preparation of a PEIS and to analyze alternatives for the management of the flood control projects to ensure compliance with the projects' mandates (flood protection, water deliveries and/or boundary stabilization) while creating opportunities for habitat restoration and recreation. Management activities to be evaluated may include: (1) Construction activities, such as raising and setting back levees, recreating meanders, and modifying the river channel; (2) maintenance activities such as vegetation control, channel dredging, and erosion control; and (3) other non-structural activities, such as land management and grazing.

The PEIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; describe the flood protection projects; and evaluate the impacts associated with the alternatives under consideration. Significant issues which have been identified to be addressed in the PEIS include, but are not limited to impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, and recreation. Coordination with the United States Fish and Wildlife Service will ensure compliance with the Fish and Wildlife Coordination Act of 1973, as amended. Cultural resources assessments for the project areas will be coordinated by the New Mexico State Historic Preservation Officer, the Texas State Historic Preservation Officer, and the California State Historic Preservation Officer. Other federal and state agencies will be consulted, as required, to ensure compliance with federal and state laws and regulations.

The USIBWC has invited several agencies to participate as cooperating agencies pursuant 40 CFR 1501.6, to the

extent possible. Other agencies may be invited to become cooperators as they are identified during the scoping process.

The environmental review of this project will be conducted in accordance with the requirements of NEPA, CEQ Regulations (40 CFR parts 1500–1508), other appropriate federal regulations, and the USIBWC procedures for compliance with those regulations. Copies of the PEIS will be transmitted to federal and state agencies and other interested parties for comments and will be filed with the Environmental Protection Agency in accordance with 40 CFR parts 1500–1508 and USIBWC procedures.

The USIBWC anticipates the Draft PEIS will be made available to the public by November 2005.

Dated: November 16, 2004.

**Susan E. Daniel,**  
General Counsel.

[FR Doc. 04–26502 Filed 12–9–04; 8:45 am]

**BILLING CODE 4710–03–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice [04–145]

### Notice of Establishment of a NASA Advisory Committee, Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 et seq.

**AGENCY:** National Aeronautics and Space Administration (NASA).

**Explanation of Need:** The Administrator of the National Aeronautics and Space Administration has determined that the establishment of the NASA Summit Industry Panel 2005 is necessary and in the public interest in connection with the performance of duties imposed upon NASA by law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

**Name of Committee:** Summit Industry Panel 2005.

**Purpose and Objective:** The Panel will draw on the expertise of its members and other sources to provide its advice and recommendations to the Associate Administrator for Space Operations on plans, policies, programs, and other matters pertinent to the Space Operations Mission Directorate's responsibilities, including integrating and implementing aerospace industry approaches, resources, and capabilities to support the Space Shuttle Program (SSP), the International Space Station (ISS), and future needs of the Agency as applicable to the preparation and

conduct of the Integrated Space Operations Summit (ISOS) currently scheduled for 2005. The Panel will hold meetings and make site visits as necessary to accomplish their responsibilities. The Panel will function solely as an advisory body and will comply fully with the provisions of the Federal Advisory Committee Act.

**Lack of Duplication of Resources:** The Panel's functions cannot be performed by the agency, another existing committee, or other means such as a public meeting.

**Fairly Balanced Membership:** Membership will be selected from among industry representatives to ensure a balanced representation of expertise and points of view in scientific and technical areas relevant to space flight and exploration.

**Duration:** Ad hoc.

**Responsible NASA Official:** Col. (Ret) Stephen Pitotti, Special Assistant for Program Integration for the Deputy Associate Administrator for Space Station and Shuttle, National Aeronautics and Space Administration, 300 E Street, SW., Washington, DC 20546, telephone (202) 358–4764.

**P. Diane Rausch,**

Advisory Committee Management Officer,  
National Aeronautics and Space Administration.

[FR Doc. 04–27149 Filed 12–9–04; 8:45 am]

**BILLING CODE 7510–13–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52–008]

### Dominion Nuclear North Anna, LLC; Notice of Availability of the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site and Associated Public Meeting

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, the Commission) has published NUREG–1811, "Draft Environmental Impact Statement for an Early Site Permit (ESP) at the North Anna ESP Site," (DEIS). The site is located near the Town of Mineral in Louisa County, Virginia, on the southern shore of Lake Anna. The application for the ESP was submitted by letter dated September 25, 2003, pursuant to 10 CFR Part 52. The application included a site redress plan in accordance with 10 CFR 52.17(c) and 52.25. If the site redress plan is incorporated in an approved ESP, then the applicant may carry out certain site preparation work and preliminary construction activities. A notice of

# ITEM 2

Cooperating Agency Request Letter



## International Boundary & Water Commission United States Section

Office of the Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, TX 79902

NOV 16 2004

Dear Colleague:

The United States Section, International Boundary and Water Commission (USIBWC), is initiating the development of a Programmatic Environmental Impact Statement (PEIS) for its flood control projects within the Rio Grande and the Tijuana River Basins.

Projects in the Rio Grande include:

1. Rio Grande Canalization Project, extending 106 miles from Percha Diversion Dam in Doña Ana County, New Mexico, to the American Diversion Dam in El Paso County, Texas.
2. Rio Grande Rectification Project, extending 86 miles from the American Diversion Dam to Fort Quitman, Texas.
3. Presidio-Ojinaga Flood Control Project, located approximately 15 miles through the city of Presidio, Texas.
4. Lower Rio Grande Flood Control Project, extending 180 miles between the town of Peñitas, Texas and the Gulf of Mexico.

These projects were constructed pursuant to agreements between the United States and Mexico with the objectives of providing flood control to urban, suburban, and agricultural areas adjacent to the river, river stabilization, and ensuring water deliveries to water users in the United States and Mexico.

The Tijuana River Flood Control Project is located in the United States portion of the Tijuana River in California and extends 2.3 river miles from the international boundary. This project represents a continuation of the flood control project located in Tijuana, Baja California, Mexico and provides flood protection to the San Diego, California area in the United States.

As the lead agency, we are requesting appropriate agencies to become cooperating agencies in the National Environmental Policy Act (NEPA) process. The PEIS will analyze and evaluate

the impacts of potential maintenance and construction activities by the USIBWC on the existing projects. An Alternatives Report, which will be incorporated into the PEIS, will identify and evaluate maintenance alternatives that would allow USIBWC to meet its mandate for flood protection and water deliveries, while identifying opportunities for environmental enhancements and recreational opportunities.

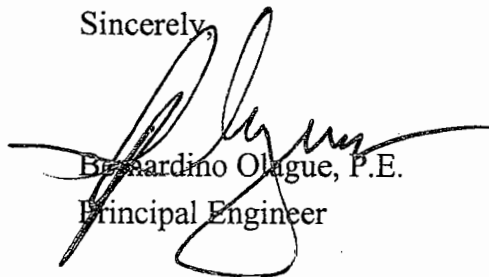
In accordance with Section 1501.6 of the Council on Environmental Quality regulations, any federal agency that has jurisdiction by law shall be a cooperating agency. Cooperating agencies will participate in the NEPA process at the earliest time and in the scoping process, make staff available to enhance the lead agency's interdisciplinary capabilities, and meet with the lead agency on request.

The USIBWC anticipates publication of a Notice of Intent in the *Federal Register* during the month of November 2004. At this time, five scoping meetings are planned to be held in Las Cruces, New Mexico; El Paso, Presidio and McAllen, Texas; and San Diego, California. It is anticipated that these meetings will take place during January 2005.

Attached you will find a list of other agencies that have been invited to participate in this effort.

Please respond to our request to become a cooperating agency within 30 days upon receipt of this letter. We thank you in advance for your consideration and look forward to working with you on this important project. Please contact me at (915) 832-4118 or have the person you designate contact Mr. Daniel Borunda at (915) 832-4701, should you have any questions or require additional information.

Sincerely,



Bernardino Olague, P.E.  
Principal Engineer

1 Attachment:

List of potential cooperating agencies



## **LIST OF POTENTIAL COOPERATING AGENCIES**

### **US DEPARTMENT OF AGRICULTURE – NATURAL RESOURCES CONSERVATION SERVICE**

Mr. Rosendo Treviño, III  
State Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
6200 Jefferson NE  
Albuquerque, New Mexico 87109-3734

Dr. Larry D. Butler  
State Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
101 South Main  
Temple, TX 76501

Mr. Chuck Bell  
State Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

Ms. Mary Sanchez  
District Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
2507 N. Telshor, Suite 1  
Las Cruces, New Mexico 88011

Mr. David Lopez  
Resource Team Leader  
United States Department of Agriculture  
Natural Resources Conservation Service  
11930 Vista Del Sol Drive, Suite B  
El Paso, Texas 79936

Mr. Jason Jackson  
District Conservationist  
United States Department of Agriculture  
Natural Resources Conservation Service  
332 S. Juniper Street, Suite 110  
Escondido, CA 92025

Resource Team Leader  
United States Department of Agriculture  
Natural Resources Conservation Service  
110 East El Paso Street  
Marfa, TX 79843

### **US ENVIRONMENTAL PROTECTION AGENCY**

Mr. Gregg Cooke  
Regional Administrator  
Environmental Protection Agency  
Region VI  
1445 Ross Avenue, Fountain Place  
Dallas, Texas 75202-2733

Mr. Wayne Nastri  
Regional Administrator  
Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

### **US ARMY CORPS OF ENGINEERS**

Colonel John R. Minahan  
District Engineer  
Fort Worth District  
United States Army Corps of Engineers  
819 Taylor Street  
Fort Worth, TX 76102

Mr. James E. Mace  
El Paso Regulatory Office Chief  
United States Army Corps of Engineers  
Albuquerque District  
P.O. Box 6096  
Fort Bliss, Texas 79906-0096

Lt. Col. Todd A. Wang  
District Engineer  
Albuquerque District  
United States Army Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, New Mexico 87109-3435

Col. Alexander Dornstauber  
District Commander  
United States Army Corps of Engineers  
Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Col. Steven Haustein  
District Engineer  
United States Army Corps of Engineers  
Galveston District  
P.O. Box 1229  
Galveston, TX 77553-1229

#### **US BUREAU OF LAND MANAGEMENT**

Mr. Mike Pool  
Bureau of Land Management  
California State Office  
2800 Cottage Way, Suite W-1834  
Sacramento, CA 95825-1886

Bureau of Land Management  
Palm Springs/South Coast Field Office  
690 West Garnet Avenue  
North Palm Springs, CA 92258

Ms. Linda Rundell  
State Director  
Bureau of Land Management  
1474 East Rodeo Road  
Santa Fe, NM 87505

Mr. Ed Roberson  
Field Manager  
Bureau of Land Management  
Las Cruces Field Office  
1800 Marquess Street  
Las Cruces, New Mexico 88005

#### **US FISH AND WILDLIFE SERVICE**

Dave Allen  
Regional Director  
Pacific Region 1  
United States Fish and Wildlife Service  
911 NE 11<sup>th</sup> Avenue  
Portland, OR 97232

Dale Hall  
Regional Director  
Southwest Region 2  
United States Fish and Wildlife Service  
500 Gold Ave. SW  
Albuquerque, NM 87102

Ms. Jennifer Fowler-Propst  
Field Supervisor  
New Mexico Ecological Services State  
Office  
United States Fish and Wildlife Service  
2105 Osuna N.E.  
Albuquerque, New Mexico 87113

Mr. Allan M. Strand  
Field Supervisor  
United States Fish and Wildlife Service  
Ecological Services  
c/o TX A&M University at Corpus  
Christie  
6300 Ocean Drive, Campus Box 338  
Corpus Christi, Texas 78412-5599

Mr. David C. Frederick  
Field Supervisor  
Austin Ecological Service Office  
United States Fish and Wildlife Service  
10711 Burnet Road, Suite 200  
Austin, Texas 78758

Jim Bartel  
Field Supervisor  
Carlsbad Fish and Wildlife Office  
United States Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

#### **STATE HISTORIC PRESERVATION OFFICERS**

Mr. F. Lawrence Oaks  
Executive Director and  
State Historic Preservation Officer  
Texas Historical Commission  
P.O. Box 12276  
Austin, Texas 78711-2276

Ms. Kathleen Slick  
State Historic Preservation Officer  
New Mexico Office of Cultural Affairs  
Historic Preservation Division  
La Villa Rivera Building  
228 East Palace Avenue, Room 320  
Santa Fe, New Mexico 87501

Mr. Milford Wayne Donaldson  
State Historic Preservation Officer  
Office of Historic Preservation  
Department of Parks and Recreation  
P.O. Box 942896  
Sacramento, CA 94296

#### **CALIFORNIA STATE AGENCIES**

California State Water Resources Control  
Board  
P.O. Box 100  
Sacramento, CA 95812

Regional Water Quality Control Board  
San Diego, Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

California Department of Fish and Game  
South Coast Region 5  
4949 Viewridge Avenue  
San Diego, CA 92123

#### **NEW MEXICO STATE AGENCIES**

New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, NM 87502-6110

New Mexico Department of Agriculture  
P.O. Box 30005, Department 3185, New  
Mexico State University  
Las Cruces, NM 88003-0005

New Mexico Office of the State Engineer  
One Wildlife Way  
Santa Fe, NM 87504-5102

New Mexico Department of  
Game and Fish  
Interstate Stream Commission  
P.O. Box 25102  
Santa Fe, NM 87507

New Mexico Department of Game and  
Fish  
Las Cruces Office, 2715 Northrise Dr.  
Las Cruces, NM 88011

#### **TEXAS STATE AGENCIES**

Texas Commission on Environmental  
Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Texas Water Development Board  
P.O. Box 13231  
Austin, TX 78711-3231

Texas Department of Agriculture  
P.O. Box 12847  
Austin, TX 78711

Texas Parks and Wildlife  
4200 Smith School Road  
Austin, TX 78744

#### **US BUREAU OF RECLAMATION**

Rick Gold  
Regional Director  
Upper Colorado Region  
United States Bureau of Reclamation  
125 South State Street, Room 6107  
Salt Lake City, UT 84138-1102

Robert W. Johnson  
Regional Director  
Lower Colorado Region  
United States Bureau of Reclamation  
P.O. Box 61470  
Boulder City, NV 89006-1470

Ms. Maryanne Bach  
Regional Director  
Great Plains Region  
United States Bureau of Reclamation  
P.O. Box 36900  
Billings, MT 59107-6900

Mr. Larry Walkoviak  
Area Manager  
United States Bureau of Reclamation  
Oklahoma-Texas Area Office  
5316 Highway 290 West, Suite 510  
Austin, TX 78735-8931

Mr. Jack Garner  
Area Manager  
United States Bureau of Reclamation  
Albuquerque Area Office  
55 Broadway NE, Suite 100  
Albuquerque, NM 87102-2352

Mr. William Steele  
Area Manager  
United States Bureau of Reclamation  
Southern California Area Office  
27710 Jefferson Ave., Suite 201  
Temecula, CA 92590-2628

Mr. Filiberto Cortez  
Area Manager  
United States Bureau of Reclamation  
El Paso Field Division Office  
700 East San Antonio Avenue  
El Paso, TX 79901-7020

## **TEXAS TRIBAL GOVERNMENTS**

Ysleta Del Sur Pueblo  
Pueblo Council  
P.O. Box 17579, Ysleta Station  
El Paso, TX 79917

Kickapoo Traditional Tribe of Texas  
Shawnee Agency  
P.O. Box 972  
Eagle Pass, TX 78853

## **NEW MEXICO TRIBAL GOVERNMENTS**

Acoma Pueblo  
PO Box 309  
Acomita, NM 87034

Alamo Navajo Chapter  
PO Box 827  
Magdalena, NM 87825

Cochiti Pueblo  
PO Box 70  
Cochiti, NM 87072

Isleta Pueblo  
PO Box 1270  
Isleta, NM 87022

Jemez Pueblo  
PO Box 100  
Jemez Pueblo, NM 87024

Jicarilla Apache Tribe  
PO Box 507  
Dulce, NM 87528

Laguna Pueblo  
PO Box 194  
Laguna, NM 87026

Mescalero Apache Tribe  
PO Box 227  
Mescalero, NM 87340

Nambe Pueblo  
Route 1 Box 117-BB  
Santa Fe, NM 87506

Picuris Pueblo  
PO Box 127  
Penasco, NM 87553

Pojoaque Pueblo  
39 Camino del Rincon  
Santa Fe, NM 87506

San Felipe Pueblo  
PO Box 4339  
San Felipe Pueblo, NM 87001

San Ildefonso Pueblo  
Route 5 Box 315-A  
Santa Fe, NM 87506

San Juan Pueblo  
PO Box 1099  
San Juan Pueblo, NM 87566

Sandia Pueblo  
PO Box 6008  
Bernalillo, NM 87004

Santa Ana Pueblo  
2 Dove Road  
Bernalillo, NM 87004

Santa Clara Pueblo  
PO Box 580  
Española, NM 87532

Santo Domingo Pueblo  
PO Box 99  
Santo Domingo Pueblo, NM 87052

Taos Pueblo  
PO Box 1846  
Taos, NM 87571

Tesuque Pueblo  
Route 5 Box 360  
Santa Fe, NM 87506

Zia Pueblo  
135 Capital Square Drive  
Zia Pueblo, NM 87053-6013

Zuni Pueblo  
PO Box 339  
Zuni, NM 87327

### **CALIFORNIA TRIBAL GOVERNMENTS**

Barona Band of Mission Indians  
1095 Barona Road  
Lakeside, CA 92040

Campo Band of Kumeyaay Indians  
36190 Church Road  
Campo, CA 91906

Cuyapaipe Band of Mission Indians  
4054 Willows Road  
Alpine, CA 91901

Inaja - Cosmit Band of Indians  
1040 East Valley Parkway  
Escondido, CA 92025

Jamul Indian Village  
P.O. Box 612  
Jamul, CA 91935

La Jolla Band of Mission Indians  
22000 Highway 76  
Pauma Valley, CA 92061

La Posta Band of Mission Indians  
P.O. Box 1120  
Boulevard, CA 91905

Los Coyotes Band of Mission Indians  
P.O. Box 189  
Warner Springs, CA 92086

Manzanita Band of the Kumeyaay Nation  
P.O. Box 1302  
Boulevard, CA 91905

Mesa Grande Band of Mission Indians  
P.O. Box 270  
Santa Ysabel, CA 92070

Pala Band of Mission Indians  
P.O. Box 50  
Pala, CA 92059

Pauma/Yuima Band of Mission Indians  
P.O. Box 369  
Pauma Valley, CA 92061

Rincon Nation of Luiseño Indians  
P.O. Box 68  
Valley Center, CA 92082

San Pasqual Band of Indians  
P.O. Box 365  
Valley Center, CA 92082

Santa Ysabel Band of Diegueño Indians  
P.O. Box 130  
Santa Ysabel, CA 92070

Sycuan Band of the Kumeyaay Nation  
5459 Dehesa Road  
El Cajon, CA 92019

Viejas Band of Kumeyaay Indians  
Viejas Tribal Office  
1 Viejas Grade Road  
Alpine, CA 91901

# ITEM 3

Agencies Requested to Participate as  
Cooperating Agencies and Responses

### Agencies Requested to Participate as Cooperating Agencies

Agency	Location	Yes <sup>a</sup>	No <sup>b</sup>
United States Department of Agriculture Natural Resources Conservation Service	Albuquerque, NM		
United States Department of Agriculture Natural Resources Conservation Service	Temple, TX		
United States Department of Agriculture Natural Resources Conservation Service	Davis, CA		
United States Department of Agriculture Natural Resources Conservation Service	Las Cruces, NM		
United States Department of Agriculture Natural Resources Conservation Service	El Paso, TX		
United States Department of Agriculture Natural Resources Conservation Service	Escondido, CA		
United States Department of Agriculture Natural Resources Conservation Service	Marfa, TX		
Environmental Protection Agency Region VI	Dallas, TX		
Environmental Protection Agency Region IX	San Francisco, CA		
United States Army Corps of Engineers Fort Worth District	Fort Worth, TX		■
United States Army Corps of Engineers Albuquerque District	Fort Bliss, TX		
United States Army Corps of Engineers Albuquerque District	Albuquerque, NM		
United States Army Corps of Engineers Los Angeles District	Los Angeles, CA	■	
United States Army Corps of Engineers Galveston District	Galveston, TX	■	
Bureau of Land Management California State Office	Sacramento, CA		
Bureau of Land Management Palm Springs/South Coast Field Office	North Palm Springs, CA		
Bureau of Land Management State Director	Santa Fe, NM		
Bureau of Land Management Las Cruces Field Office	Las Cruces, NM		
United States Fish and Wildlife Service Pacific Region 1	Portland, OR		
United States Fish and Wildlife Service Southwest Region 2	Albuquerque, NM		
United States Fish and Wildlife Service New Mexico Ecological Services Field Office	Albuquerque, NM	■	



### Agencies Requested to Participate as Cooperating Agencies

Agency	Location	Yes <sup>a</sup>	No <sup>b</sup>
United States Fish and Wildlife Service Ecological Services c/o Texas A&M University at Corpus Christie	Corpus Christi, TX		
United States Fish and Wildlife Service Austin Ecological Service Office	Austin, TX		
United States Fish and Wildlife Service Carlsbad Fish and Wildlife Office	Carlsbad, CA		
Texas Historical Commission	Austin, TX		
New Mexico Office of Cultural Affairs Historic Preservation Division	Santa Fe, NM	■	
Office of Historic Preservation Department of Parks and Recreation	Sacramento, CA		
California State Water Resources Control Board	Sacramento, CA		
Regional Water Quality Control Board San Diego, Region 9	San Diego, CA		
California Department of Fish and Game South Coast Region 5	San Diego, CA		
New Mexico Environment Department	Santa Fe, NM		
New Mexico Department of Agriculture	Las Cruces, NM		
New Mexico Office of the State Engineer	Santa Fe, NM		
New Mexico Department of Game and Fish	Santa Fe, NM		
New Mexico Department of Game and Fish	Las Cruces, NM		
Texas Commission on Environmental Quality	Austin, TX		
Texas Water Development Board	Austin, TX		
Texas Department of Agriculture	Austin, TX		
Texas Parks and Wildlife	Austin, TX		
United States Bureau of Reclamation Upper Colorado Region	Salt Lake City, UT		

### Agencies Requested to Participate as Cooperating Agencies

Agency	Location	Yes <sup>a</sup>	No <sup>b</sup>
United States Bureau of Reclamation Lower Colorado Region	Boulder City, NV		
United States Bureau of Reclamation Great Plains Region	Billings, MT		
United States Bureau of Reclamation Oklahoma-Texas Area Office	Austin, TX		■
United States Bureau of Reclamation Albuquerque Area Office	Albuquerque, NM	■	
United States Bureau of Reclamation Southern California Area Office	Temecula, CA		
United States Bureau of Reclamation El Paso Field Division Office	El Paso, TX		
Ysleta Del Sur Pueblo Pueblo Council	El Paso, TX		
Kickapoo Traditional Tribe of Texas Shawnee Agency	Eagle Pass, TX		
Acoma Pueblo	Acoma, NM		
Alamo Navajo Chapter	Magdalena, NM		
Cochiti Pueblo	Cochiti, NM		
Isleta Pueblo	Isleta, NM		
Jemez Pueblo	Jemez Pueblo, NM		
Jicarilla Apache Tribe	Dulce, NM		
Laguna Pueblo	Laguna, NM		
Mescalero Apache Tribe	Mescalero, NM		
Nambe Pueblo	Santa Fe, NM		
Picuris Pueblo	Penasco, NM		
Pojoaque Pueblo	Sante Fe, NM		

### Agencies Requested to Participate as Cooperating Agencies

Agency	Location	Yes <sup>a</sup>	No <sup>b</sup>
San Felipe Pueblo	San Felipe Pueblo, NM		
San Ildefonso Pueblo	Santa Fe, NM		
San Juan Pueblo	San Juan Pueblo, NM		
Sandia Pueblo	Bernalillo, NM		
Santa Ana Pueblo	Bernalillo, NM		
Santa Clara Pueblo	Española, NM		
Santo Domingo Pueblo	Santo Domingo Pueblo, NM		
Taos Pueblo	Taos, NM		
Tesuque Pueblo	Santa Fe, NM		
Zia Pueblo	Zia Pueblo, NM		
Zuni Pueblo	Zuni, NM		
Barona Band of Mission Indians	Lakeside, CA		
Campo Band of Kumeyaay Indians	Campo, CA		
Cuyapaipe Band of Mission Indians	Alpine, CA		
Inaja - Cosmit Band of Indians	Escondido, CA		
Jamul Indian Village	Jamul, CA		
La Jolla Band of Mission Indians	Pauma Valley, CA		
La Posta Band of Mission Indians	Boulevard, CA		
Los Coyotes Band of Mission Indians	Warner Springs, CA		

### Agencies Requested to Participate as Cooperating Agencies

Agency	Location	Yes <sup>a</sup>	No <sup>b</sup>
Manzanita Band of the Kumeyaay Nation	Boulevard, CA		
Mesa Grande Band of Mission Indians	Santa Ysabel, CA		
Pala Band of Mission Indians	Pala, CA		
Pauma/Yuima Band of Mission Indians	Pauma Valley, CA		
Rincon Nation of Luiseño Indians	Valley Center, CA		
San Pasqual Band of Indians	Valley Center, CA		
Santa Ysabel Band of Diegueño Indians	Santa Ysabel, CA		
Sycuan Band of the Kumeyaay Nation	El Cajon, CA		
Viejas Band of Kumeyaay Indians	Alpine, CA		

a Willing to participate as a Cooperating Agency

b Not willing or unable to participate as a Cooperating Agency



**DEPARTMENT OF THE ARMY**  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

REPLY TO  
ATTENTION OF:

December 9, 2004

Planning, Environmental, and Regulatory Division

Mr. Bernardino Olague, P.E.  
International Boundary & Water Commission  
United States Section, Office of Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, Texas 79902

Dear Mr. Olague:

Thank you for your letter concerning the development of a Programmatic Environmental Impact Statement for flood control projects within the Rio Grande River Basin and your request for the U.S. Army Corps of Engineers to become a cooperating agency. None of the projects listed in your letter are within the boundaries of the Fort Worth District. The first three are in the Albuquerque District and the last is in the Galveston District. Your letter indicates that you are in communication with those offices; therefore, the Fort Worth District declines the invitation to become a cooperating agency. Thank you for coordinating with us and if you have any further questions, please contact Mr. Mark Harberg at (817) 886-1687.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Minahan", is positioned above the printed name.

John R. Minahan  
Colonel, Corps of Engineers  
District Engineer



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

December 14, 2004

REPLY TO  
ATTENTION OF:

Office of the Chief  
Civil Projects Branch

Mr. Bernardino Olague, P.E.  
Principle Engineer  
International Boundary & Commission  
Unites States Section  
Office of the Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, Texas 79902

Dear Mr. Olague:

Reference your letter dated November 16, 2004 in regards to initiating the development of a Programmatic Impact Statement (PEIS) for the flood control projects within the Rio Grande and Tijuana River Basins, and requesting us to become a cooperative agency in the National Environmental Policy Act (NEPA) process.

We accept your request to become one of the cooperative agencies in NEPA process and looking forward to work with you on the Tijuana River Flood Control Project in the United States portion of the Tijuana River in California.

The initial points of contacts for this effort will be Mr. Larry Sievers of our Programs and Project Management Division at (213) 452-3989 for overall programmatic coordination, and Mr. Alex Watt of our Planning Division at (213) 452-3840 for NEPA coordination.

If you have any questions feel free to either contact me at (213) 452-3971, or the POCs listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Moore", is located below the "Sincerely," text.

Brian M. Moore  
Deputy District Engineer  
for Project Management



**DEPARTMENT OF THE ARMY**  
**GALVESTON DISTRICT, CORPS OF ENGINEERS**  
**P.O. BOX 1229**  
**GALVESTON, TEXAS 77553-1229**

REPLY TO  
ATTENTION OF:

December 17, 2004

Project Management Office

Subject: PEIS for Rio Grande and Tijuana River Basins.

Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa St., C-100  
El Paso, TX 79902

Dear Mr. Borunda,

The US Army Corps of Engineers, Galveston District, would like to be a cooperating agency in your Programmatic Environmental Impact Statement for flood control projects with the Rio Grande and Tijuana River Basins.

The point of contact for our office will be Mr. Richard Tomlinson. His phone number is 409-766-3917 and e-mail address is [richard.tomlinson@usace.army.mil](mailto:richard.tomlinson@usace.army.mil).

Thank you for the opportunity to participate in the effort.

Sincerely,

A handwritten signature in cursive script, reading "Herbie Maurer", is positioned above the typed name.

Herbie Maurer, P.E.  
Deputy District Engineer  
for Project Management



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, New Mexico 87113  
Phone: (505) 346-2525 Fax: (505) 346-2542

January 11, 2005

Bernadino Olague, P.E.  
Engineering Department  
4171 N. Mesa Street  
El Paso, Texas 79902-1441

Dear Mr. Olague:

This is in response to your November 16, 2004, letter requesting our participation as a cooperating agency in the development of a Programmatic Environmental Impact Statement (PEIS). The United States Section, International Boundary and Water Commission (USIBWC) will be preparing a PEIS for its flood control projects within the Rio Grande and the Tijuana River Basins. The PEIS will analyze and evaluate the impacts of potential maintenance and construction activities by the USIBWC that would meet its mandate for flood protection and water deliveries, while identifying opportunities for environmental enhancements and recreation. The U.S. Fish and Wildlife Service (Service) has reviewed and accepts your request to become a cooperating agency and looks forward to participating with you as much as possible in this effort.

The Service is finalizing a Fish and Wildlife Coordination Act Report (CAR) for the Rio Grande Canalization Project Environmental Impact Statement. The CAR includes recommendations and identifies opportunities for environmental enhancements. If you have any questions please contact Mike Buntjer of my staff at (505)761-4733.

Sincerely,

Susan MacMullin  
Field Supervisor

cc:

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico  
Director, Texas Parks and Wildlife, Austin, Texas





STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

228 EAST PALACE AVENUE  
SANTA FE, NEW MEXICO 87501  
(505) 827-6320

BILL RICHARDSON  
Governor

December 8, 2004

Bernardino Olague, P.E.  
International Boundary & Water Commission  
United States Section  
Office of the Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, Texas 79902

Re: Programmatic Environmental Impact Statement for flood control projects within  
the Rio Grande and the Tijuana River Basins.

Dear Mr. Olague:

This letter is in response to the United States Section, International Boundary and Water Commission's invitation to participate as a cooperating agency in the National Environmental Policy Act (NEPA) process for the development of the above referenced Programmatic Environmental Impact Statement (PEIS). This office is pleased to accept the invitation and we look forward to participating in the process.

Thank you for including this office early in the planning process.

Sincerely,

Katherine A. Slick  
New Mexico State Historic Preservation Officer



IN REPLY REFER TO:

TX-DB

## United States Department of the Interior

BUREAU OF RECLAMATION  
OKLAHOMA-TEXAS AREA OFFICE  
5316 Highway 290 West, Suite 510  
Austin, Texas 78735-8931



**DEC 14 2004**

Mr. Bernardino Olague, P.E.  
Principal Engineer  
International Boundary and Water Commission  
United States Section  
4171 N. Mesa, Suite C-100  
El Paso, TX 79902

Subject: Request for Cooperating Agency Status on a Programmatic Environmental Impact Statement (PEIS) within the Rio Grande and Tijuana River Basins  
(Your November 16, 2004 Letter)

Dear Mr. Olague:

Thank you for contacting us regarding the subject request for cooperating agency status for the development of a PEIS for flood control projects within the Rio Grande and Tijuana River Basins. This office currently has no jurisdiction by law within the subject river basins. Therefore, in accordance with Section 1501.6 of the Council on Environmental Quality regulations, it appears that we would not have a role as a cooperating agency in this effort and must respectfully decline your request.

We appreciate this opportunity to participate in the National Environmental Policy Act process. If you should have questions please call Ms. Deborah Blackburn at 512-899-4156.

Sincerely,

Larry Walkoviak  
Area Manager

cc: Ms. Jaralyn Beek, Acting Regional Director ( GP-1000)



# United States Department of the Interior

## BUREAU OF RECLAMATION

Albuquerque Area Office  
555 Broadway Blvd., NE Suite 100  
Albuquerque, New Mexico 87102-2352

IN REPLY REFER TO:

ALB -150

ENV-1.00

DEC 08 2004

Bernardino Olaque, P.E.  
International Boundary & Water Commission  
Office of the Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, TX 79902

Subject: Cooperating Agency Request for Programmatic Environmental Impact Statement for  
Flood Control Projects with the Rio Grande and Tijuana River Basins

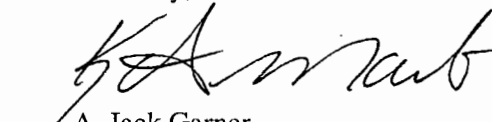
Dear Mr. Olaque:

Thank you for your letter dated November 16, 2004, in which you, on behalf of the United States Section of the International Boundary and Water Commission (USIBWC), requested appropriate agencies to become cooperating agencies in the Programmatic Environmental Impact Statement (PEIS) process for flood controls projects contemplated by USIBWC.

As you may already know, the Bureau of Reclamation's Rio Grande Project area lies partly within your proposed action area. Rio Grande Project operations are managed by the El Paso Field Division of Reclamation's Albuquerque Area Office and our El Paso employees work closely with your agency on various water management issues as needed. In matters pertaining to reaches of the Rio Grande potentially affected by USIBWC flood control projects, Reclamation has some legal jurisdiction and special expertise that qualifies us as a cooperating agency. We would be willing to serve as a cooperating agency on the upcoming PEIS. We are currently designating Mr. Filiberto Cortez, Manager, El Paso Field Division (915-534-6300) and Ms. Nancy Umbreit, NEPA Specialist (505-462-3599) as points of contact for Reclamation during the PEIS process. Please include them for upcoming PEIS activities.

We look forward to working with you on this important activity.

Sincerely,

  
A. Jack Garner  
Area Manager

## **Daniel Borunda - Tijuana River Flood Control EIS**

---

**From:** <Greg\_Hill@ca.blm.gov>  
**To:** <danielborunda@ibwc.state.gov>  
**Date:** 12/22/2004 3:27:04 PM  
**Subject:** Tijuana River Flood Control EIS

---

Dear Mr. Borunda,

Thank you for contacting the BLM about this EIS. Please keep our office on your mailing list for this project. The correct address and contact information for our office is:

Gail Acheson  
Field Manager  
Bureau of Land Management  
Palm Springs-South Coast Field Office  
PO Box 581260  
North Palm Springs, CA 92258

Due to the holidays, it may take several days for us to determine how the proposed project may affect BLM lands and if BLM would need to be included as a cooperating agency. In the meantime, please call me if you have any questions.

Greg Hill  
Planning & NEPA Coordinator  
BLM Palm Springs-South Coast Field Office  
(760) 251-4840

# ITEM 4

Affidavits of Publication

CAMP DRESSER AND MCKEE INC.

4110 RIO BRAVO, SUITE 201

EL PASO, TEXAS 79902

AD # 425711

LINES 250

COST: \$1,707.50

PUBLISHERS AFFIDAVIT

STATE OF TEXAS  
COUNTY OF EL PASO

Before me, a Notary in and for El Paso County, State of Texas, on this day personally, appeared TERRIE CARTER who states upon oath that she is the ASSISTANT CLASSIFIED MANAGER of the EL PASO TIMES, a daily newspaper published in the City and County El Paso, State of Texas, which is a newspaper of general circulation and which has been continuously and regularly published for the period of not less than one year in the said County of El Paso, and that she was upon the dates herein mentioned in the EL PASO TIMES.

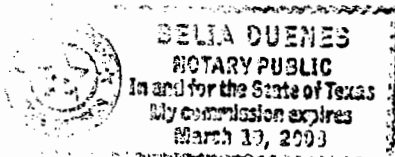
That the LEGAL NOTICE copy was published in the EL PASO TIMES for the date(s) of such follows 3 DAY(s) to wit DECEMBER 14, 15, 16, 2004.

Signed

*Terrie A. Carter*

Subscribed and sworn to before me,  
This 16TH day of DECEMBER, 2004.

*Belia Duenes*



**PUBLIC NOTICE**  
This notice advises the public that the United States Section, International Boundary and Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate impacts of management activities for the flood control projects maintained by USIBWC along the Rio Grande, from Percha Dam in Sierra County, New Mexico, to the Gulf of Mexico; and in the United States portion of the Tijuana River in San Diego County, California. The findings of this evaluation will be documented in a Programmatic Environmental Impact Statement (PEIS). This notice is being pro-

vided to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the PEIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the PEIS. The USIBWC maintains the following four flood control projects along the Rio Grande, in the United States: (a) Canalization Project, extending 106 miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas; (b) Rectification Project, extending 86 miles from American Diversion Dam to Fort Quitman, Texas; (c) Presidio-Ojinaga Flood Control Project, approximately 15 miles in length and located within Presidio, Texas and Ojinaga, Chihuahua, Mexico; (d) Lower Rio Grande Flood Control Project (LRGFCP), extending 180 miles from the town of Peñitas, Texas, to the Gulf of Mexico. These projects were constructed with the objectives of providing flood control to urban, suburban, and agricultural areas adjacent to the river; stabilizing the international boundary bet-

## PROOF OF PUBLICATION

Wayne Barnard, being duly sworn, deposes and says that he is the Classified Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 33482 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 3 consecutive week(s)/day(s), the first publication was in the issue dated December 14, 2004 and the last publication was December 16, 2004.

Deponent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed



Classified Manager  
Official Position


STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this

13 day of January  
2005



Notary Public in and for  
Dona Ana County, New Mexico

9-14-05

My Term Expires

This notice advises the public that the United States Section, International Boundary and Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate impacts of management activities for the flood control projects maintained by USIBWC along the Rio Grande, from Percha Dam in Sierra County, New Mexico, to the Gulf of Mexico; and in the United States portion of the Tijuana River in San Diego County, California. The findings of this evaluation will be documented in a Programmatic Environmental Impact Statement (PEIS). This notice is being provided to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the PEIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the PEIS.

The USIBWC maintains the following four flood control projects along the Rio Grande, in the United States: (a) Canalization Project, extending 106 miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas; (b) Rectification Project, extending 86 miles from American Diversion Dam to Fort Quitman, Texas; (c) Presidio-Ojinaga Flood Control Project, approximately 15 miles in length and located within Presidio, Texas and Ojinaga, Chihuahua, Mexico; (d) Lower Rio Grande Flood Control Project (LRGFCP), extending 180 miles from the town of Peñitas, Texas, to the Gulf of Mexico. These projects were constructed with the objectives of providing flood control to urban, suburban, and agricultural areas adjacent to the river; stabilizing the International Boundary between the United States and Mexico, and/or ensuring water deliveries.

The Tijuana River Flood Control Project is located in the United States portion of the Tijuana River, extending 2.3 miles from the international boundary. This project provides flood protection to areas in the United States.

The proposed federal action that will be evaluated in the PEIS may include activities to ensure adequate flood control, boundary stabilization, and water deliveries per international agreements and treaties, while identifying opportunities for the enhancement of the riparian ecosystem and the development of recreational opportunities. The USIBWC as the lead agency proposes to collect information necessary for the preparation of a PEIS and to analyze alternatives for the management of the flood control projects to ensure compliance with the projects objectives while creating opportunities for habitat restoration and recreation. Management activities to be

(1) construction activities, such as reconstructing, raising, setting back, and armoring levees; recreating meanders; and modifying the river channel; (2) maintenance activities such as vegetation control, channel dredging, and erosion control; and (3) other non-structural activities, such as flood easements, land management and grazing.

The PEIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economic, and recreational resources; describe the flood protection projects; and evaluate the impacts associated with the alternatives under consideration. Significant issues which have been identified to be addressed in the PEIS include, but are not limited to impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, and recreation. A Notice of Intent to prepare a PEIS was published in the Federal Register on December 10, 2004.

### DATE AND LOCATION OF SCOPING MEETINGS: Five public meetings will be conducted:

- (1) El Paso, Texas on January 11, 2005 from 6:00 to 9:00 pm MST at the El Paso Marriott, 1600 Airway Blvd.
- (2) Las Cruces, New Mexico on January 12, 2005 from 6:00 to 9:00 PM MST at the Holiday Inn de Las Cruces, 201 E. University
- (3) Presidio, Texas on January 13, 2005 from 6:00 to 9:00 pm CST at the Presidio Chamber of Commerce, 202 W. O'Reilly Street
- (4) McAllen, Texas on January 19, 2005 from 6:00 to 9:00 pm CST at the Four Point Sheraton Hotel, 2721 S. 10th Street
- (5) Imperial Beach, California on January 27, 2005 from 6:00 to 9:00 pm PST, at the Imperial Beach City Hall, 825 Imperial Beach Blvd.

### ADDRESS FOR WRITTEN COMMENTS:

All interested parties are invited to submit written comments and suggestions to the USIBWC during the scoping process. Public comments on the scope of the PEIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested. Written comments will be accepted until February 7, 2005 and must be addressed to: Mr. Daniel Borunda, Environmental Protection Specialist, Compliance Section, USIBWC, 4171 North Mesa Street, C-100, El Paso, Texas 79902.

PUBLISH NO. 33482  
PUBLISH DATES: DECEMBER 14, 15, 16, 2004

PUBLISHER'S AFFIDAVIT

The State of Texas  
County of Presidio

I, ROBERT LOUIS HALPERN, publisher of THE INTERNATIONAL, a weekly newspaper of general circulation published at Presidio, Presidio County, Texas, do hereby and solemnly swear, the attached PUBLIC/LEGAL NOTICE, United States International Boundary & Water Commission, was duly published by THE INTERNATIONAL, on the following dates:

December 16, 2004  
\_\_\_\_\_

December 23, 2004  
\_\_\_\_\_

December 30, 2004  
\_\_\_\_\_

Said dates of publications being once each week for three (3) consecutive week(s).

I further swear that THE INTERNATIONAL is a newspaper published in the English language of general circulation and has been continuously published for a period of not less than one year in said Presidio County.

Robert Louis Halpern

Sworn to and subscribed before me on this, the 4th day of January, 2004. 2005

Given under my hand and seal on this date.

Rosario Halpern

NOTARY PUBLIC, Presidio County, Texas

My commission expires \_\_\_\_\_





#31099 - Camp Dresser & McKee, Inc. - 90241052

# THE MONITOR

## PUBLISHER'S AFFIDAVIT

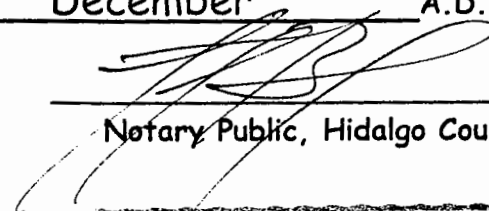
State of Texas  
County of Hidalgo

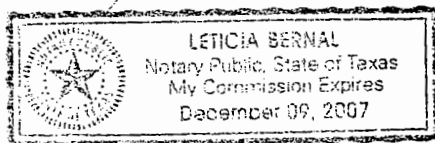
Audra Green, being duly  
sworn on his/her oath states that he/she is a Sales  
Representative of THE MONITOR and that the  
attached notice appeared in the following issues:

December 21, 22 & 23, 2004

  
Subscribed and sworn to before me this the 24th

day of December A.D. 2004

  
Notary Public, Hidalgo County



# Affidavit of Publication

CAMP DRESSER AND MCKEE

4110 RIO BRAVO DR. STE. 201

EL PASO, TX 79902

ATTN: SARAH GUEMEZ

STATE OF CALIFORNIA} ss.  
County of San Diego}

The Undersigned, declares under penalty of perjury under the laws of the State of California: That....She is a resident of the County of San Diego. THAT....She is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that .....She is not a party to, nor interested in the above entitled matter; that ....She is..... Chief Clerk for the publisher of .....

**The San Diego Union-Tribune**  
a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

DECEMBER 14, 15 & 16, 2004

*Sarah Cisneros*  
Chief Clerk for the Publisher

## Affidavit of Publication of

Legal Classified Advertisement

Ad # 9457255

Ordered by: SARAH GUEMEZ

### PUBLIC NOTICE

This notice advises the public that the United States Section, International Boundary and Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate impacts of management activities for the flood control projects maintained by USIBWC along the Rio Grande, from Percha Dam in Sierra County, New Mexico, to the Gulf of Mexico; and in the United States portion of the Tijuana River in San Diego County, California. The findings of this evaluation will be documented in a Programmatic Environmental Impact Statement (PEIS). This notice is being provided to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the PEIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the PEIS.

The USIBWC maintains the following four flood control projects along the Rio Grande, in the United States: (a) Canalization Project, extending 104 miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas; (b) Rectification Project, extending 86 miles from American Diversion Dam to Fort Quitman, Texas; (c) Presidio-Ojinaga Flood Control Project, approximately 15 miles in length and located within Presidio, Texas and Ojinaga, Chihuahua, Mexico; (d) Lower Rio Grande Flood Control Project (LRGFCP), extending 180 miles from the town of Penitas, Texas, to the Gulf of Mexico. These projects were constructed with the objectives of providing flood control to urban, suburban, and agricultural areas adjacent to the river; stabilizing the International Boundary between the United States and Mexico, and/or ensuring water deliveries.

The Tijuana River Flood Control Project is located in the United States portion of the Tijuana River, extending 2.3 miles from the international boundary. This project provides flood protection to areas in the United States.

The proposed federal action that will be evaluated in the PEIS may include activities to ensure adequate flood control, boundary stabilization, and water deliveries per international agreements and treaties, while identifying opportunities for the enhancement of the riparian ecosystem and the development of recreational opportunities. The USIBWC as the lead agency proposes to collect information necessary for the preparation of a PEIS and to analyze alternatives for the management of the flood control projects to ensure compliance with the projects objectives while creating opportunities for habitat restoration and recreation. Management activities to be evaluated may include: (1) construction activities, such as reconstruction, raising, setting back, and armoring levees; recreating meanders; and modifying the river channel; (2) maintenance activities such as vegetation control, channel dredging, and erosion control; and (3) other non-structural activities, such as flood easements land management and grazing.

The PEIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economic, and recreational resources; describe the flood protection projects; and evaluate the impacts associated with the alternatives under consideration. Significant issues which have been identified to be addressed in the PEIS include, but are not limited to impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, and recreation. A Notice of Intent to prepare a PEIS was published in the Federal Register on December 10, 2004.

### DATE AND LOCATION OF SCOPING MEETINGS: Five public meetings will be conducted:

- (1) El Paso, Texas on January 11, 2005 from 6:00 to 9:00 pm MST at the El Paso Marriott, 1600 Airway Blvd.
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- (3) Presidio, Texas on January 13, 2005 from 6:00 to 9:00 pm CST at the Presidio Chamber of Commerce, 202 W. Ogareilly Street.
- (4) McAllen, Texas on January 19, 2005 from 6:00 to 9:00 pm CST at the Four Point Sheraton Hotel, 2721 S. 10th Street.
- (5) Imperial Beach, California on January 27, 2005 from 6:00 to 9:00 pm PST, at the Imperial Beach City Hall, 609 Imperial Beach Blvd.

**ADDRESS FOR WRITTEN COMMENTS:** All interested parties are invited to submit written comments and suggestions to the USIBWC during the scoping process. Public comments on the scope of the PEIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested. Written comments will be accepted until February 7, 2005, and must be addressed to: Mr. Daniel Bonifada, Environmental Protection Specialist, Compliance Section, USIBWC, 4171 North Mesat Street, C-100, El Paso, Texas 79902.

# ITEM 5

Notification Letter and Mailing List



## International Boundary & Water Commission United States Section

Office of the Commissioner  
Engineering Department  
4171 N. Mesa, Suite C-100  
El Paso, TX 79902

DEC 10 2004

Dear Interested Party:

RE: Public Scoping Meetings  
Rio Grande and Tijuana River Flood Control Projects

The United States Section, International Boundary and Water Commission (USIBWC) is in the preliminary stages of preparing a Programmatic Environmental Impact Statement (PEIS) for management activities in the Rio Grande and Tijuana River Flood Control Projects in New Mexico, Texas, and California. A Notice of Intent to prepare a PEIS for this project was published in the Federal Register on December 10, 2004. The USIBWC will be conducting public scoping meetings to obtain information from governmental agencies and the public on the scope of issues to be addressed in the PEIS. Public meetings will be held to obtain community input to ensure all concerns are identified and addressed in the PEIS.

The USIBWC will conduct a total of five public meetings; four meetings will focus on the Rio Grande flood control projects, and one on the Tijuana River Flood Control Project. Meetings are scheduled as follows:

**El Paso, Texas:** January 11, 2005 at the El Paso Marriott, 1600 Airway Boulevard from 6:00 to 9:00 PM (MST)

**Las Cruces, New Mexico:** January 12, 2005 at the Las Cruces Holiday Inn, 201 East University Avenue from 6:00 to 9:00 PM (MST)

**Presidio, Texas:** January 13, 2005 at the Chamber of Commerce, 202 West O'Reilly Street from 6:00 to 9:00 PM (CST)

**McAllen, Texas:** January 19, 2005 at the Four Points by Sheraton, 2721 S. 10th Street from 6:00 to 9:00 PM (CST)

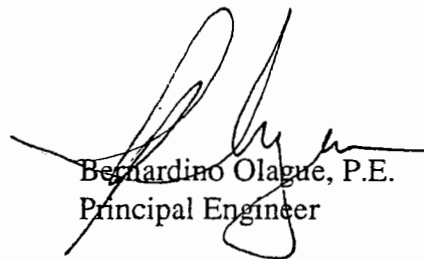
**Imperial Beach, California:** January 27, 2005 at the Imperial Beach City Hall, 825 Imperial Beach Blvd. From 6:00 – 9:00 PM (PST)

Full public participation by interested federal, state, and local agencies as well as other interested organizations and the general public is encouraged during the scoping process that will end on February 7, 2005. Public comments on the scope of the PEIS, reasonable alternatives that should be considered, anticipated environmental impacts, and actions that might be taken to address impacts

are requested. At each meeting we will present a description of the proposed action and potential alternatives, and you will be provided an opportunity to voice concerns regarding environmental issues to be addressed in the PEIS. A summary of the proposed action is attached. You are encouraged to attend one or more of these meetings to learn more and share your thoughts on the proposed action.

If you are unable to attend the meeting, you may submit written comments to Mr. Daniel Borunda, Environmental Protection Specialist, Compliance Section, USIBWC, 4171 North Mesa Street, C-100, El Paso, Texas 79902. Written comments should be submitted by February 7, 2005. For further information on the public scoping meetings, you may contact Mr. Daniel Borunda at (915) 832-4701. We look forward to seeing you in January 2005.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bernardino Olague', is written over the typed name and title.

Bernardino Olague, P.E.  
Principal Engineer

**UNITED STATES SECTION, INTERNATIONAL BOUNDARY AND WATER COMMISSION  
ALTERNATIVES REPORT AND  
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
FOR RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS AND CALIFORNIA**

The United States Section, International Boundary and Water Commission (USIBWC) will prepare an Alternatives Report and Programmatic Environmental Impact Statement (PEIS) for its flood control projects in: (1) certain segments of the Rio Grande, from Percha Dam in New Mexico to the Gulf of Mexico in Texas, and; (2) in the United States portion of the Tijuana River in the San Diego California area.

***Background***

The USIBWC maintains flood control projects along the Rio Grande:

1. Canalization Project, extending about 106 miles from Percha Diversion Dam in New Mexico to American Diversion Dam in El Paso County, Texas;
2. Rectification Project, extending 86 miles from American Diversion Dam to Fort Quitman, Texas;
3. Presidio-Ojinaga Flood Control Project, extending 15.2 miles along the Rio Grande within the sister cities of Presidio, Texas and Ojinaga, Chihuahua, Mexico; and
4. Lower Rio Grande Flood Control Project (LRGFCP), extending 180 miles between the town of Peñitas, Texas, to the Gulf of Mexico.

In addition, USIBWC maintains the Tijuana River Flood Control Project, located in the United States portion of the Tijuana River, extending 2.3 miles from the international boundary. This project represents a continuation of the flood control project located in Mexico, and provides flood protection to areas of San Diego, California, in the United States.

***Purpose and Need***

The purpose of the proposed federal action is to identify, re-evaluate, and implement alternatives for the management of existing flood control projects in the Rio Grande and Tijuana River that would allow USIBWC to comply with its mandate of flood protection, water deliveries, and/or boundary stabilization, while creating opportunities to enhance environmental and recreational resources.

Project specific purpose and need associated with individual components of the program are provided below.

The **Canalization Project** was constructed between 1938 and 1943 with the objective of providing flood control and facilitating water deliveries to the Rincon and Mesilla Valleys in New Mexico, El

Paso Valley in Texas, and the Juarez Valley in Mexico, in accordance with the 1906 Convention Between the United States and Mexico for the Equitable Distribution of the Waters of the Rio Grande.

The **Rectification Project** was constructed between 1934 and 1938 to stabilize the international river boundary and to provide flood protection for both countries in urban, suburban, and agricultural areas, as required by the 1933 Convention.

The **Presidio-Ojinaga Flood Control Project** was implemented based on IBWC Minute No. 247 (February 7, 1975). The purpose of this project was to protect productive agricultural lands in the Presidio-Ojinaga Valley against frequent flooding; to establish the international boundary per the Boundary Treated of 1970; and to ensure water deliveries to agricultural users in the United States and to Mexico, in accordance with international treaty obligations and agreements.

The **Lower Rio Grande Flood Control Project** was the result of a 1932 agreement between the United States and Mexico to provide flood protection to urban, suburban, and agricultural lands in both countries. In addition, the project has the objective of ensuring water deliveries to agricultural users in the United States and to Mexico, and to provide boundary stabilization requirements set forth in international agreements

The **Tijuana River Flood Control Project** was constructed as a result of IBWC Minutes No. 225 (June 19, 1967) and No. 236 (July 2, 1970) with the purpose of ensuring adequate flood protection for areas of San Diego in the United States in proximity to the river.

### *Alternatives to be Considered*

Preliminary alternatives or options to be evaluated in the Alternatives Report and PEIS may include, but are not limited to:

1) No Action Alternative

2) Alternatives to provide flood control and ensure water deliveries:

<ul style="list-style-type: none"><li>• Expand vegetation control</li><li>• Maintain levees</li><li>• Raise levees</li><li>• Expand levees</li><li>• Levee setbacks</li><li>• Widen pilot channel</li><li>• Revise design flood flow</li></ul>	<ul style="list-style-type: none"><li>• Increase channel dredging</li><li>• Erosion control</li><li>• Sediment control in sub-basins</li><li>• Sediment control at arroyos</li><li>• Install/modify grade control structures to prevent scour</li></ul>
--	---

3) Alternatives to provide environmental enhancements:

<ul style="list-style-type: none"> <li>• Recreate meanders</li> <li>• Create backwater habitat/aquatic habitat structures</li> <li>• Erosion control</li> <li>• Minimize sediment dredging</li> <li>• Modify mouth of arroyos to create habitat</li> <li>• Widen low-flow channel</li> <li>• Modify water diversion features for fish habitat</li> <li>• Modify dams for fish passage</li> </ul>	<ul style="list-style-type: none"> <li>• Increase no-mow zones</li> <li>• Planting of native species</li> <li>• Removal of exotic species</li> <li>• Modify grazing practices</li> <li>• Habitat connectivity</li> <li>• Easements beyond floodway</li> <li>• Purchase land</li> <li>• Partial flooding by bank shaving</li> <li>• Obtain water rights for flow control</li> <li>• Nonstructural flood control options</li> <li>• Allow flows to dissipate in floodway</li> </ul>
--	---

4) Other

- Collaborate with the Department of Homeland Security to ensure the accomplishment of our agencies' mission
- Collaborate with local, state and other federal entities to develop recreational opportunities

***Criteria for Evaluating Alternatives***

Alternatives will be evaluated by taking into consideration input received during the scoping process, and by considering the following objectives, sub-objectives and performance measures:

Objectives	Sub-objectives	Performance measure
Provide flood control	Meet international obligations	Meet international obligations Channel stability Levee stability Change in 100-year water surface elevation and peak flows
	Protect against design flood	Ease of maintenance/make maintenance practices more efficient
	Facilitate the activities of law enforcement agencies	



Objectives	Sub-objectives	Performance measure
Ensure water deliveries	Meet international obligations	Meet international obligations
	Meet U.S. delivery obligations (e.g. Rio Grande Compact)	Meet U.S. delivery obligations
Environmental enhancements	Riparian habitat	Habitat quantity
		Habitat quality
		Provide habitat connectivity
	Aquatic habitat	Water quality
		Fluvial structure
	Protect archaeological/cultural resources	Archaeological/Cultural resources protection
Recreational opportunities	Recreational opportunities	Recreational opportunities
Cost-effectiveness	Construction	Construction
	Present value cost	Present value cost
	Maintenance cost	Maintenance

### ***Environmental Issues***

The USIBWC, as Lead Agency, proposes to collect information necessary for the preparation of the PEIS, which will identify, describe, and evaluate the existing environmental, cultural, sociological and economic, and recreational resources; describe the flood protection program; and evaluate the impacts associated with the proposed action and alternatives under consideration. Significant issues that will be addressed in the PEIS include, but are not limited to, impacts to: water quantity, water quality, cultural and biological resources, threatened and endangered species, land use, and recreation.

### ***Environmental Review Process***

The environmental review of this project will be conducted in accordance with the requirements of Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, CEQ Regulations (40 CFR Parts 1500-1508), other appropriate regulations, and the USIBWC procedures for compliance with those regulations.

Copies of the PEIS will be transmitted to federal and state agencies and other interested parties for comments and will be filed with the Environmental Protection Agency in accordance with 40 CFR Parts 1500-1508 and USIBWC procedures.

### ***Consultation with Regulatory Agencies***

The USIBWC has invited numerous federal agencies to participate as cooperating agencies pursuant to 40 CFR 1501.6. A list of these agencies is included as Attachment A. Additional agencies may be invited to become cooperators as they are identified during the environmental review process. The United States Fish and Wildlife Service will be consulted in compliance with the Fish and Wildlife Coordination Act, PL 85-624, as amended; 16 USC 661 and with Section 7 of the Endangered Species Act of 1973, PL 93-205, as amended; 16 USC 1531-1534.

The New Mexico State Historic Preservation Office, the Texas State Historic Preservation Office, and the California Office of Historic Preservation will be consulted to identify and evaluate potential impacts to archaeological, historical, and cultural resources in accordance with the national Historic Preservation Act, PL 89-665, 16 USC 470 and appropriate Executive Orders.

### ***Additional Information and Deadline for Comments***

Please use the form on the following page or contact the USIBWC at the address shown below if you need further information about the project. You may submit written comments on the project to the USIBWC. Written comments will be accepted until February 7, 2005. Please mail your comments to:

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

Mr. Borunda can be reached at (915) 831-4701

**RESPONSE FORM**  
**ALTERNATIVES REPORT AND**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**FOR RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS AND CALIFORNIA**

This form provides you or your organization an opportunity to become involved with the development of a Programmatic Environmental Impact Statement (PEIS) that will evaluate the impacts of alternatives for the management of existing flood control projects in the United States portion of the Rio Grande and Tijuana River, in the states of New Mexico, Texas, and California. The PEIS will assist the United States Section, International Boundary and Water Commission (USIBWC) in making better informed decisions regarding flood control and the management of water supplies, and providing enhanced riparian habitat and recreational opportunities.

To more effectively prepare a PEIS, the USIBWC would like to find out if you are interested in this project, what issues are important to you, and to what extent you wish to be informed.

*Please check the appropriate space below and provide the information requested. Please return your completed form by February 7, 2005.*

☐ YES, I want to be kept informed on the development of the project and the PEIS. Please add or keep my name on your mailing list.

☐ NO, I do not want further information concerning the project and the PEIS. Please do not add my name to your mailing list. Delete my name if it is on your list.

**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     )     -     Fax: (     )     -    

**Please mail this form to:**

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SERGE MEDINA WILD COAST 757 EMORY ST. #161 IMPERIAL BEACH, CA 91932	MARTHA VALDES Border Env. Justice Campaign 1717 KETTNER BLVD, STE 100 SAN DIEGO, CA 92101	LARRY WADE CORONADO EAGLE 1116 10TH STREET CORONADO, CA 92118	George Wilkins P.O. BOX 23390 San Diego, CA 92193-0390	JOE WILLIAMS 1916 LAWDALE ST SAN DIEGO, CA 92154	DAVID WENZEL 2602 PIKAKE ST SAN DIEGO, CA 92154
GARY FRIEDMAN 1230 COLUMBIA ST. #750 San Diego, CA 92101	Sierra Club Border Committee San Diego Chapter 3820 Ray St. San Diego, CA 92123	MANJIV S. VOHRA, EXE. VP ENV. CHEMICAL CORPORATION 1240 BAYSHORE HIGHWAY BURLINGAME, CA 94010	Kathryn Balint SAN DIEGO UNION TRIBUNE 678 THIRD AVE. SUITE 101 CHULA VISTA, CA 91910	HAI WIEDEMAN WIEDEMAN AND SINGLETON ENGINEERING 1789 PEACH TREE ROAD ATLANTA, CA 30309	TOM WEEKS AIR POLLUTION CONTROL DISTRICT 9150 CHESAPEAKE DRIVE SAN DIEGO, CA 92123 1096
ROBERT E. MILLER 1167 5TH STREET IMPERIAL BEACH, CA 91932	LEONA TRIPP 2811 DAHLIA AVE. SAN DIEGO, CA 92154	PEDRO YIMA 1759 HOLLISTER ST, #34 SAN DIEGO, CA 92154	ANDREA LANSANG LWDS 5750 WILSHIRE, STE 571 LOS ANGELES, CA 90036	BYRON WEAR CITY OF SAN DIEGO 202 "C" STREET SAN DIEGO, CA 92101	
Elizabeth Borowiec Environmental Protection Agency 75 Hawthorne Street San Francisco, CA 94105-3901	HENRY & MARY TOWNS 2808 QUADRA AVE SAN DIEGO, CA 92154	RICARDO VILLA VICENCIO 2285 MADRESELVA WAY SAN DIEGO, CA 92154	ANDREW WERNER LWDS 5750 WILSHIRE, STE 571 LOS ANGELES, CA 90036	BILL WATERS 2377 ATHERTON AVE SAN DIEGO, CA 92154	
HORACIO RENTERIA EL LATINO NEWSPAPER P.O. BOX 550 SAN DIEGO, CA 92112	ANGELOSA TIRADO 1968 LEATHERWOOD ST San Diego, CA 92154	CONGRESSMAN FILNER'S OFFICE 333 F. ST. # A CHULA VISTA, CA 91910	PETE FLORES 3985 MARCWADE DRIVE SAN DIEGO, CA 92154	ED & ROSE WHITE 2665 MC BURNEY CT SAN DIEGO, CA 92154	THE HONORABLE BARBARA WARDEN CITY OF SAN DIEGO 202 "C" STREET SAN DIEGO, CA 92101

JIM NAKAGAWA CITY OF IMPERIAL BEACH 825 IMPERIAL BEACH BLVD. IMPERIAL BEACH, CA 91932	ADRIAN WHIDDON 2353 BIOLA AVE SAN DIEGO, CA 92154	RUDY RAMIREZ 372 QUINTARD STREET CHULA VISTA, CA 91911	Robert Beken 8690 Aero Drive, No. 339 San Diego, CA 92123	James T. Waring 7965 La Jolla Scenic Drive North La Jolla, CA 92037	The Honorable Bill Horn San Diego County 1600 Pacific Highway, RM 335 San Diego, CA 92101
Alan C. Langworthy City of San Diego 2392 Kincaid Road San Diego, CA 92101-0811	ANN SASAKI CITY OF SAN DIEGO 9192 TOPAZ WAY SAN DIEGO, CA 92123	Mr. Jim Kocsis USDA 430 "C" Street, Suite 4164 Davis, CA 95616	CAROLYN POWERS CARE 1460 Seacoast Drive, C-3 Imperial Beach, CA 91932	DAVE SCHLESINGER 550 WEST "C" ST. SUITE 1470 San Diego, CA 92101	Mr. Van Drie 724 West Pine Avenue El Segundo, CA 90245
Robert Wadham 920 Cypress Avenue Imperial Beach, CA 91932	BARBARA BRADLEY NOLTE ASSOC. 15090 AVENUE OF SCIENCE, SUITE 101 SAN DIEGO CA 92129	RICHARD GONZALES 88 "H" STREET CHULA VISTA, CA 91910	Douglas Metz 14 St. Christopher's Lane Coronado, CA 92118	DAVE FEGE U.S. EPA 610 WEST ASH ST. STE 703 SAN DIEGO, CA 92101	Mayda Winter Council - City of Imperial Beach 825 Imperial Beach Blvd Imperial Beach, CA 91932
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JAY GOLDBY DEPUTY MAYOR, CITY OF POWAY P.O. BOX 789 POWAY, CA 92074-0789	BETTY YANO 1063 SATURN SAN DIEGO, CA 92154	Jeff Knox Tijuana Sloughs Surf Club 753 Iris Ave Imperial Beach, CA 91932	Kenneth Mitchell 2200 Coronado Avenue, No. 68 San Diego, CA 92154	Laura Peters, Water Resource Control Board Division of Clean Water Programs 1001 I ST. Sacramento, CA 95814-2828	Mayda Winter Imperial Beach City Council 133 Citrus Ave Imperial Beach, CA 91932
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Richard Gonzales 88 "H" Street Chula Vista, CA 91910	JAMES WRIGHT 1948 ORO VISTA RD SAN DIEGO, CA 92154	ERIK LEE U.S. COORDINATOR, EECC 5250 CAMPANILE DRIVE San Diego, CA 92182-1913	Mary Leavitt P.O. Box 753 Descanso, CA 91916	MAGDALENA CERDA ENVIRONMENTAL HEALTH COALITION 1717 KETTNER BLVD. #100 SAN DIEGO, 92101	Gregory Alabado Council of Philippine American 478 Tram Place Chula Vista, CA 91910-7416
Joanne Salazar San Diego Association of Governments 401 B Street, Suite 800 San Diego, California 92101	BILL WOOTTON 608 VISTA SAN JAVIER SAN DIEGO, CA 92154	Ms. Liza Garcia 1107 9th Street, Suite 650 Sacramento, CA 95814	Barry Simons San Ysidro Planning Group 1330 Neptune Leucadia, CA 92024	Barbara Ekholm 4846 Glacier Dr. Los Angeles, CA 90041	
Alajandra Gavaldon, Assistant Binational Coord. City of San Diego 1010 Second Ave., Suite 1520 San Diego, CA 92101	GLADYS WOLKIN 1805 IONIAN ST SAN DIEGO, CA 92154	The Honorable Pam Slater San Diego County 1600 Pacific Highway, Rm 335 San Diego, CA 92101	The Honorable Scott Peters City of San Diego 202 "C" Street San Diego, CA 92101	The Honorable Dick Murphy City of San Diego 202 "C" Street San Diego, CA 92101	
Kay Joy USDA 430 "G" Street, Suite 4165 Davis, CA 95616	COUNCIL WOMAN PATTY DAVIS City of Chula Vista 276 4th Avenue Chula Vista, CA 91910	The Honorable Dianne Jacob 1600 Pacific Highway, RM 335 San Diego, CA 92101	The Honorable Toni Atkins City of San Diego 202 "C" Street, MS#10A San Diego, CA 92101	Willie Earl Turner 438 3rd Avenue, No. 213 San Diego, CA 92101	

The Honorable Charles Lewis City of San Diego 202 "C" Street, MS#10A San Diego, CA 92101	The Honorable Ralph Inzunza City of San Diego 202 "C" Street San Diego, CA 92101	Art Letter Tijuana Valley County Water District 2222 Coronado Ave., Ste. F San Diego, CA 92154	Oscar Romo CA Department of Parks & Recreation 301 Caspian Way Imperial Beach, CA 91932	San Diego Central Library, Reference Sect 820 E St. San Diego, CA 92101
Antonio Ruiz U.S. Border Patrol Imperial Beach P.O. Box 68 Imperial Beach, CA 91932	JOSE KING Tijuana Valley County Water District 223 VIA DE SAN YSIDRO SAN DIEGO, CA 92173	The Honorable Brian Maienschein City of San Diego 202 C Street, San Diego, CA 92101	Bryson Williams P.O. Box 68 Imperial Beach, CA 91933	Stephen Barnes 3590 Camino Del Rio, North San Diego, CA 92108
Ann Sasaki City of San Diego 9192 Topaz Way San Diego, CA 92101	SHIRLEY HORTON Office of Assemblywoman Shirley Horton 7144 Broadway Lemon Grove, CA 91945-1401	The Honorable Ron Roberts San Diego County 1600 Pacific Highway, Room 335 San Diego, CA 92101	Border Progress Fdn. Box 33419 San Diego, CA 92163	B. Jaime Morgan Coral Gate Comm. 3005 Hires Way San Diego, CA 92173
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Kimberly Allan Toiles 16 Catspaw Cape Coronado, CA 92118	Lynn Young 1363 Saintslaus Drive Chula Vista, CA 91913	Craig Benedetto Bajagua, LLC. 160 Industrial, Suite 200 San Marcos, CA 92078	Dave Francis 508 Elm Ave. Imperial Beach, CA 91932	Assignment Editor John Chadwick KFMB-TV Channel 8 P.O. Box 85888 San Diego, CA 92186
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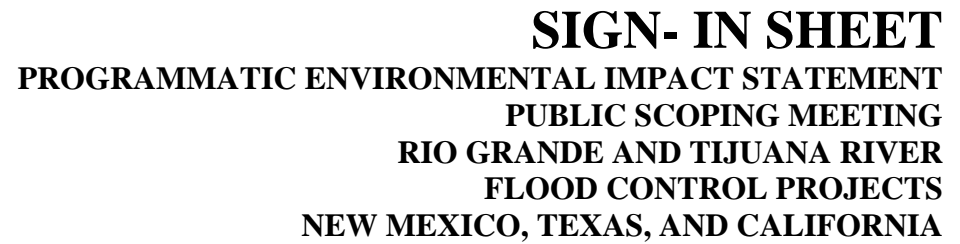
Georgina R de Crespo Technical Director, Reserver Inc. 501 West Broadway, Suite 1280 San Diego CA, 92101	Marvin Winters Sure Clean Power Washing, Inc. 4364 Bonita Road, Suite 484 Bonita, CA 91902-1421	Dwight Sanders Division of Env. Planning Mgt. State Lands Commission 100 Howe Ave., Ste. 100-S Sacramento, CA 95825-8202 Jack Moorhead KGTW-TV Channel 10 P.O. Box 85347 San Diego, CA 92186	Antonio Quiroga Liaison Border Commissioner 701 B St. Ste. 800 San Diego, CA 92101	Donna Oqel Resident Rancher 2223 Inogene San Diego, CA 92154	Derrick Rouch C.R.A.P. 1640 Maple Dr. # 42 Chula Vista, CA 91911
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Mary Quiriano Reviling Grandma's 4080 Hancock St. #4311 San Diego, CA 92110	Gary Sirote 385 N. Vulcan Ave Encinitas, CA 92024	Jason Jackson USDA Soil Conservation Service 332 South Juniper St., Ste. 110 Escondido, CA 92025	Larry Kudlick Southwest Wetlands Interpretive Assoc. P.O. Box 575 Imperial Beach, CA 91932	Jeanne Davis Coronado Eagle 1116 10th St. Coronado, CA 92118	Kelly Sackheim Jones and Strokes 2600 V St. Sacramento, CA 95818
Lucky Ketchum City of San Diego Env. Health 9323 Hazard Way San Diego, CA 92123	Jim King 1330 Broadway, Suite 1100 Oakland, CA 94612	Lee Olson, President San Diego Council of Doctors, Inc. P.O. Box 99941 San Diego, CA 92169	National City Public Library, Reference Sect 200 E 12th St. National City, CA 91950	Jeff Knox 753 Iris Ave. Imperial Beach, CA 91932	Kathryn Balint San Diego Union Tribune P.O. Box 191 San Diego, CA 92112
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Lorraine Gane City of San Diego Water Utilities 2797 Caminito Chollas San Diego, CA 92105	Elsa Saxod City of San Diego, Metro Waste Water Dept. 1010 Second Ave., Ste. 1520 San Diego, CA 92101	Grag McBain Parson Engineering 110 West A St. # 1050 San Diego, CA 92101-3702	Radio Newstream KFMB-TV Channel 8 P.O. Box 85888 San Diego, CA 92186	Mesa College Library 7250 Mesa College Dr. San Diego, CA 92111	Thomas West Schuette 1871 Doran St. San Diego, CA 92154
Lilia Martinez California Dept. of Fish & Game 350 Golden Shore, Ste. 50 Long Beach, CA 90802	Eileen Cornelius San Ysidro Planning 2632 East Beyer Blvd. San Ysidro, CA 92173	Matt Rodriguez City of Imperial Beach Manager's Office 825 Imperial Beach Blvd. Imperial Beach, CA 91932	The Honorable Bill Horn 1600 Pacific Highway, RM 335 San Diego, CA 92101	Larry Monserrate City Environmental Analysis Division 1222 First Ave., MS-501 San Diego, CA 92101	Michelle Moreno I Love A Clean San Diego 4355 Ruffin Rd. #118 San Diego, CA 92123
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Lori Peoples City Clerk City of Imperial Beach 825 Imperial Beach Blvd. Imperial Beach, CA 91932	Clay Phillips CA State Parks Southern Service Ctr. 8885 Rio San Diego Dr., Ste. 270 San Diego, CA 92108	Mark Helvey NOAA 501 West Ocean Blvd., Ste. 4200 Long Beach, CA 90802-4213	The Honorable Dede Alpert Senator 39th District 1557 Columbia St. San Diego, CA 92101	Luis Leun Montgomery Watson Engineers 301 N. Lake Ave. #600 Pasadena, CA 91101	Michael Freedman San Ysidro Planning Group 3833 Viadel Bardo San Diego, CA 91932
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Rafael Munoz Works Mgr., County Dept. of Public Works 5469 Kearny Villa Rd., Ste. 204 San Diego, CA 92123	Jim Lovevelli District Park Mgr., Dept. of Parks & Rec. 5201 Ruffin Rd., Ste. P San Diego, CA 92123	Terri Dickerson California Dept. of Fish & Game P.O. Box 6657 Laguna Niguel, CA 92607	Melanie Kush AICP, Community Dev. Dept., City of Imperial Beach 825 Imperial Beach Blvd. Imperial Beach, CA 91932	Larry Wade Coronado Eagle 1116 10th St. Coronado, CA 92118	Sevy Chavez Calmar P.O. Box 3098 San Diego, CA 92163

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Manny Cruz News Editor, San Diego Daily Transcript 2131 3rd Ave. San Diego, CA 90080	The Honorable Pam Slater 1600 Pacific Highway San Diego, CA 92101	State Historic Preservation Officer Office of Historical Preservation P.O. Box 942896 Sacramento, CA 94295	Alejandra Gavaldon City of San Diego Metro Waste Water Dept. 1010 Second Ave., Ste. 1520 San Diego, CA 92101	Lori Saldanha 4211 Conrad Ave. San Diego, CA 92117
Patricia de la Rosa Southern California Field Rep. Senator Dianne Feinstein 750 B St., Ste. 1030 San Diego, CA 92101	Rina Kelley Citizens Against Recreational Eviction 137 Carnation Ave. Imperial Beach, CA 91932	The Surf Rider Foundation Tim Dillingham P.O. Box 230754 Encinitas, CA 92023	Terri Stewart California Dept. of Fish & Game 4949 Viewridge Ave. San Diego, CA 92123	Pat Flanagan Proesteros-USA (and Binational) 4492 Camino de la Plaza, Suite ESE 1162 San Ysidro, CA 92173
The Honorable Christine Kahoe 1010 University Ave., Ste. C-207 San Diego, CA 92103	Sonja Ireland San Diego County 1600 Pacific Highway, RM 208 San Diego, CA 92101	Robert Simmons P.O. Box 19932 San Diego, CA 92119	Nan Valerio San Diego Assoc. of Governments 401 B St., Ste. 800 San Diego, CA 92100	Zeke Mezur 522 7th St. Imperial Beach, CA 91932
San Ysidro Chamber of Commerce 663 E. San Ysidro Blvd. San Ysidro, CA 92173	The Honorable Randy Cunningham U.S. House of Representatives, Dist. 51 613 West Valley Park Way Escondido, CA 92035	Elizabeth Fuchs California Coastal Commission Land Use & Local Assistance 45 Fremont St., Ste. 2000 San Francisco, CA 94105	Scott Tulloch Sierra Club, San Diego Chapter 3820 Ray St. San Diego, CA 92123	William Doolittle Chief Patrol Agent, U.S.B.P. Imperial Beach P.O. Box 68 Imperial Beach, CA 91933
Rudy Fernandez Governor's Office of California-Mexico Aff. 750 B St., Ste. 1830 San Diego, CA 92101	Rudy Fernandez Governor's Office of California-Mexico Aff. 750 B St., Ste. 1830 San Diego, CA 92101	Dave Gomez 2222 Coronado Ave. Ste. F San Diego, CA 92154-2037	Sandy Sanchez Citizen's Revolution Against Pollution 1646 Avequija San Diego, CA 92154	The Honorable Dianne Jacob 1600 Pacific Highway, RM 335 San Diego, CA 92101
Nina Garfield Sanctuary Reserve Division - NOAA 1305 East West Highway SS-MC4, 12th Floor Silver Springs, MD 20910	Tom Weeks Air Pollution Control District 9150 Chesapeake Dr. San Diego, CA 92123-1096	Olav Mesa Branch Library, Reference Sect. 3003 Coronado Ave. San Diego, CA 92118	Terry Tobel JMM Operational Services, Inc. 1935 Hughes Way El Segundo, CA 90245	Water Resources Center Archive, UC Berkeley 410 O'Brien Hall Berkeley, CA 94720
Robert Hoffman National Maritime Fisheries 501 West Ocean Blvd., Ste. 4200 Long Beach, CA 90802	Brian A. Hodgson Marathon Oil Company 7400 South Broadway Littleton, CO 80122	Miramonte College Library 10440 Black Mountain Rd. San Diego, CA 92126		
Pete Phillips Dept. of Fish and Game 1416 9th St. Rm. 1341 Sacramento, CA 95814	University of San Diego Copley Library 5998 Alcala Park San Diego, CA 92110	Michael McLaughlin SANDAG 401 B St., Ste. 800 San Diego, CA 92101		
Jesus Magallanes o Carlos Quintero BECC PO Box 221648 El Paso, Texas 79913	Brad Luckey Imperial Irrigation District P.O. Box 937 Imperial, CA 92251	Bart Christon 1001 I Street 16th floor Sacramento CA, 95814		

# APPENDIX B





**Location:**\_\_\_\_\_

**Phone Number (optional)**[illegible]



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Thank you for attending this public scoping meeting. Our purpose for hosting this meeting is to give you an opportunity to assist us in identifying pertinent environmental issues for analysis in a Programmatic Environmental Impact Statement. The Programmatic Environmental Impact Statement will evaluate potential effects of strategies to meet the need for flood control and boundary stabilization, continue maintenance of water deliveries, and identify opportunities for environmental or recreational improvements. Please use this sheet to bring to our attention potential environmental issues that you feel should be analyzed in the Programmatic Environmental Impact Statement. You may use the back of this sheet if necessary.

Please print your comments below:

**Date:** \_\_\_\_\_

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**Your Name ( please print):** \_\_\_\_\_

**Affiliation:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone Number (optional):** \_\_\_\_\_

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005  
to ensure consideration in the Draft PEIS.

## WRITTEN COMMENT SHEET (Continued)

## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

# PUBLIC SCOPING MEETING

## RIO GRANDE AND TIJUANA RIVER

## FLOOD CONTROL PROJECTS

## NEW MEXICO, TEXAS, AND CALIFORNIA

**Continued from other side:**

[illegible]

**Your Name: (please print):** \_\_\_\_\_

**Affiliation:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone Number (optional):**\_\_\_\_\_

U.S. International Boundary and Water  
Commission

Rio Grande and Tijuana River Flood  
Control Projects PEIS

### Public Scoping Meeting

January 11, 2005  
El Paso, Texas



### Purpose of Meeting

- ◆ USIBWC intends to prepare a Programmatic Environmental Impact Statement (PEIS) for management activities of flood control projects in the U.S. portions of the Rio Grande and Tijuana River
- ◆ Management activities may include:
  - ◆ Structural activities (construction)
  - ◆ Non-structural activities (maintenance)
  - ◆ Collaboration with other agencies and landowners

### NEPA Process

### Meeting Agenda

- ◆ Welcome and introductions
- ◆ Purpose of meeting
- ◆ NEPA process
- ◆ Program purpose and need
- ◆ Project description
- ◆ Preliminary alternatives and evaluation objectives
- ◆ Environmental impact areas to be considered

### Purpose of Meeting

- ◆ Per NEPA requirements, USIBWC needs to obtain public input on the scope of:
  - ◆ The environmental analysis
  - ◆ Preliminary alternatives
  - ◆ Preliminary evaluation objectives

### What is NEPA?

- ◆ National Environmental Policy Act
  - ◆ Encourage environmental protection for the benefit of future generations
  - ◆ Applies to Federal agencies and activities

### Meeting Format

- Presentation followed by:
- ◆ Stations with more detailed information about key topics
  - ◆ Opportunity for public comments:
    - ◆ Comment forms
    - ◆ Topic stations
    - ◆ Flip charts

### Public Meetings

- ◆ El Paso, Texas - January 11
- ◆ Las Cruces, New Mexico - January 12
- ◆ Presidio, Texas - January 13
- ◆ McAllen, Texas - January 19
- ◆ Imperial Beach (San Diego County), California - January 27

### What is NEPA?

- ◆ Requires Federal agencies to:
  - ◆ Consider environmental costs and benefits of proposed action before any decision is made on the action
  - ◆ Involve other agencies and the public early on
  - ◆ Consider the potential for significant environmental effects of proposed federal actions
  - ◆ Consider reasonable alternatives and measures to lessen potentially significant effects
  - ◆ Document environmental analysis and process for decision-makers

### Why a PEIS?

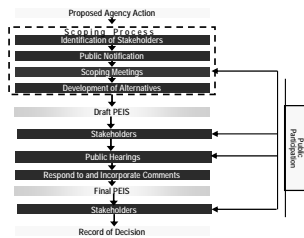
- ◆ Federal actions required to prepare one or more of the following:
  - ◆ Categorical Exclusion (CE)
  - ◆ Environmental Assessment (EA)
  - ◆ Environmental Impact Statement (EIS)
  - ◆ Programmatic Environmental Impact Statement (PEIS)

### Purpose and Need

### Program Purpose and Need

- ◆ The purpose of the proposed federal action is to:
  - ◆ identify and evaluate alternatives for the management of existing projects
  - ◆ assist USIBWC to comply with its mandate for flood protection, water deliveries, and/or boundary stabilization
  - ◆ identify opportunities to enhance environmental resources
  - ◆ coordinate with other entities in the development of recreational opportunities

### NEPA Process - PEIS



### USIBWC Projects

- ◆ USIBWC maintains four flood control projects along the Rio Grande
  - ◆ Canalization Project – Percha Dam to American Dam
  - ◆ Rectification Project – El Paso to Ft. Quitman
  - ◆ Presidio-Ojinaga Project
  - ◆ Lower Rio Grande Project – From Peñitas to the Gulf of Mexico
- ◆ USIBWC maintains the Tijuana River Flood Control Project (U.S. portion)

### Project Description

### Role of Scoping Process

- ◆ Open and objective process for determining the scope of issues and alternatives to be addressed in the environmental analysis
- ◆ Purpose of Scoping Meeting is to:
  - ◆ Identify public and agency concerns
  - ◆ Define the issues and alternatives that will be examined in the PEIS
  - ◆ Facilitate efficient environmental review process by helping ensure that the PEIS adequately addresses relevant issues

### USIBWC Projects



### Project Description – Canalization Project

- ◆ From Percha Dam in Sierra County, New Mexico to American Dam in El Paso County, Texas – 106 miles
- ◆ Constructed in 1938-1943 to:
  - ◆ Provide flood protection
  - ◆ Ensure water deliveries per 1906 Convention to Mexico and to the Rincon, Mesilla and El Paso valleys in the U.S.

**Project Description –  
Canalization Project**

- ◆ Project consists of: channel, floodways, levees, diversion dams and canals, siphons, and other structures
- ◆ Current management/maintenance activities:
  - ◆ Sediment control
  - ◆ Vegetation control and grading of floodways and levees
  - ◆ Land leasing – grazing, recreation and row crops

**Project Description –  
Canalization Project**

- ◆ Alternatives Formulation Report (March 2002)
  - ◆ Identified and evaluated five maintenance alternatives and identified preferred alternative
  - ◆ Two key issues mentioned by the public after publication:
    - Potential conflict between alternatives and water and land ownership
    - More extensive evaluation of river restoration was required

**Project Description –  
Rectification Project**

- ◆ Project consists of: channel, floodways, levees, diversion dams and canals, grade control structures, bridges and other structures
- ◆ Chamizal Project
  - ◆ Through downtown El Paso/Juarez
  - ◆ Concrete-lined channel – 4.4 miles
  - ◆ Constructed in 1968 to settle international boundary dispute

**Project Description –  
Canalization Project**

- ◆ Environmental concerns:
  - ◆ Alteration of flow and riparian ecosystem
  - ◆ Reduction in river length, loss of riparian and aquatic habitat
  - ◆ Exotic species
  - ◆ Limited aquatic and terrestrial habitat
  - ◆ Water quality

**Project Description –  
Canalization Project**

- ◆ Reformulation of River Management Alternatives (August 2003)
  - ◆ Identified and evaluated four maintenance alternatives
  - ◆ Identified preferred alternative – Integrated Land Management
    - Environmental enhancements
    - Habitat enhancements
    - Levee rehabilitation

**Project Description –  
Rectification Project**

- ◆ Current maintenance activities:
  - ◆ Sediment control
  - ◆ Vegetation control and grading of floodways and levees
  - ◆ Resurfacing of levee roads

**Project Description –  
Canalization Project**

- ◆ Recent efforts by USBWC:
  - ◆ Planting of native vegetation
  - ◆ Control of invasive species
  - ◆ Modification of mowing practices
  - ◆ Establishment of no-mow zones
  - ◆ Modification of sediment removal practices
  - ◆ Construction of pilot projects: vortex weirs, rock groins, embayments
  - ◆ Coordination in developing recreational areas
  - ◆ Status of EIS

**Project Description –  
Rectification Project**

- ◆ From American Dam in El Paso County, Texas to Fort Quitman in Hudspeth County, Texas – 86 miles
- ◆ Constructed in 1934-1938 to:
  - ◆ Provide flood protection
  - ◆ Stabilize international boundary

**Project Description –  
Rectification Project**

- ◆ Environmental concerns:
  - ◆ Alteration of flow and riparian ecosystem
  - ◆ Removal of river meanders
  - ◆ Reduction in river length, loss of riparian and aquatic habitat
  - ◆ Exotic species
  - ◆ Water quality

### Project Description – Rectification Project

- Recent efforts by USIBWC:
  - Modification of sediment removal practices
  - Coordination in planned Rio Grande River Trail and Park
  - Facilitation of Rio Bosque Wetlands Park

### Decision Process Terms

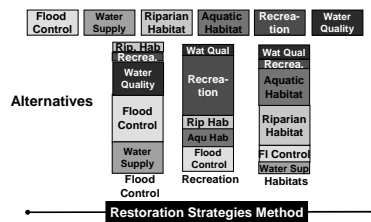
<b>Objectives</b>	The goals that define the essential purposes in broad, overarching terms
<b>Performance Measures</b>	The indicators of how well the objectives are being met
<b>Options</b>	The individual building blocks that consist of projects, management solutions, and other options
<b>Alternatives</b>	Combinations of options that are designed to accomplish the objectives

### Formulation process

- Identify 'concepts' organized by objective
  - Flood control and water deliveries: levee improvements, sediment control
  - Environmental enhancement: reconnect meanders, native vegetation management, diversify habitat
  - Recreational opportunities: USIBWC coordination with adjacent parks, trails
  - Implementability: cost, acceptance
  - Interagency cooperation

### Preliminary Alternatives

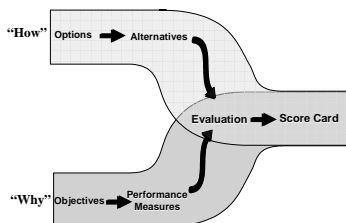
### Alternatives are organized around different themes



### Formulation process

- Initial screening of concepts based on fatal flaw analysis
- Identify flood control issues/problem areas
  - Army Corps of Engineers levee survey
  - Previous hydraulic modeling
  - Previous alternative formulations & analyses
  - USIBWC staff experience

### Alternatives Development Process



### Formulation process

- Identify objectives and performance measures
  - Flood control
  - Water supply
  - Environmental enhancement
  - Recreational opportunities
  - Implementability (cost, social impacts)
  - Inter-agency cooperation

### Formulation process

- Identify water delivery issues/problem areas
  - USIBWC staff experience
  - Sediment control
- Divide river into 'River Management Units' or similar concept
- Identify environmental enhancement and recreational opportunities by RMU

### Formulation process

8. Formulate alternatives based on:
  - ◆ Flood control issues and needs
  - ◆ Water supply issues and needs
  - ◆ Environmental enhancement opportunities
  - ◆ Recreational opportunities
9. Evaluate alternatives based on objectives and performance measures

### 2. Modified O&M and Flood Control Improvement Activities

- ◆ Address known or potential flood control deficiencies
- ◆ Assess adequacy of existing levee system to contain design flows
- ◆ Apply erosion control practices to reduce sediment load
- ◆ Utilize non-structural floodplain management strategies to limit damage potential
- ◆ Adjust channel geometry to effectively transport sediment and limit erosion
- ◆ Dispose of excavated sediment out of floodway or in eroding reaches

### Canalization Project Site Specific Issues

- ◆ Reformulation Report Preferred Alternative – Integrated USIBWC Land Management
  - ◆ 48 potential environmental enhancement sites covering 5,500 acres
  - ◆ 73 miles of levee reconstruction
  - ◆ Habitat enhancement within USIBWC ROW
  - ◆ \$122M total capital cost (\$55.9M flood control, \$66.1M other)
- ◆ Additional actions
  - Expand USIBWC land holdings in Seldon Canyon
  - Flood damage reduction study using risk-based analysis
  - Adaptive Management Plan

### Preliminary Alternatives

1. Maintain Current O&M Practices (No Action)
2. Modified O&M and Flood Control Improvement Activities
3. Integrated Land Management
4. Channel and Floodplain Restoration

### 3. Integrated Land Management

- ◆ Incorporate environmental measures in conjunction with flood control, erosion control and sediment removal actions
- ◆ Naturalize riparian corridor for bank stabilization and habitat enhancement
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Minimize impact from water supply and sediment control facilities on aquatic and riparian migration pathways and water quality

### Rectification Project Site Specific Issues

- ◆ Chamizal Urbanized Channel – El Paso
  - ◆ Concrete-lining and lack of floodway limits habitat enhancements and recreational opportunities
- ◆ Levee rehabilitation
  - ◆ Additional height
  - ◆ Increase structural integrity utilizing current design standards
- ◆ Modification of sediment removal practices

### 1. Maintain Current O&M Practices

- ◆ Baseline alternative
- ◆ Mowing to control weeds & and woody vegetation
- ◆ No mow zones
- ◆ Repair levees
- ◆ Remove debris in channel & floodway
- ◆ Manage grazing leases
- ◆ Sediment removal & disposal
- ◆ Bank stabilization
- ◆ Pilot habitat structure program
- ◆ Structural repairs and adjustments
- ◆ Coordination with NWRs and parks

### 4. Channel and Floodplain Restoration

- ◆ Reestablish natural, functioning river channel with connected floodplain
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Reconnect riverine, riparian and upland corridors
- ◆ Use controlled reservoir releases to simulate historic flood surges and provide minimum flow sufficient to support native aquatic and riparian species

### Rectification Project Site Specific Issues (cont.)

- ◆ Habitat enhancements
  - ◆ Reconnect meanders
  - ◆ Increase water quality
  - ◆ Native vegetation promotion and exotic/invasive species eradication
- ◆ Park and trail agency coordination
  - ◆ Rio Grande River Trail and Park
  - ◆ Rio Bosque Wetlands Park
  - ◆ Other opportunities?



## Environmental Impact Areas to be Considered

### Environmental Impact Areas

- ◆ Land Use / Agricultural Issues
  - ◆ Geology and Soils
  - ◆ Urban / Agricultural Land use
  - ◆ Agricultural Economics
  - ◆ Agricultural Social Issues
- ◆ Urban / Energy Issues
  - ◆ Water Supply Economics
  - ◆ Noise
  - ◆ Transportation
  - ◆ Utilities and Public Services
  - ◆ Power Production and Energy

### Next Steps

- ◆ Complete Scoping Process – Early 2005
- ◆ Preparation of Draft PEIS – Most of 2005
- ◆ Public/Agency Review of Draft PEIS – Late 2005
- ◆ Public Hearings – Late 2005
- ◆ Final PEIS – Early 2006
- ◆ Record of Decision – Early 2006

### Environmental Impact Areas

- ◆ Biological Resources
- ◆ Water Resources
- ◆ Air Quality
- ◆ Land Use / Agricultural Issues
- ◆ Urban / Energy Issues
- ◆ Recreational Resources
- ◆ Cultural Resources
- ◆ Indian Tribal Lands
- ◆ Environmental Justice
- ◆ Visual Resources
- ◆ Regional Economics
- ◆ Public Health / Environmental Hazards

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- ◆ Air Quality
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- ◆ Cultural Resources
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- ◆ Environmental Justice
- ◆ Visual Resources
- ◆ Regional Economics
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### Please submit written comments before February 7 to:

Daniel Borunda  
USIBWC  
Environmental Protection Specialist  
4171 North Mesa  
Suite C-100  
El Paso, Texas 79902



### Environmental Impact Areas

- ◆ Biological Resources
  - ◆ Habitats
  - ◆ Vegetation
  - ◆ Aquatic Life and Fisheries
- ◆ Water Resources
  - ◆ Hydrology
  - ◆ Supply and Management
  - ◆ Water Quality
  - ◆ Groundwater
  - ◆ Flood Control

### Next Steps

U.S. International Boundary and Water  
Commission

Rio Grande and Tijuana River Flood  
Control Projects PEIS

### Public Scoping Meeting

January 12, 2005  
Las Cruces, New Mexico



### Purpose of Meeting

- ◆ USIBWC intends to prepare a Programmatic Environmental Impact Statement (PEIS) for management activities of flood control projects in the U.S. portions of the Rio Grande and Tijuana River
- ◆ Management activities may include:
  - ◆ Structural activities (construction)
  - ◆ Non-structural activities (maintenance)
  - ◆ Collaboration with other agencies and landowners

### NEPA Process

### Meeting Agenda

- ◆ Welcome and introductions
- ◆ Purpose of meeting
- ◆ NEPA process
- ◆ Program purpose and need
- ◆ Project description
- ◆ Preliminary alternatives and evaluation objectives
- ◆ Environmental impact areas to be considered

### Purpose of Meeting

- ◆ Per NEPA requirements, USIBWC is requesting public input on the scope of:
  - ◆ The environmental analysis
  - ◆ Preliminary alternatives
  - ◆ Preliminary evaluation objectives

### What is NEPA?

- ◆ National Environmental Policy Act
  - ◆ Encourage environmental protection for the benefit of future generations
  - ◆ Applies to Federal agencies and activities

### Meeting Format

- ◆ Presentation
- ◆ Stations with more detailed information about key topics
- ◆ Opportunity for public comments:
  - ◆ Written comments (forms)
  - ◆ Topic stations - flip charts

### Public Meetings

- ◆ El Paso, Texas - January 11
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### What is NEPA?

- ◆ Requires Federal agencies to:
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  - ◆ Consider the potential for significant environmental effects of proposed federal actions
  - ◆ Consider reasonable alternatives and measures to lessen potentially significant effects
  - ◆ Document environmental analysis and process for decision-makers

## Types of NEPA Documents

- ◆ Federal actions required to prepare one or more of the following:
  - ◆ Categorical Exclusion (CE)
  - ◆ Environmental Assessment (EA)
    - Leads to EIS or Finding Of No Significant Impact (FONSI)
  - ◆ Environmental Impact Statement (EIS)

## Role of Scoping Process

- ◆ Open and objective process for determining the scope of issues and alternatives to be addressed in the environmental analysis
- ◆ Purpose of Scoping Meeting is to:
  - ◆ Identify public and agency concerns
  - ◆ Define the issues and alternatives that will be examined in the PEIS
  - ◆ Facilitate efficient environmental review process by helping ensure that the PEIS adequately addresses relevant issues

## USIBWC Projects



## Why a PEIS?

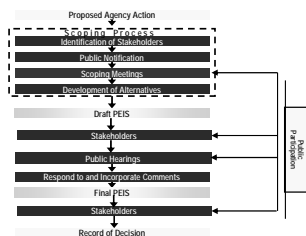
- ◆ Council on Environmental Quality (CEQ) Encourages a Tiered Process:
  - ◆ Per CFR 1502.20
  - ◆ Coverage of a program or plan in a broader EIS is called a Programmatic EIS (PEIS)
  - ◆ Subsequent narrower EAs or EIS's for specific projects
  - ◆ Helps lead agency focus on issues that are ripe for decision and exclude from consideration issues that are not

## Purpose and Need

## Program Purpose and Need

- ◆ The purpose of the proposed federal action is to:
  - ◆ Identify and evaluate alternatives for the management of existing projects
  - ◆ Assist USIBWC to comply with its mandate for flood protection, water deliveries, and/or boundary stabilization
  - ◆ Identify opportunities to enhance environmental resources
  - ◆ Coordinate with other entities in the development of recreational opportunities

## NEPA Process - PEIS



## USIBWC Projects

- ◆ USIBWC manages four flood control projects along the Rio Grande
  - ◆ Canalization Project – Percha Dam to American Dam
  - ◆ Rectification Project – El Paso to Ft. Quitman
  - ◆ Presidio-Ojinaga Project
  - ◆ Lower Rio Grande Project – From Peñitas to the Gulf of Mexico
- ◆ USIBWC manages the Tijuana River Flood Control Project (U.S. portion)

## Project Description

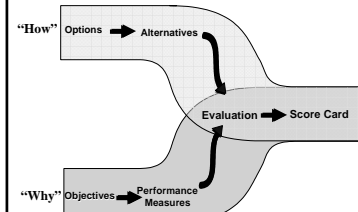
### Project Description – Canalization Project

- ◆ From Percha Dam in Sierra County, New Mexico to American Dam in El Paso County, Texas – 106 miles
- ◆ Constructed in 1938-1943 to:
  - ◆ Provide flood protection
  - ◆ Ensure water deliveries per 1906 Convention to Mexico and to the Rincon, Mesilla and El Paso valleys in the U.S.

### Project Description – Canalization Project

- ◆ Recent efforts by USBWC:
  - ◆ Planting of native vegetation
  - ◆ Control of invasive species
  - ◆ Modification of mowing practices
  - ◆ Establishment of no-mow zones
  - ◆ Modification of sediment removal practices
  - ◆ Construction of pilot projects: vortex weirs, rock groins, embayments
  - ◆ Coordination in developing recreational areas

### Alternatives Development Process



### Project Description – Canalization Project

- ◆ Project consists of: channel, floodways, levees, diversion dams and canals, siphons, and other structures
- ◆ Current management/maintenance activities:
  - ◆ Sediment control
  - ◆ Vegetation control and grading of floodways and levees
  - ◆ Land leasing – grazing, recreation and row crops

### Project Description – Canalization Project

- ◆ Status of EIS
  - ◆ Alternatives Formulation Report (March 2002)
  - ◆ Reformulation of River Management Alternatives (August 2003)
  - ◆ River Management Plan (May 2004)
  - ◆ Record of Decision
- ◆ EIS/PEIS Relationship
  - ◆ PEIS to incorporate EIS findings

### Decision Process Terms

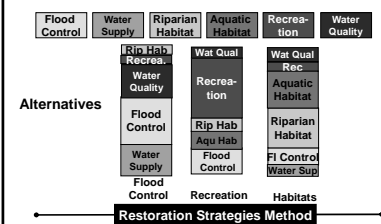
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<b>Options</b>	The individual building blocks that consist of projects, management solutions, and other options
<b>Alternatives</b>	Combinations of options that are designed to accomplish the objectives

### Project Description – Canalization Project

- ◆ Environmental concerns:
  - ◆ Alteration of flow
  - ◆ Erosion & sedimentation
  - ◆ Reduction in river length
  - ◆ Loss of riparian and aquatic habitat
  - ◆ Exotic species
  - ◆ Water quality

### Preliminary Alternatives

### Alternatives are organized around different themes



#### Formulation process

Objective	Performance Measure
Provide Flood Control	Ability to convey design flow
Ensure Water Deliveries	Ability to meet obligations Water rights impacts
Environmental Enhancement	Habitat size or quality Water quality influences Relative number & extent of exotic & native species
Recreational Opportunities	Number & extent of facilities
Implementability	Relative cost Social impacts
Interagency Cooperation	Standards & permit conditions

#### Formulation process

5. Identify water delivery issues/problem areas
  - ◆ USIBWC staff experience
  - ◆ Sediment control
6. Divide river into 'River Management Units' or similar concept
7. Identify environmental enhancement and recreational opportunities by RMU

#### 1. Maintain Current O&M Practices

- ◆ Baseline alternative
- ◆ Mowing to control weeds & and woody vegetation
- ◆ No mow zones
- ◆ Repair levees
- ◆ Remove debris in channel & floodway
- ◆ Manage grazing leases
- ◆ Sediment removal & disposal
- ◆ Bank stabilization
- ◆ Pilot habitat structure program
- ◆ Structural repairs and adjustments
- ◆ Coordination with NWRs and parks

#### Formulation process

2. Identify 'concepts' organized by objective
  - ◆ Flood control and water deliveries: levee improvements, sediment control
  - ◆ Environmental enhancement: reconnect meanders, native vegetation management, diversify habitat
  - ◆ Recreational opportunities: USIBWC coordination with adjacent parks, trails
  - ◆ Implementability: cost, acceptance
  - ◆ Interagency cooperation

#### Formulation process

8. Formulate alternatives based on:
  - ◆ Flood control issues and needs
  - ◆ Water supply issues and needs
  - ◆ Environmental enhancement opportunities
  - ◆ Recreational opportunities
9. Evaluate alternatives based on objectives and performance measures

#### 2. Modified O&M and Flood Control Improvement Activities

- ◆ Address known or potential flood control deficiencies
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- ◆ Utilize non-structural floodplain management strategies to limit damage potential
- ◆ Adjust channel geometry to effectively transport sediment and limit erosion
- ◆ Dispose of excavated sediment out of floodway or in eroding reaches

#### Formulation process

3. Initial screening of concepts based on fatal flaw analysis
4. Identify flood control issues/problem areas
  - ◆ Army Corps of Engineers levee survey
  - ◆ Previous hydraulic modeling
  - ◆ Previous alternative formulations & analyses
  - ◆ USIBWC staff experience

#### Preliminary Alternatives

1. Maintain Current O&M Practices (No Action)
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3. Integrated Land Management
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#### 3. Integrated Land Management

- ◆ Incorporate environmental measures in conjunction with flood control, erosion control and sediment removal actions
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- ◆ Reconnect riverine, riparian and upland corridors
- ◆ Use controlled reservoir releases to simulate historic flood surges and provide minimum flow sufficient to support native aquatic and riparian species

#### Environmental Resource Categories

- ◆ Biological Resources
- ◆ Water Resources
- ◆ Air Quality
- ◆ Land Use / Agricultural Issues
- ◆ Urban / Energy Issues
- ◆ Recreational Resources
- ◆ Cultural Resources
- ◆ Indian Tribal Lands
- ◆ Environmental Justice
- ◆ Visual Resources
- ◆ Regional Economics
- ◆ Public Health / Environmental Hazards

#### Impacts on Biological Resources

- ◆ Assess Impacts from
  - ◆ Water Quality
  - ◆ Water Quantity
  - ◆ Sediment/Soil Quality
  - ◆ Habitat Loss/Degradation
    - Construction
    - Vegetation removal
    - Sedimentation
- ◆ Invasive/Exotic Species

#### Canalization Project Site Specific Issues

- ◆ Reformulation Report Preferred Alternative – Integrated USIBWC Land Management
  - ◆ 48 potential environmental enhancement sites covering 5,500 acres
  - ◆ 73 miles of levee reconstruction
  - ◆ Habitat enhancement within USIBWC ROW
  - ◆ \$122M total capital cost (\$55.9M flood control, \$66.1M other)
- ◆ Additional actions
  - Expand USIBWC land holdings in Seldon Canyon
  - Flood damage reduction study using risk-based analysis
  - Adaptive Management Plan

#### Types of Environmental Impacts

- ◆ Direct
  - ◆ e.g., tree removal
- ◆ Indirect
  - ◆ e.g., increase in water temperature
- ◆ Short-term
  - ◆ e.g., fugitive dust from construction
- ◆ Long-term
  - ◆ e.g., increase in native vegetation
- ◆ Cumulative
  - ◆ resulting from proposed and other actions in project area

#### Hypothetical Impact Analysis

Resource Category	Alt 1	Alt 2	Alt 3	Alt 4
Aquatic Habitat	+	-	+	+
Riparian Habitat	-	-	0	+
Invasive Species	+	0	-	+
Cultural Resources	0	0	-	-
Air Quality	-	-	0	+

#### Environmental Impacts

#### Impacts on Biological Resources

- ◆ Assess Impacts to
  - ◆ Habitats
    - Aquatic
    - Riparian
    - Terrestrial
  - ◆ Species
    - Ecologically important
    - T&E
    - State special concern

#### Next Steps

#### Next Steps

- ◆ Complete Scoping Process – Early 2005
- ◆ Preparation of Draft PEIS – Most of 2005
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Daniel Borunda  
USIBWC  
Environmental Protection Specialist  
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Suite C-100  
El Paso, Texas 79902



### Meeting Agenda

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- ◆ Environmental impact areas to be considered

U.S. International Boundary and Water Commission

Rio Grande and Tijuana River Flood Control Projects PEIS

### Public Scoping Meeting

January 13, 2005

Presidio, Texas



### Purpose of Meeting

- ◆ Per NEPA requirements, USIBWC needs to obtain public input on the scope of:
  - ◆ The environmental analysis
  - ◆ Preliminary alternatives
  - ◆ Preliminary evaluation objectives

### Meeting Format

- Presentation followed by:
- ◆ Stations with more detailed information about key topics
  - ◆ Opportunity for public comments:
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### Meeting Agenda

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- ◆ McAllen, Texas - January 19
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### Purpose of Meeting

- ◆ USIBWC intends to prepare a Programmatic Environmental Impact Statement (PEIS) for management activities of flood control projects in the U.S. portions of the Rio Grande and Tijuana River
- ◆ Management activities may include:
  - ◆ Structural activities (construction)
  - ◆ Non-structural activities (maintenance)
  - ◆ Collaboration with other agencies and landowners

### Meeting Format

- ◆ Presentation
- ◆ Stations with more detailed information about key topics
- ◆ Opportunity for public comments:
  - ◆ Written comments (forms)
  - ◆ Topic stations - flip charts

### NEPA Process



### What is NEPA?

- ◆ National Environmental Policy Act
  - ◆ Encourage environmental protection for the benefit of future generations
  - ◆ Applies to Federal agencies and activities

### Why a PEIS?

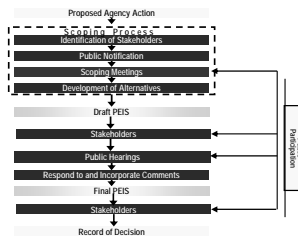
- ◆ Council on Environmental Quality (CEQ) Encourages a Tiered Process:
  - ◆ Per CFR 1502.20
  - ◆ Coverage of a program or plan in a broader EIS is called a Programmatic EIS (PEIS)
  - ◆ Subsequent narrower EAs or EIS's for specific projects
  - ◆ Helps lead agency focus on issues that are ripe for decision and exclude from consideration issues that are not

### Purpose and Need

### What is NEPA?

- ◆ Requires Federal agencies to:
  - ◆ Consider environmental costs and benefits of proposed action before any decision is made on the action
  - ◆ Involve other agencies and the public early on
  - ◆ Consider the potential for significant environmental effects of proposed federal actions
  - ◆ Consider reasonable alternatives and measures to lessen potentially significant effects
  - ◆ Document environmental analysis and process for decision-makers

### NEPA Process - PEIS



### USIBWC Projects

- ◆ USIBWC maintains four flood control projects along the Rio Grande
  - ◆ Canalization Project – Percha Dam to American Dam
  - ◆ Rectification Project – El Paso to Ft. Quitman
  - ◆ Presidio-Ojinaga Project
  - ◆ Lower Rio Grande Project – From Peñitas to the Gulf of Mexico
- ◆ USIBWC maintains the Tijuana River Flood Control Project (U.S. portion)

### Types of NEPA Documents

- ◆ Federal actions required to prepare one or more of the following:
  - ◆ Categorical Exclusion (CE)
  - ◆ Environmental Assessment (EA)
    - Leads to EIS or Finding Of No Significant Impact (FONSI)
  - ◆ Environmental Impact Statement (EIS)

### Role of Scoping Process

- ◆ Open and objective process for determining the scope of issues and alternatives to be addressed in the environmental analysis
- ◆ Purpose of Scoping Meeting is to:
  - ◆ Identify public and agency concerns
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### USIBWC Projects

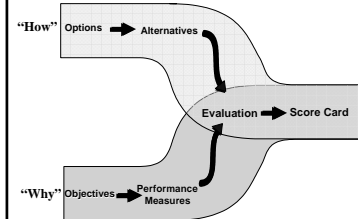


## Project Description

### Project Description – Presidio Project

- ◆ Environmental concerns:
  - ◆ Alteration of flow and riparian ecosystem
  - ◆ Removal of river meanders
  - ◆ Reduction in river length, loss of riparian and aquatic habitat
  - ◆ Exotic species

### Alternatives Development Process



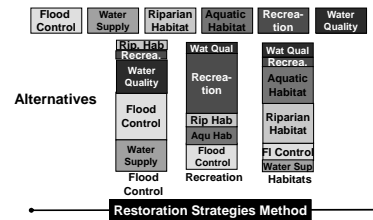
### Project Description – Presidio Project

- ◆ From Haciendita to Brito Creek in Presidio County, Texas – 15 miles including spur levees
- ◆ Constructed in 1975 to:
  - ◆ Provide flood protection
  - ◆ Stabilize international boundary

### Project Description – Presidio Project

- ◆ Recent efforts by USBWC:
  - ◆ No-mow strip in floodplain between Rio Conchos and Cibolo Creek – 25 feet wide

### Alternatives are organized around different themes



### Project Description – Presidio Project

- ◆ Project consists of: channel, floodways, levees, and the international bridge
- ◆ Current maintenance activities:
  - ◆ Sediment control
  - ◆ Vegetation control and grading of floodways and levees
  - ◆ Resurfacing of levee roads
  - ◆ No-mow strip

## Preliminary Alternatives

### Formulation process

Objective	Performance Measure
Provide Flood Control	Ability to convey design flow
Ensure Water Deliveries	Ability to meet obligations
	Water rights impacts
Environmental Enhancement	Habitat extents
	Water quality influences
	Relative number & extent of exotic & native species
Recreational Opportunities	Number & extent of facilities
Implementability	Relative cost
	Social impacts
Interagency Cooperation	Standards & permit conditions

#### Formulation process

- ◆ Identify 'concepts' organized by objective
  - ◆ Flood control and water deliveries: levee improvements, sediment control
  - ◆ Environmental enhancement: reconnect meanders, native vegetation management, diversify habitat
  - ◆ Recreational opportunities: USIBWC coordination with adjacent parks, trails
  - ◆ Implementability: cost, acceptance
  - ◆ Interagency cooperation

#### Preliminary Alternatives

1. Maintain Current O&M Practices (No Action)
2. Modified O&M and Flood Control Improvement Activities
3. Integrated Land Management
4. Channel and Floodplain Restoration

#### 3. Integrated Land Management

- ◆ Incorporate environmental measures in conjunction with flood control, erosion control and sediment removal actions
- ◆ Naturalize riparian corridor for bank stabilization and habitat enhancement
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Minimize impact from water supply and sediment control facilities on aquatic and riparian migration pathways and water quality

#### Formulation process

- ◆ Initial screening of concepts based on fatal flaw analysis
- ◆ Identify flood control issues/problem areas
  - ◆ Army Corps of Engineers levee survey
  - ◆ Previous hydraulic modeling
  - ◆ Previous alternative formulations & analyses
  - ◆ USIBWC staff experience

#### 1. Maintain Current O&M Practices

- ◆ Baseline alternative
- ◆ Mowing to control weeds & and woody vegetation
- ◆ No mow zones
- ◆ Repair levees
- ◆ Remove debris in channel & floodway
- ◆ Manage grazing leases
- ◆ Sediment removal & disposal
- ◆ Bank stabilization
- ◆ Pilot habitat structure program
- ◆ Structural repairs and adjustments
- ◆ Coordination with NWRs and parks

#### 4. Channel and Floodplain Restoration

- ◆ Reestablish natural, functioning river channel with connected floodplain
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Reconnect riverine, riparian and upland corridors
- ◆ Use controlled reservoir releases to simulate historic flood surges and provide minimum flow sufficient to support native aquatic and riparian species

#### Formulation process

- ◆ Identify water delivery issues/problem areas
  - ◆ USIBWC staff experience
  - ◆ Sediment control
- ◆ Divide river into 'River Management Units' or similar concept
- ◆ Identify environmental enhancement and recreational opportunities by RMU

#### 2. Modified O&M and Flood Control Improvement Activities

- ◆ Address known or potential flood control deficiencies
- ◆ Assess adequacy of existing levee system to contain design flows
- ◆ Apply erosion control practices to reduce sediment load
- ◆ Utilize non-structural floodplain management strategies to limit damage potential
- ◆ Adjust channel geometry to effectively transport sediment and limit erosion
- ◆ Dispose of excavated sediment out of floodway or in eroding reaches

#### Presidio-Ojinaga Project Site Specific Issues

- ◆ Levee rehabilitation
  - ◆ Additional height
  - ◆ Increase structural stability utilizing current design standards (over-steepened, composition, substrate)
- ◆ Modified sediment control & management
- ◆ Native vegetation promotion and exotic/invasive species eradication
- ◆ Connection of no mow strips to provide migration pathways
- ◆ Park and trail agency coordination
- ◆ Reconnect meanders

## Environmental Impacts

## Impacts on Biological Resources

- ◆ Assess Impacts on
  - ◆ Habitats
    - Aquatic
    - Riparian
    - Terrestrial
  - ◆ Species
    - Ecologically important
    - T&E
    - State special concern

## Next Steps

## Environmental Resource Categories

- ◆ Biological Resources
- ◆ Water Resources
- ◆ Air Quality
- ◆ Land Use / Agricultural Issues
- ◆ Urban / Energy Issues
- ◆ Recreational Resources
- ◆ Cultural Resources
- ◆ Indian Tribal Lands
- ◆ Environmental Justice
- ◆ Visual Resources
- ◆ Regional Economics
- ◆ Public Health / Environmental Hazards

## Impacts on Biological Resources

- ◆ Assess Impacts due to
  - ◆ Water Quality
  - ◆ Water Quantity
  - ◆ Sediment/Soil Quality
  - ◆ Habitat Loss/Degradation
    - Construction
    - Vegetation removal
    - Sedimentation
  - ◆ Invasive/Exotic Species

## Next Steps

- ◆ Complete Scoping Process – Early 2005
- ◆ Preparation of Draft PEIS – Most of 2005
- ◆ Public/Agency Review of Draft PEIS – Late 2005
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- ◆ Final PEIS – Early 2006
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## Types of Environmental Impacts

- ◆ Direct
  - ◆ e.g., tree removal
- ◆ Indirect
  - ◆ e.g., increase in water temperature
- ◆ Short-term
  - ◆ e.g., fugitive dust from construction
- ◆ Long-term
  - ◆ e.g., increase in native vegetation
- ◆ Cumulative
  - ◆ resulting from proposed and other actions in project area

## Hypothetical Impact Analysis

Resource Category	Alt 1	Alt 2	Alt 3	Alt 4
Aquatic Habitat	+	-	+	+
Riparian Habitat	-	-	0	+
Invasive Species	+	0	-	+
Cultural Resources	0	0	-	-
Air Quality	-	-	0	+

Please submit written comments  
before February 7 to:

Daniel Borunda  
USIBWC  
Environmental Protection Specialist  
4171 North Mesa  
Suite C-100  
El Paso, Texas 79902



U.S. International Boundary and Water  
Commission

Rio Grande and Tijuana River Flood  
Control Projects PEIS

### Public Scoping Meeting

January 19, 2005  
McAllen, Texas



### Purpose of Meeting

- ◆ USIBWC intends to prepare a Programmatic Environmental Impact Statement (PEIS) for management activities of flood control projects in the U.S. portions of the Rio Grande and Tijuana River
- ◆ Management activities may include:
  - ◆ Structural activities (construction)
  - ◆ Non-structural activities (maintenance)
  - ◆ Collaboration with other agencies and landowners

### NEPA Process

### Meeting Agenda

- ◆ Welcome and introductions
- ◆ Purpose of meeting
- ◆ NEPA process
- ◆ Program purpose and need
- ◆ Project description
- ◆ Preliminary alternatives and evaluation objectives
- ◆ Environmental impact areas to be considered

### Purpose of Meeting

- ◆ Per NEPA requirements, USIBWC needs to obtain public input on the scope of:
  - ◆ The environmental analysis
  - ◆ Preliminary alternatives
  - ◆ Preliminary evaluation objectives

### What is NEPA?

- ◆ National Environmental Policy Act
  - ◆ Encourage environmental protection for the benefit of future generations
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### Meeting Format

- Presentation followed by:
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    - ◆ Topic stations
    - ◆ Flip charts

### Public Meetings

- ◆ El Paso, Texas - January 11
- ◆ Las Cruces, New Mexico - January 12
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- ◆ Imperial Beach (San Diego County), California - January 27

### What is NEPA?

- ◆ Requires Federal agencies to:
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### Why a PEIS?

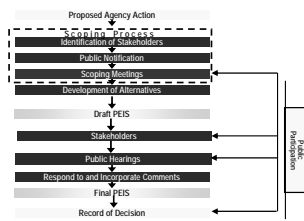
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  - ◆ Environmental Assessment (EA)
    - FONSI
    - NOI to prepare EIS
  - ◆ Environmental Impact Statement (EIS)
  - ◆ Programmatic Environmental Impact Statement (PEIS)

### Purpose and Need

### Program Purpose and Need

- ◆ The purpose of the proposed federal action is to:
  - ◆ identify and evaluate alternatives for the management of existing projects
  - ◆ assist USIBWC to comply with its mandate for flood protection, water deliveries, and/or boundary stabilization
  - ◆ identify opportunities to enhance environmental resources
  - ◆ coordinate with other entities in the development of recreational opportunities

### NEPA Process - PEIS



### USIBWC Projects

- ◆ USIBWC maintains four existing flood control projects along the Rio Grande
  - ◆ Canalization Project – Percha Dam to American Dam
  - ◆ Rectification Project – El Paso to Ft. Quitman
  - ◆ Presidio-Ojinaga Project
  - ◆ Lower Rio Grande Project – From Peñitas to the Gulf of Mexico
- ◆ USIBWC maintains the Tijuana River Flood Control Project (U.S. portion)

### Project Description

### Role of Scoping Process

- ◆ Open and objective process for determining the scope of issues and alternatives to be addressed in the environmental analysis
- ◆ Purpose of Scoping Meeting is to:
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  - ◆ Define the issues and alternatives that will be examined in the PEIS
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### USIBWC Projects



### Project Description – Lower Rio Grande Project

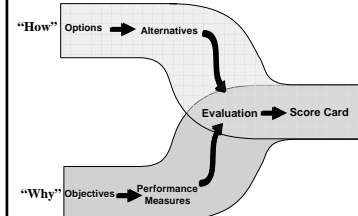
- ◆ From Peñitas in Hidalgo County, Texas to Gulf in Cameron and Willacy Counties, Texas
  - ◆ 180 miles on Rio Grande (102 miles of levees)
  - ◆ 168 miles of interior floodway levees
- ◆ Construction began in 1932
- ◆ Purpose: flood protection



### Project Description – Lower Rio Grande Project

- ◆ Environmental concerns:
  - ◆ Alteration of flow regime and riparian ecosystem
  - ◆ Reduction in river length, loss of riparian and aquatic habitat
  - ◆ Exotic species – e.g. hyacinth & hydrilla
  - ◆ Important habitat for several threatened and endangered species

### Alternatives Development Process



### Project Description – Lower Rio Grande Project

- ◆ Recent efforts by USBWC:
  - ◆ Modification of mowing practices
  - ◆ Establishment of no-mow corridor
  - ◆ Control of invasive species

### Decision Process Terms

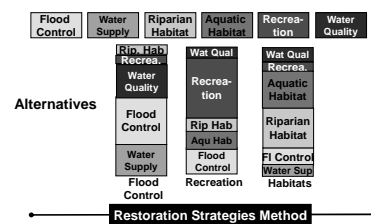
<b>Objectives</b>	The goals that define the essential purposes in broad, overarching terms
<b>Performance Measures</b>	The indicators of how well the objectives are being met
<b>Options</b>	The individual building blocks that consist of projects, management solutions, and other options
<b>Alternatives</b>	Combinations of options that are designed to accomplish the objectives

### Project Description – Lower Rio Grande Project

- ◆ Project consists of: Rio Grande channel, off-river system floodway, levees, diversion dams, gauging stations and other structures
- ◆ Current maintenance activities:
  - ◆ Vegetation control (mowing and clearing)
  - ◆ Grading of levees and levee slope reconditioning
  - ◆ Resurfacing of levee roads
  - ◆ No-mow corridor
  - ◆ Routine maintenance at dams and other structures

### Preliminary Alternatives

### Alternatives are organized around different themes



### Identify Objectives & Performance Measures

Objective	Performance Measure
Provide Flood Control	Ability to convey design flow
Ensure Water Deliveries	Ability to meet obligations Water rights impacts
Environmental Enhancement	Habitat extents Water quality influences Relative number & extent of exotic & native species
Recreational Opportunities	Number & extent of facilities
Water Quality	Standards & permit conditions
Interagency Cooperation	Opportunities

### Alternative Formulation

- ◆ Formulate alternatives based on:
  1. Flood control issues and needs
  2. Water delivery issues and needs
  3. Environmental enhancement opportunities
  4. Recreational opportunities
  5. Water quality
- ◆ Evaluate alternatives based on objectives and performance measures

### 2. Modified O&M and Flood Control Improvement Activities

- ◆ Address known or potential flood control deficiencies
- ◆ Assess adequacy of existing levee system to contain design flows
- ◆ Apply erosion control practices to reduce sediment load
- ◆ Utilize non-structural floodplain management strategies to limit damage potential
- ◆ Adjust channel geometry to effectively transport sediment and limit erosion
- ◆ Dispose of excavated sediment out of floodway or in eroding reaches

### Identify Issues Associated with Each Objective

Flood control	Levee improvements, sediment control
Water deliveries	Sediment control
Environmental enhancement	Reconnect meanders, native vegetation management, invasive species control, diversify habitats
Recreational opportunities	Coordinate with adjacent parks & trails
Water quality	Impairment
Interagency cooperation	e.g., US Border Patrol, USFWS, USACE, State & Local governments & agencies

### Preliminary Alternatives

1. Maintain Current O&M Practices (No Action)
2. Modified O&M and Flood Control Improvement Activities
3. Integrated Land Management
4. Channel and Floodplain Restoration

### 3. Integrated Land Management

- ◆ Incorporate environmental measures in conjunction with flood control, erosion control and sediment removal actions
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- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Minimize impact from water supply and sediment control facilities on aquatic and riparian migration pathways and water quality

### Alternative Organization

- ◆ Divide river into 'River Management Units' based on similar characteristics and definable boundaries
- ◆ Identify alternative options by RMU

### 1. Maintain Current O&M Practices

- ◆ Baseline alternative
- ◆ Mowing to control weeds & and woody vegetation
- ◆ No mow zones
- ◆ Repair levees
- ◆ Remove debris in channel & floodway
- ◆ Manage grazing leases
- ◆ Sediment removal & disposal
- ◆ Bank stabilization
- ◆ Pilot habitat structure program
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- ◆ Reestablish natural, functioning river channel with connected floodplain
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- ◆ Reconnect riverine, riparian and upland corridors
- ◆ Use controlled reservoir releases to simulate historic flood surges and provide minimum flow sufficient to support native aquatic and riparian species



#### Lower Rio Grande Project Site Specific Issues

- ◆ Alternative Vegetation Management Practices (2003)
  - ◆ USIBWC is committed to establishing 33-ft wildlife corridor, as a result of consultation with the USFWS (1993 & 2003 BOs)

#### Environmental Resource Categories

- ◆ Biological Resources
- ◆ Water Resources
- ◆ Air Quality
- ◆ Land Use / Agricultural Issues
- ◆ Urban / Energy Issues
- ◆ Recreational Resources
- ◆ Cultural Resources
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#### Impacts on Biological Resources

- ◆ Assess Impacts due to
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  - ◆ Habitat Loss/Degradation
    - Construction
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    - Sedimentation
- ◆ Invasive/Exotic Species

#### Lower Rio Grande Project Site Specific Issues

- ◆ Levee Rehabilitation
  - ◆ Corps of Engineers study in 2001 and 2002.
  - ◆ Additional height
  - ◆ Increase structural integrity utilizing current design standards
- ◆ Other alternatives will be developed in addition to EIS recommendations

#### Types of Environmental Impacts

- ◆ Direct
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- ◆ Indirect
  - ◆ e.g., increase in water temperature
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Invasive Species	+	0	-	+
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#### Environmental Impact Areas to be Considered

#### Impacts on Biological Resources

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Daniel Borunda  
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U.S. International Boundary and Water  
Commission

Rio Grande and Tijuana River Flood  
Control Projects PEIS

### Public Scoping Meeting

January 27, 2005  
Imperial Beach, California



### Purpose of Meeting

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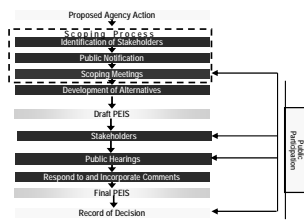
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  - ◆ Environmental Impact Statement (EIS)
  - ◆ Programmatic Environmental Impact Statement (PEIS)

### Purpose and Need

### Program Purpose and Need

- ◆ The purpose of the proposed federal action is to:
  - ◆ identify and evaluate alternatives for the management of existing projects
  - ◆ assist USIBWC to comply with its mandate for flood protection, water deliveries, and/or boundary stabilization
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  - ◆ coordinate with other entities in the development of recreational opportunities

### NEPA Process - PEIS



### USIBWC Projects

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  - ◆ Rectification Project – El Paso to Ft. Quitman
  - ◆ Presidio-Ojinaga Project
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- ◆ USIBWC maintains the Tijuana River Flood Control Project (U.S. portion)

### Project Description

### Role of Scoping Process

- ◆ Open and objective process for determining the scope of issues and alternatives to be addressed in the environmental analysis
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### USIBWC Projects



### Project Description – Tijuana River Project

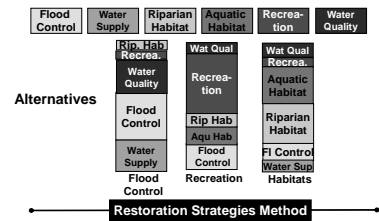
- ◆ Modified channel – 2.3 miles from border to natural river channel in the U.S.
- ◆ Levees – 3.4 miles total length north & south levees
- ◆ Channel consists of 3 sections:
  - ◆ 1,223-foot concrete lined channel
  - ◆ 3,700-foot energy dissipater of grouted and dumped stone
  - ◆ 7,021-foot unlined channel

### Project Description – Tijuana River Project

- ◆ Constructed in 1978 for flood protection
- ◆ Project consists of: channel, floodways, and levees
- ◆ Current maintenance activities:
  - ◆ Channel sediment removal
  - ◆ Mowing in floodplain by Border Patrol
  - ◆ Surfacing of roadways by Border Patrol
  - ◆ Land leasing – sod farm and model airplane club

### Preliminary Alternatives

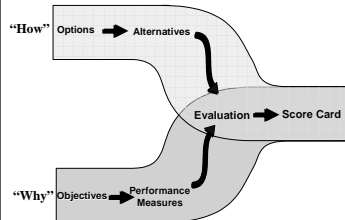
### Alternatives are organized around different themes



### Project Description – Tijuana River Project

- ◆ Environmental concerns:
  - ◆ Reduction in terrestrial and aquatic habitat
  - ◆ Water quality

### Alternatives Development Process



### Identify Objectives & Performance Measures

Objective	Performance Measure
Provide Flood Control	Ability to convey design flow
Ensure Water Deliveries	Ability to meet obligations
Environmental Enhancement	Habitat extents
	Water quality influences
	Relative number & extent of exotic & native species
Recreational Opportunities	Number & extent of facilities
Water Quality	Standards & permit conditions
Interagency Cooperation	Opportunities

### Project Description – Tijuana River Project

- ◆ Recent efforts by USIBWC:
  - ◆ 20-acre land lease to model airplane club
  - ◆ Revegetation/mitigation zone west of channel, not on USIBWC land

### Decision Process Terms

<b>Objectives</b>	The goals that define the essential purposes in broad, overarching terms
<b>Performance Measures</b>	The indicators of how well the objectives are being met
<b>Options</b>	The individual building blocks that consist of projects, management solutions, and other options
<b>Alternatives</b>	Combinations of options that are designed to accomplish the objectives

### Identify Issues Associated with Each Objective

Flood control	Levee improvements, sediment control
Water deliveries	Sediment control
Environmental enhancement	Reconnect meanders, native vegetation management, invasive species control, diversify habitats
Recreational opportunities	Coordinate with adjacent parks & trails
Water quality	Impairment
Interagency cooperation	e.g., US Border Patrol, USFWS, USACE, State & Local governments & agencies

### Alternative Formulation

- ◆ Formulate alternatives based on:
  1. Flood control issues and needs
  2. Water delivery issues and needs
  3. Environmental enhancement opportunities
  4. Recreational opportunities
  5. Water quality
- ◆ Evaluate alternatives based on objectives and performance measures

### 2. Modified O&M and Flood Control Improvement Activities

- ◆ Address known or potential flood control deficiencies
- ◆ Assess adequacy of existing levee system to contain design flows
- ◆ Apply erosion control practices to reduce sediment load
- ◆ Utilize non-structural floodplain management strategies to limit damage potential
- ◆ Adjust channel geometry to effectively transport sediment and limit erosion
- ◆ Dispose of excavated sediment out of floodway or in eroding reaches

### Tijuana River Project Site Specific Issues

- ◆ Levee rehabilitation
  - ◆ Additional height
  - ◆ Increase structural stability utilizing current design standards
- ◆ Modified sediment control & management
- ◆ Native vegetation promotion
- ◆ Park and trail agency coordination

### Preliminary Alternatives

1. Maintain Current O&M Practices (No Action)
2. Modified O&M and Flood Control Improvement Activities
3. Integrated Land Management
4. Channel and Floodplain Restoration

### 3. Integrated Land Management

- ◆ Incorporate environmental measures in conjunction with flood control, erosion control and sediment removal actions
- ◆ Naturalize riparian corridor for bank stabilization and habitat enhancement
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Minimize impact from water supply and sediment control facilities on aquatic and riparian migration pathways and water quality

### Environmental Impact Areas to be Considered

### 1. Maintain Current O&M Practices

- ◆ Baseline alternative
- ◆ Mowing to control weeds & and woody vegetation
- ◆ No mow zones
- ◆ Repair levees
- ◆ Remove debris in channel & floodway
- ◆ Manage grazing leases
- ◆ Sediment removal & disposal
- ◆ Bank stabilization
- ◆ Pilot habitat structure program
- ◆ Structural repairs and adjustments
- ◆ Coordination with NWRs and parks

### 4. Channel and Floodplain Restoration

- ◆ Reestablish natural, functioning river channel with connected floodplain
- ◆ Promote native vegetation management practices that support threatened and endangered species and eradication of exotic species
- ◆ Reconnect riverine, riparian and upland corridors
- ◆ Use controlled reservoir releases to simulate historic flood surges and provide minimum flow sufficient to support native aquatic and riparian species

### Environmental Resource Categories

- ◆ Biological Resources
- ◆ Water Resources
- ◆ Air Quality
- ◆ Land Use / Agricultural Issues
- ◆ Urban / Energy Issues
- ◆ Recreational Resources
- ◆ Cultural Resources
- ◆ Indian Tribal Lands
- ◆ Environmental Justice
- ◆ Visual Resources
- ◆ Regional Economics
- ◆ Public Health / Environmental Hazards

### Types of Environmental Impacts

- ◆ Direct
  - ◆ e.g., tree removal
- ◆ Indirect
  - ◆ e.g., increase in water temperature
- ◆ Short-term
  - ◆ e.g., fugitive dust from construction
- ◆ Long-term
  - ◆ e.g., increase in native vegetation
- ◆ Cumulative
  - ◆ resulting from proposed and other actions in project area

### Hypothetical Impact Analysis

Resource Category	Alt 1	Alt 2	Alt 3	Alt 4
Aquatic Habitat	+	-	+	+
Riparian Habitat	-	-	0	+
Invasive Species	+	0	-	+
Cultural Resources	0	0	-	-
Air Quality	-	-	0	+

Please submit written comments  
before February 7 to:

Daniel Borunda  
USIBWC  
Environmental Protection Specialist  
4171 North Mesa  
Suite C-100  
El Paso, Texas 79902



### Impacts on Biological Resources

- ◆ Assess Impacts on
  - ◆ Habitats
    - Aquatic
    - Riparian
    - Terrestrial
  - ◆ Species
    - Ecologically important
    - T&E
    - State special concern

### Next Steps

### Impacts on Biological Resources

- ◆ Assess Impacts due to
  - ◆ Water Quality
  - ◆ Water Quantity
  - ◆ Sediment/Soil Quality
  - ◆ Habitat Loss/Degradation
    - Construction
    - Vegetation removal
    - Sedimentation
  - ◆ Invasive/Exotic Species

### Next Steps

- ◆ Complete Scoping Process – Early 2005
- ◆ Preparation of Draft PEIS – Most of 2005
- ◆ Public/Agency Review of Draft PEIS – Late 2005
- ◆ Public Hearings – Late 2005
- ◆ Final PEIS – Early 2006
- ◆ Record of Decision – Early 2006

# APPENDIX C





# SIGN- IN SHEET

## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

Date: January 11, 2005

Location: El Paso, TX

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Robert Kimpel		Farm Owner	1520 Socorro Rd	El Paso TX 79938 964-272
Jerry H. [unclear]		EBID	LCNM	526 6672
Juan P. Flores		Juan P. Flores	cd. Juarez, MX	(656) 625-6766
ROGER SAN MARTIN	U.S. BORDER PATROL		MONTANA, AVE	(915) 834-8704
Woody Irving	Reclamation	700 E San Antonio	El Paso TX	(915) 534-6325
Jerry Kopp	EPWID #1	294 Carabancha	El Paso, TX.	(915) 854-4186
Sal Quintanilla	Texas Master Naturalist		CITY	778-0274
Ida M Munoz	TCEQ	401 E Franklin	#560 City	834-4963
Michael Fahy	- El Paso Water Utl.		El Paso	79961 (915) 594-5681
INER GRAFT	9111111111		EL PASO TX	79924 (915) 755-2957
JOE GRAFT	9111111111		EL PASO TX	79924 (915) 755-2957
John Sproul	UTEP/CERM	500 W. University	AK. El Paso TX	79968 915-747-8663



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PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC SCOPING MEETING  
RIO GRANDE AND TIJUANA RIVER  
FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS, AND CALIFORNIA

Date: January 11, 2005

Location: El Paso, TX

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
ERIC HUTSON	PASO DEL NORTE HEALTH FOUNDATION	1100 N. STANTON #510	EL PASO, TX 79902	915-544-7636 x20
Tony Solor	IBWC		El Paso TX	(915)-351-1030
Aick Conner	City of El Paso	#2 Civic Center Plaza	El Paso 79901	915-541-4423
Lorenza Arriaga	Reclamacion #710	700 E. San Antonio St. El Paso	El Paso	915-5346324
Manuel Sarrin	224 west K	Fabins Tx		915 764-5563
John Ayedg	4001 E. Paso	El Paso, TX 79905		915-521-1865
RENE ESPINOZA	RIO BOSQUE	14131 CARRYBACK CT.	EL PASO, TX 79938	915 857-6834
Sally Spener	USIBOC	4171 N. Mesa	El Paso TX 79902	915-832-4175
Glenn Pina	OR	239 Rainbow Cre		
John W. Hernandez	Box 3716	Los Chucos, NM 88003		(505) 524-2980
MARIA TEJUNIC	FRIENDS OF THE RIO BOSQUE	1100 Kelly Way	El Paso TX 79902	915 545-5214



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## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

Date: January 12, 2005  
Location: Las Cruces, NM

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Kevin Bickley	SWEC	275 N. DOWNSIDE BLVD	LC 88001	
DAVID MENZIE	NMED	910 E. 32ND	SILVER CITY NM 88061	505 388 0599
Nancy Stoltz		2101 Sagecrest Ave	Las Cruces NM 88011	505-521-8087
Wayne Treers	Bureau of Reclamation	El Paso, TX	79901-7020	915-534-6321
Pompeiano Gonzalez		5306 Comancha Trail	Las Cruces 88012	382-3576
Donaciano Gonzalez		5231 Chiricahua	Las Cruces 88012	382-3875
Larry Davis		9303 N. Pecos River Rd	Las Cruces, N.M. 88011	505 644 6534
Lee Peters	EBUD	2400 N. Main, Ste. 1	LC, NM	505 526-2101
David Dodge	Ft. Bliss	Dir of Environmental	FT. BLISS TX	915-5687979
Lisa Meyer	NMHPD	228 E. Pecos	Rm 320 Santa Fe NM	505-827-1827
Samuel Clatta	NMHPD	"	"	505-827-4210



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PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC SCOPING MEETING  
RIO GRANDE AND TIJUANA RIVER  
FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS, AND CALIFORNIA

Date: January 12, 2005  
Location: Las Cruces, NM

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Nancy Hawes	Paso del Norte Watershed Council	El Paso, TX		
Tisa Gahine	State Land Office	311 Old Santa Fe Trail	Santa Fe, NM	505-827-5094
Hanes Witter	USFS	P.O. Box 538	Mercedes, NM	505-824-2865
Sally Spener	IBWC	4171 N. Mesa C-100	El Paso, TX	915-832-4175
Ed Provencio	HFAA	880 S Tolsdor	Las Cruces, NM	649 4018
Mike Butcher	USFWS	2105 Osuna NE	Albuquerque, NM	505 761-4733
Cliff Sanchez	USDA NRCS	406 N 16th St	Santa Fe, NM	505-838-4259
Jean Apgar	SWEC member	1155 N Miranda G-7	LC	88005
Chris Tharp	Donna Farnsworth	1325 Barco Algodones	LC	88008
Clay McCauley	NM Farm Bureau	700 20004	LC	NM 88004
Leon Silverstein	SWEC	6730 Via Emma	LC	NM 88007



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**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Date: January 12, 2005

Location: Las Cruces NM

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Mary Sanchez	URCS	2507 N Telshor Blvd #7	Las Cruces NM 88001	505 522-8775 x3
Andy Hume	LCMPO	575 SALAMEDA	L/C NM 88004	(505) 528-3047
Nubia Ortiz	SWES/Amigos Bravos	832 Stefanie Ct	Las Cruces NM 88005	955 524 2847
Christopher Brown	number PDWWS/R6CF	c/o Amiga Dept of Geology PO Box 3000, Mesquite	LC, NM, 88003 - 8001	505 - 646 - 1892
Jennifer Montoya	WWF	<del>4000 E. Hadley</del> 100 E. Hadley	Las Cruces NM 88001	505 - 526 - 1324 525 - 9537



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## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

Date: 01/13/05  
Location: Presidio, Texas

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
José A. Ruiz	APES	P.O. Box 1822	Presidio TX 79845	(432) 229-3904
Rocio Gaultan	APES	P.O. Box 456	Presidio TX 79845	(432) 229-3791
Laura Lopez	DSHS	P.O. Box 909	" "	(432) 229-3255
George Mesa	APES	P.O. Box 1157	" "	(432) 229-1490
Lacey Carlson	APES	P.O. Box 2062	" "	" " 11 11 4039
Lynne Gorman		P.O. Box 1167	" "	(432) 229-3416
Bob Ponten	Attorney	P.O. Box 3129	Presidio TX	432-229-4034
Lawrence H. Burt		P.O. Box 1013	Presidio TX	432-229-3976
Rebecca Wainwright	TPSHS	P.O. Box 909	Presidio, TX 79845	432-229-3981
Jesus Muniz	PHS	P.O. Box 1229	Presidio, TX 79845	432-229-3081
Tyus Fair		P.O. Box 183	Marathon, TX 79842	432-3864331

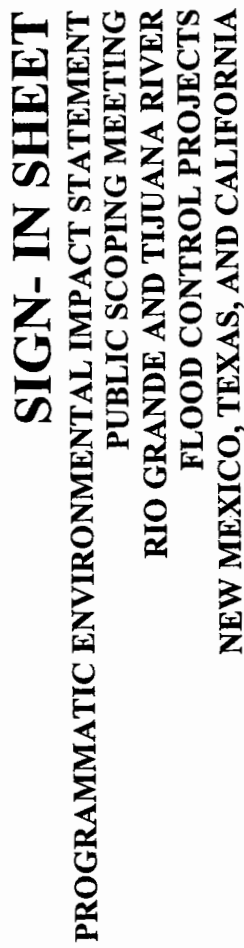


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## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

Date: 01/13/05  
Location: Presidio, TX (A)

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Andrés Herrera	APES		Presidio TX 79845	
Sharon Hernandez	P.O. Box 1665		Presidio TX 79845	432-229-3501
Robert Flores	TWBC	1700 N. Congress	Austin, TX 78711	512-463-8061
Angelica Rivero	PHS (APES)	P.O. Box 1542	Presidio TX 79845	432-229-4077
Pat Sims	PHS		Shafter, TX 79843	239 3484
Emily Mahoney	Rio Grande Inst	Box 1611	Marfa TX 79843	(419) 349-5666
Jacob Ramirez	PHS (APES)	P.O. Box 237	Presidio, TX 79845	(432) 229-3070
Chase Snodgrass	USBP	Box 929	Presidio TX 79845	432-229-3330
Bren DeLuca	USBP	P.O. Box 1	Marfa, TX 79843	(432) 729-5222
Altor Hernandez	IBWC		Presidio TX	432-3385
David Rodriguez	USDA	P.O. Box 24	"	432-229-4941



Date: 01/13/05

Location: Presidio, TX.

**Phone Number (optional)**

City, State, Zip

**Street Address**

## Affiliation

Name

PRESIDIO G. H. SUGS., INC./PTSD

CARLOS E. NIETO, M.P.H. M. NIETO, P.O. BOX 1929  
IN.

PRESIDIO, TX. 79845 (432) 229-3220 Fax: (432) 229-4571

Fax: (432) 229-451





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## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

### PUBLIC SCOPING MEETING

#### RIO GRANDE AND TIJUANA RIVER

#### FLOOD CONTROL PROJECTS

#### NEW MEXICO, TEXAS, AND CALIFORNIA

Date: 01/19/05

Location: MCALLEN, TX

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
ENRIQUE A. CAMPANO	BRUB	1425 ROBINHOOD	BAKERSVILLE, TX	78523-3270
Neil Haman	TWOB	1425		
Robert Flores	TWOB	AUSTIN		
MATT Buehler	BOR	AUSTIN		
Deborah Blackburn	USBR	AUSTIN		
JACINTO STARR	L46	City of Mission		956-565-9813
Edward Vega	TLEQ	1804 W. Jefferson Ave.	Hallsville, TX	78558 (957) 430-6023
Jeff Rupert	USEWS	RT 2 BOX 202-A	Alamo, TX	78504 (956) 668-7118
LISA WILLIAMS	THE NATURE CONSERVANCY	PO BOX 628	MCALLEN, TX	78502 956/580-4241
Ernesto Reyes	USFWS	RT 2 BOX <sup>202-A</sup>	Alamo, TX	78596 (956) 784-7560
SONNY HINOJOSA	HCJ02	PO BOX 6	SAN JUAN, TX	78589 956 787 1422



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**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**

**PUBLIC SCOPING MEETING**

**RIO GRANDE AND TIJUANA RIVER**

**FLOOD CONTROL PROJECTS**

**NEW MEXICO, TEXAS, AND CALIFORNIA**

Date: 01/19/05  
Location: McALEN, TX

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
Carl Wittberg	Retired Employee of I.B.W.O.	Route 1, Box 363	Nederland, TX 78596	956-968-C358
James Machin	KJ Brandes Co	8900 Spicewood Pkwy	Austin, TX 78759	512-344-1070
MARIO A. CRUZ	S&B Infrastructure	5408 N. 10th	McAllen, TX 78504	956-926-5000
Miguel A Negalez	Lendowner	1200 S. Sugar Rd	Edinburg Tx 78539	956/381-2151
José L Sanchez	Tx Dept of Agri	9008 E. Expwy 83	San Juan, TX 78589	(956) 787-8844



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**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Date: 1/27/05

Location: IMPERIAL BEACH

Name	Affiliation	Street Address	City, State, Zip	Phone Number (optional)
JOE ELVIS	PUBLIC	1350 STIA ST	IB, CA 91932	619 843 8941
Dave Schlesinger	Brigade	LLC 550 W.C. St. Suite 1470		619 941 3533
Jim Leigh	S.D. Hubbon Soc.	2776 Nipona St / San Diego, CA	92106	619-224-4591
David Gomez		2721 PAKKE ST	SD 92131	619-920-9889
Ed Kimura		6995 Camino Aneno	San Diego CA 92111	858-568-2025
Rand Allan	County	5555 Overland Ave Bldg 2	So. D. CA 92123	858-495-5557
OSCAR ROMO	TRUERR	301 ASPEN WAY,	IB, CA 91932	(619) 575 3613
Carolyn Lieberman	USFWS	10010 Hidden Valley Rd,	Carksbad CA 92009	760 431 9440
Michael Handal	City of San Diego	1010 2 <sup>nd</sup> ave.	San Diego 92101	(619) 533-3768
Bert Christensen	SWRCB	1001 T St, Sacramento	CA 95814	916-341-5255
JIM SWANSON	U.S. BORDER PATROL	P.O. 68 IMPERIAL BEACH,	CA 91933	619 662-7058 x212

# APPENDIX D

# ITEM 1

El Paso, Texas Meeting



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Thank you for attending this public scoping meeting. Our purpose for hosting this meeting is to give you an opportunity to assist us in identifying pertinent environmental issues for analysis in a Programmatic Environmental Impact Statement. The Programmatic Environmental Impact Statement will evaluate potential effects of strategies to meet the need for flood control and boundary stabilization, continue maintenance of water deliveries, and identify opportunities for environmental or recreational improvements. Please use this sheet to bring to our attention potential environmental issues that you feel should be analyzed in the Programmatic Environmental Impact Statement. You may use the back of this sheet if necessary.

Please print your comments below:

Date: 1-11-05

*I am interested in finding out what other options you have for control of Salt Cedar - Herbicides can be washed into the Rio Grande with heavy rains - a rising of water. Water Quality is so important for public health as our drinking water comes from Rio Grande.*

Your Name ( please print): Eda M. Moniz

Affiliation: Texas Commission on Environmental Quality

Street Address: 401 E Franklin

City, State, Zip: EL Paso, TX

Phone Number (optional): 834-4963

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005 to ensure consideration in the Draft PEIS.



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

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Please print your comments below:

Date: 1 JAN 05

PUBLIC Support for Integrated Land  
Management Alternative which assesses  
water Delivery by controlling  
Sediment and Salt Cedar. You  
must have Sediment Control or  
lose the channel to Salt Cedar.

Your Name ( please print): Lorena Arriaga

Affiliation: Reclamation

Street Address: 700 E. San Antonio # 710

City, State, Zip: El Paso, Texas

Phone Number (optional): 915. 534 6324

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005  
to ensure consideration in the Draft PEIS.



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Received  
1-11-05

Hernandez 0025 @ ATT. Net

① copy of Federal Register Dec 10, 2004

② CFR reference for a  
"Programmatic EIS" 15

③ ~~File~~ Copy of chart for the  
scoping process of PEIS

**Marriott**  
HOTELS & RESORTS

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005  
to ensure consideration in the Draft PEIS.






**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS AND CALIFORNIA**

**Marriott**  
**HOTELS & RESORTS**

for hosting this  
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mmatic  
et if necessary.

Received <sup>1-11-05</sup> 

How many acres of  
land within the Federal  
Rio Grande Project does  
the USIBWC manage  
that are classified by  
the Bureau of Reclamation  
as irrigable?

awblaw@texas.net

**Guemez, Sarah**

---

**From:** Al Blair [awblair@verizon.net]  
**Sent:** Friday, February 25, 2005 3:35 PM  
**To:** Guemez, Sarah  
**Subject:** RE: IBWC PEIS Scoping Meeting Comment

A.Blair, P.E., Ph.D.  
9301 HWY 290 Suite 100  
Austin, Texas 78736  
Office: 512-394-1011  
Fax: 512-394-1016  
Home Office: 512-858-1997  
Home Fax: 512-858-2843

-----Original Message-----

**From:** Guemez, Sarah [mailto:GuemezSA@CDM.com]  
**Sent:** Friday, February 25, 2005 3:54 PM  
**To:** awblair@texas.net  
**Subject:** IBWC PEIS Scoping Meeting Comment

Dear AWBlair,

We received your written comment from the USIBWC PEIS public scoping meeting on January 11, 2005. I am preparing the scoping report, and including all the comments so that they can be addressed, but I cannot find your name. Can you send me your name, address, and Agency or Organization affiliation, if any, so that we can attribute the comment? Thank you.

Sarah Guemez

---

**CDM Sarah Guemez**  
4110 Rio Bravo Drive, Suite 201  
El Paso, TX 79902  
Phone: 915.544.2340  
Fax: 915.544.1345  
E-mail: [guemezsa@cdm.com](mailto:guemezsa@cdm.com)



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

Thank you for attending this public scoping meeting. Our purpose for hosting this meeting is to give you an opportunity to assist us in identifying pertinent environmental issues for analysis in a Programmatic Environmental Impact Statement. The Programmatic Environmental Impact Statement will evaluate potential effects of strategies to meet the need for flood control and boundary stabilization, continue maintenance of water deliveries, and identify opportunities for environmental or recreational improvements. Please use this sheet to bring to our attention potential environmental issues that you feel should be analyzed in the Programmatic Environmental Impact Statement. You may use the back of this sheet if necessary.

Please print your comments below:

Date: 20/Jan/05

*Point #1 I Believe the return flow systems have not been addressed. The dredging of the river bed depth has a direct correlation to all irrigated lands quality. Water quality and quantity are important but with a decreased return flow system all grounds are permanently poisoned. Point #2*

Your Name (please print): Robert Rimpke

Affiliation: Farmer - El Paso & Hudspeth Co.s

Street Address: 15260 Socorro Rd

City, State, Zip: Clint, TX 79836

Phone Number (optional): 915-764-2731

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005 to ensure consideration in the Draft PEIS.

2005 JAN 31 P 3: 10

HO-05, ENVIRONMENTAL ROOM

# WRITTEN COMMENT SHEET (Continued)

## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

Your idea about using off season and flash flood water to flood Meanders is a good idea however. I believe holding ponds lakes that have inlets and outlets would be far more beneficial. This idea would stretch irrigation water during drought, would reduce stagnant standing water - mosquitoes - urban that just flooding Meanders would cause. The lakes ponds would be beneficial to habitat for all wildlife as well as recreational activity. During times of use these ponds - lakes would recharge the aquifers. It would seem that all participants in such projects would be winners, Federal Agencies, State, County, Cities, Irrigation districts, private land owners, wildlife and nature's clubs. I have several locations that border the river and would be interested in some type of joint venture in ponding projects. Ponding and lakes would increase flood control reduce sediment build up in channel. Perhaps a letter to affected and interested entities and landowners would generate some interest. Point #3 All issues need to be addressed more regularly. The problems associated with sedimentary

control, increased flood control, etc  
escalate more rapidly than they are  
addressed.

Point #4

Your assessment that sedimentary  
materials needs to be removed  
from the levee areas to increase  
water capacity is a given. I could  
use 100 Ac x 5 ft of this fill on  
a farm that abuts the levee in  
Esperanza and less of this  
material on a farm in McNary.

Thank You Robert Kimpel



# ITEM 2

Las Cruces, New Mexico Meeting



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

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Please print your comments below:

Date: 1-12-05

Remove Islands in Channel

Stop Grazing Peasas

Clean up Trash along Banks

Plant Native vegetation on corridor

Remove Salt Cedar

Your Name ( please print): Edward Proencio

Affiliation: La Union SW + HFRA

Street Address: P.O. Box 38

City, State, Zip: Chamberino, NM

Phone Number (optional): 6494018

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

Please note: Your letter must be postmarked by February 7, 2005  
to ensure consideration in the Draft PEIS.



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
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Please print your comments below:

Date: 1/12/05

ERADICATION OF EXOTICS IS STILL ONE OF  
THE MOST CRITICAL IMPROVEMENTS NEEDED  
FOR IMPROVEMENT OF THE RIPARIAN  
NATURAL RESOURCE ZONE. RESTORATION  
IS STARTING AND MUST BE DONE  
CAREFULLY. CREATE OPEN WIGHT →

Your Name ( please print): \_\_\_\_\_

Affiliation: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number (optional): \_\_\_\_\_

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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# WRITTEN COMMENT SHEET (Continued)

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC SCOPING MEETING  
RIO GRANDE AND TIJUANA RIVER  
FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

STANDS OF COTTONWOODS & WILLOWS.  
MAKING OPEN SAVANNAH S. SO AS TO  
INCREASE WATER FLOWS IN THE  
WATER COURSES.

\* NACS APPRECIATES AND WISHES TO  
CONTINUE OUR COOPERATIVE PARTNERSHIP  
WITH THE IBWC.

Your Name: (please print): CLIFF E. SANCHEZ

Affiliation: USDA - NACS

Street Address: 406 N. 6TH ST

City, State, Zip: SODERO, NM 87780

Phone Number (optional): 505-838-4259



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

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Please print your comments below:

Date: 1/12/05

TO THE BIOLOGISTS AS YOU REQUESTED THE CONTACT  
FOR SALT CEDAR SPRAYING; NYLEEN STONE,  
SOCORRO SWCD - PHONE 505-835-1710  
SOCORRO SWCD & OTHER SWCD'S ARE FUNDED BY THE  
NM STATE LEGISLATURE TO DO THIS.

OTHER  
SIDE  
→

Your Name ( please print): CLIFF E. SANCHEZ

Affiliation: USDA - NRCS

Street Address: 406 N. 6<sup>TH</sup> ST

City, State, Zip: SOCORRO, NM 87801

Phone Number (optional): 505-838-4259

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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# WRITTEN COMMENT SHEET (Continued)

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC SCOPING MEETING  
RIO GRANDE AND TIJUANA RIVER  
FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

ALSO MERRY JO FAHL - SIERRA SWCD  
IN TORO, AT PHONE # 894-2212

USING NORTH STAR FLYING SERVICE  
FROM TEXAS  
ALL HELICOPTER (NO AIRPLANES)  
STATE OF THE ART COMPUTER SYSTEM  
MOUNTED INTO THE SPRAY SYSTEM OF  
THE HELICOPTERS.

Your Name: (please print): \_\_\_\_\_

Affiliation: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number (optional): \_\_\_\_\_



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
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Please print your comments below:

Date: 1/12/05

CONSIDERATION OF  
INCLUDE A RIO GRANDE COMPREHENSIVE PLAN PREPARED  
BY CITY OF LAS CRUCES COMMUNITY DEVELOPMENT  
CONTACT IS CAROL McCALL

FOR RECREATIONAL RESOURCES:  
LOOK AT ESTABLISHING A "SIMPLE" PROCESS FOR  
LOCAL ENTITIES TO REQUEST APPROVAL TO CONSTRUCT →

Your Name ( please print): ANDY HUME

Affiliation: LAS CRUCES MPO

Street Address: 575 S ALAMEDA

City, State, Zip: L/C NM 88004

Phone Number (optional): 505 528-3047

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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# WRITTEN COMMENT SHEET (Continued)

PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
PUBLIC SCOPING MEETING  
RIO GRANDE AND TIJUANA RIVER  
FLOOD CONTROL PROJECTS  
NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

TRAILS & PARKS

BUILD IN TRAIL & PARK DESIGN STANDARDS  
THAT CLEARLY GUIDE RECREATION FACILITY  
DEVELOPMENT

INCREASE ~~GO~~ ACCESS CONTROL ALONG THE LEVEE  
ACCESS ACROSS & OVER THE LEVEES GREATLY  
CONTRIBUTE TO LEVEE DESTRUCTION & FAILURE  
ALSO, MOTORIZED VEHICLES WITHIN THE  
FLOODWAY WILL DESTROY NATIVE VEGETATION  
& HABITATS THAT IBWC IS TRYING TO  
REDEVELOP

Your Name: (please print): \_\_\_\_\_

Affiliation: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number (optional): \_\_\_\_\_



**WRITTEN COMMENT SHEET**  
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**PUBLIC SCOPING MEETING**  
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Please print your comments below:

Date: 11/12/05

*Recreational uses of the river should foster & promote the preservation of wildlife. Currently the dry river bed is frequently used by ATV's which damage the terrain and disturb the birds (herons, cranes, etc). Walking & biking trails should be planned to extend the entire reach of the river project.*

Your Name (please print):

Nubia Ortiz

Affiliation:

SWRC / Amigos Bravos

Street Address:

832 Stefanie Ct.

City, State, Zip:

LC NM 88005

Phone Number (optional):

505-524-2847

*Thank you!*

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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Please print your comments below:

Date: 1/28/05

COMBINE PRACTICES ON #1 PAGE 20  
WITH PRACTICES ON #3 PAGE 21  
IE. - PROMOTE NATIVE VEGETATION IN NO  
FLOW ZONES ADJACENT TO RIVER

Your Name (please print): BRUCE REDD

Affiliation: BOARD MEMBER CABALLO SOIL AND H<sub>2</sub>O DIST.

Street Address: P.O. BOX 250

City, State, Zip: DERRY, N.M. 87933

Phone Number (optional): (505) 267-4663

Please hand this form in tonight, or mail it to:

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, Texas 79902

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Please print your comments below:

Date: \_\_\_\_\_

The road entering Loma Pareda Perry  
should be raise to allow road the hold back  
water from hill run off -

Your Name ( please print): Donaciano Gonzalez

Affiliation: family farm

Street Address: 5231 Chiricahua

City, State, Zip: LAS CRUCES NM 88012

Phone Number (optional): 382-3875 - 650-4258-cell.  
(505)

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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Please print your comments below:

Date: 1/12/05

At the last meeting of the IBWC that I attended I understood  
that a new model (FLO-2D) of flood control for the Rio  
Grande was being developed and that it was expected  
to provide better estimates of the size of floods  
that could reasonably be expected and of the mechanisms  
needed for control. I am disappointed to learn that →

Your Name ( please print): (see other side).

Affiliation: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number (optional): \_\_\_\_\_

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
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# WRITTEN COMMENT SHEET (Continued)

## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

### PUBLIC SCOPING MEETING

### RIO GRANDE AND TIJUANA RIVER

### FLOOD CONTROL PROJECTS

### NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

IBWC is planning to go forward with canalization without using the model. I don't understand the point of having a model if it isn't going to be used as a guide for further projects. It seems to me to be a waste of time and effort—and money—to proceed without the best possible information and data.

Presumably the new model will be ready in a year—a not unreasonable amount of time to delay the canalization of the river. I strongly urge IBWC to wait for these projections before continuing.

Your Name: (please print): Jean Apgar

Affiliation: concerned citizen

Street Address: 1155 N. MIRANDA St. Apt G-7

City, State, Zip: Las Cruces NM 88005

Phone Number (optional): \_\_\_\_\_

# ITEM 3

Presidio, Texas Meeting



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

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Please print your comments below:

Date: 01-13-05

Contact Mexican local authorities  
Bring a translator. Newspaper  
publication or ad should also be in  
Spanish. Keep in mind you are in a  
border town. Bring translators!

Your Name ( please print):

Dora I Lopez

Affiliation:

Office of Border Health

Street Address:

P.O. Box 909

City, State, Zip:

Tasidio, TX 79845

Phone Number (optional):

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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Please print your comments below:

Date: 1.13.05

Would like to see walking/bicycling paths developed  
on top of levees in order to encourage exercise  
by local population

2) provide activity for  
tourists

3) promote nature appreciation

Your Name ( please print): Rebecca Wainright, RN

Affiliation: Texas Dept. of State Health Services

Street Address: 708 Bomar, PO Box 909

City, State, Zip: Presidio, Texas 79845-0909

Phone Number (optional): 432-229-3481

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
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Please print your comments below:

Date: 1-13-05

Urge you to address Saltcedar infestation's impact  
on stream flow and water quality as well as habitat  
restoration. The problem is acute and must  
be dealt with as a binational challenge.

Partnerships ~~are~~ with other agencies (both US &  
Mexican) are possible - TPWD, USBR, USDA/NRCS, EPA,  
CWA.

Your Name (please print): Tyus Fair

Affiliation: Rio Grande Institute

Street Address: P.O. Box 183

City, State, Zip: Marathon, TX 79842

Phone Number (optional): 432 386 4336

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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# ITEM 4

McAllen, Texas Meeting

No Written Comment Sheets were received at or as a result of the McAllen, Texas meeting.



# ITEM 5

Imperial Beach, California Meeting



**WRITTEN COMMENT SHEET**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**PUBLIC SCOPING MEETING**  
**RIO GRANDE AND TIJUANA RIVER**  
**FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS, AND CALIFORNIA**

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Please print your comments below:

Date: 2/4/05

- An inventory of projects in Mexico such as roads, bridges or protection structures that have the potential of affecting the new structure.
- Data collection from the National Water Commission + State Water Agency regarding discharges, maintenance, + other topics related to water flows on the channel.

Your Name ( please print): Oscar Romo

Affiliation: Tijuana River National Estuarine Research Reserve

Street Address: 301 Caspian Way

City, State, Zip: Imperial Beach, CA 91932

Phone Number (optional): (619) 575-3613

Please hand this form in tonight, or mail it to:

**Mr. Daniel Borunda**  
**Environmental Protection Specialist**  
**Compliance Section, USIBWC**  
**4171 North Mesa Street, C-100**  
**El Paso, Texas 79902**

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# WRITTEN COMMENT SHEET (Continued)

## PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

### PUBLIC SCOPING MEETING

### RIO GRANDE AND TIJUANA RIVER

### FLOOD CONTROL PROJECTS

### NEW MEXICO, TEXAS, AND CALIFORNIA

Continued from other side:

- Look at sustainable design criteria related to best practices.  
This could be regarding issues such as recyclable materials, structures that can be dismantled w/ limited environmental harm, or potential sites for species to grow
- Look at geometry of structure, presently not meandering, but if it could it might help maintain integrity of Tijuana Estuary Reserve if it mimics natural flow
- Look at maintenance because accumulation of tires & other ~~debris~~ trash creates debris affecting the Tijuana Estuary Reserve

Your Name: (please print): Oscar Romo

Affiliation: Tijuana River National Estuarine Research Reserve

Street Address: 301 Gasparan Way

City, State, Zip: Imperial Beach, CA 91932

Phone Number (optional): (619) 575-3613

# APPENDIX E

**RESPONSE FORM**  
**ALTERNATIVES REPORT AND**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**FOR RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS AND CALIFORNIA**

This form provides you or your organization an opportunity to become involved with the development of a Programmatic Environmental Impact Statement (PEIS) that will evaluate the impacts of alternatives for the management of existing flood control projects in the United States portion of the Rio Grande and Tijuana River, in the states of New Mexico, Texas, and California. The PEIS will assist the United States Section, International Boundary and Water Commission (USIBWC) in making better informed decisions regarding flood control and the management of water supplies, and providing enhanced riparian habitat and recreational opportunities.

To more effectively prepare a PEIS, the USIBWC would like to find out if you are interested in this project, what issues are important to you, and to what extent you wish to be informed.

*Please check the appropriate space below and provide the information requested. Please return your completed form by February 7, 2005.*

☒ YES, I want to be kept informed on the development of the project and the PEIS. Please add or keep my name on your mailing list.

☐ NO, I do not want further information concerning the project and the PEIS. Please do not add my name to your mailing list. Delete my name if it is on your list.

**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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---

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: EL Archuleta Title: General Manager  
Affiliation (if any): El Paso Water Utilities  
Address: P.O. Box 511 El Paso, TX. 79961  
Telephone: (915) 594 5501 Fax: (915) 594 5666

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

RESPONSE FORM  
ALTERNATIVES REPORT AND  
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT  
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NEW MEXICO, TEXAS AND CALIFORNIA

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**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Rick Conner Title: City Engineer  
Affiliation (if any): City of El Paso, Texas  
Address: #2 Civic Center Plaza El Paso 79901-1196  
Telephone: (915) 541-4423 Fax: (915) 541-4441

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

**RESPONSE FORM**  
**ALTERNATIVES REPORT AND**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**FOR RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS AND CALIFORNIA**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: JERRY AGRAW Title: COUNTY JUDGE  
Affiliation (if any): PRESIDIO COUNTY  
Address: BOX 606 MARFA TEXAS  
Telephone: 432 729 4452 Fax: 432 729 4453

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: SANTIAGO A. SALOANA JR Title: MAYOR  
Affiliation (if any): CITY OF RIO HONDO  
Address: P.O. Box 1087 RIO HONDO, TX 78583  
Telephone: (956) 748-4727 Fax: (956) 748-4394

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902



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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Mike Morrissey Title: Director Budget, Planning & Policy  
Affiliation (if any): Texas Office of the Governor  
Address: P.O. Box 12428, Austin, TX 78711  
Telephone: 512, 463-1778 Fax: 512, 463-1975

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: Lee Peters Title: Attorney at Law  
Affiliation (if any): Elephant Butte Irrigation District  
Address: P.O. Drawer 2857, Las Cruces, NM 88004  
Telephone: (505) 526-2101 Fax: (505) 526-2506

Please mail this form to:  
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Judd L Nordyke Title: Mayor

Affiliation (if any): Village of Hatch

Address: P O Box 220 Hatch NM 87937

Telephone: ( 505 ) 267- 5216 Fax: (505 ) 267 - 1135

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Donnita Soto Title: Envir. Director - Acting  
Affiliation (if any): Comanche Nation  
Address: P.O. Box 908  
Telephone: (580) 492-3734 Fax: (580) 492-3733

**Please mail this form to:**  
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):

Risk management overview of benefits versus detriment  
to flood control, water mgt., riparian habitat and  
recreation. Also, however each affects the other - Risk Assessment.  
Also, updates on changes in water status after winter snows.

Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: DENISE MCWILLIAMS Title: Extension Agronomist  
Affiliation (if any): New Mexico State Cooperative Extension  
Address: P.O. Box 30003, MSC-3AE Las Cruces, NM  
Telephone: (505) 646-3455 Fax: (505) 646-8085 88003-8003

✓ Please mail this form to:  
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):

State Issues

Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: Aaron Peña Title: State Representative

Affiliation (if any): \_\_\_\_\_

Address: 1108 S Closer Edinburg, TX 78539

Telephone: (956) 383-7444 Fax: (956) 383-7379

Please mail this form to:  
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):

TO WHAT EXTENT DOES YOUR PRESENT PLAN ADDRESS IMPROVING THE RIPARIAN HABITAT ALONG THE APPROVED RIVER PARK AND THE RIO BOSQUE WETLANDS PARK IN THE EL PASO, TX AREA?

Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: PAUL ASTON Title: MEMBER

Affiliation (if any): TX MASTER NATURALIST, TRANS Pecos CHAPTER AND EL PASO COUNTY MASTER GARDENER ASSOCIATION

Address: 7600 ALPINE DR EL PASO, TX 79915

Telephone: (915) 548-8817 Fax: (915) 860-0331

Please mail this form to:

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: James Machin Title: \_\_\_\_\_

Affiliation (if any): R. J. Brandes Co.

Address: 4900 Spicewood Spgs. Rd., Austin, TX 7875

Telephone: (512) 343-1070 Fax: (512) 343-1083

**Please mail this form to:**

**Mr. Daniel Borunda**

**Environmental Protection Specialist**

**Compliance Section, USIBWC**

**4171 North Mesa Street, C-100**

**El Paso, TX 79902**

**FAX: 915/832-4167**



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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Soriza Najera Title: South TX / Laguna Madre Program Manager  
Affiliation (if any): The Nature Conservancy  
Address: P.O. Box 2563 Corpus Christi TX 78403  
Telephone: (361) 882-3584 Fax: (361) 882-8561

**Please mail this form to:**  
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

RESPONSE FORM  
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In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):

*Does U.S.I.B.W.C. have adequate personnel to control major floods, and if not, who can supply help?  
Does U.S.I.B.W.C. have a program in effect to recondition flooding levees.*

Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: EARL A. BOYD Title: N/A.

Affiliation (if any): A RETIRED U.S.I.B.W.C. EMPLOYEE

Address: ROUTE 1, BOX 363 WESLACO, TX. 78596-9730

Telephone: (956) 968-6348 Fax: ( ) N/A.

Please mail this form to:

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name:  **MR. ARLAN C. RAATZ** Title: \_\_\_\_\_

715 La Vina Rd.  
Anthony, NM 88021

Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (505) 882-3529 Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: JACK R. BRIGGS Title: \_\_\_\_\_

Affiliation (if any): INTERESTED CITIZEN

Address: 3249 HILBRIDGE ST. LAS CRUCES NM 88012-8519

Telephone: (505) 382 9789 Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

**RESPONSE FORM**  
**ALTERNATIVES REPORT AND**  
**PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT**  
**FOR RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS**  
**NEW MEXICO, TEXAS AND CALIFORNIA**

This form provides you or your organization an opportunity to become involved with the development of a Programmatic Environmental Impact Statement (PEIS) that will evaluate the impacts of alternatives for the management of existing flood control projects in the United States portion of the Rio Grande and Tijuana River, in the states of New Mexico, Texas, and California. The PEIS will assist the United States Section, International Boundary and Water Commission (USIBWC) in making better informed decisions regarding flood control and the management of water supplies, and providing enhanced riparian habitat and recreational opportunities.

To more effectively prepare a PEIS, the USIBWC would like to find out if you are interested in this project, what issues are important to you, and to what extent you wish to be informed.

*Please check the appropriate space below and provide the information requested. Please return your completed form by February 7, 2005.*

☒ **YES**, I want to be kept informed on the development of the project and the PEIS. Please add or keep my name on your mailing list.

☐ **NO**, I do not want further information concerning the project and the PEIS. Please do not add my name to your mailing list. Delete my name if it is on your list.

**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Leon Silverstrom Title: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Address: 6730 Via Emma

Telephone: (505) 647-0826 Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

RESPONSE FORM  
ALTERNATIVES REPORT AND  
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In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary): See additional page

Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).

Name: Louis J. Lamit Title: Ecology Research Assistant

Affiliation (if any): \_\_\_\_\_

Address: 1305 Plain St. Apt #3 Las Cruces NM 88001

Telephone: (505) 521-4969 Fax: ( ) -

Please mail this form to:

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

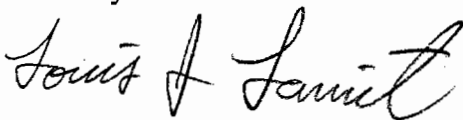
Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

01/26/2005

Dear Mr. Borunda,

This letter is in regards to the developing Programmatic Environmental Impact Statement for management activities of the Rio Grande and Tijuana River. I live near the Rio Grande in the Mesilla Valley, New Mexico. Historically the river was the life blood of the valley; the aquatic and riparian habitats were teaming with biodiversity and people would often spend their days off under the cotton woods that grew along the water course. Now, with its waters non existent for much of the year and banks a prickly mess of mowed weeds, it is the joke of the valley. As I have read, the Tijuana River is in no better condition. These rivers have suffered immensely from unnecessary human alterations. Their complex ecology and one time aesthetic beauty has been nearly destroyed. The opportunity exists to take action to restore the ecological integrity of these rivers. I urge you to support all of the proposed restorative measures, such as creating backwater habitat, minimizing sediment dredging, increasing no-mow zones, planting native species, and increasing habitat connectivity. The list is long and will take many years to implement, but is incredibly important to a large number of people, flora and fauna. Please, bring our river back to life.

Sincerely

A handwritten signature in cursive script, reading "Louis J. Lamit". The signature is fluid and stylized, with the first and last names being more prominent than the middle initial.

Louis J. Lamit

1305 Plain St. Apt# 3  
Las Cruces, NM 88001

**RESPONSE FORM**  
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*Please check the appropriate space below and provide the information requested. Please return your completed form by February 7, 2005.*

☐ YES, I want to be kept informed on the development of the project and the PEIS. Please add or keep my name on your mailing list.

☒ NO, I do not want further information concerning the project and the PEIS. Please do not add my name to your mailing list. Delete my name if it is on your list.

**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: NATANIEL MEDINA Title: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Address: 521 CASCADE EL PASO, TX 79927

Telephone: ( ) - Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902



**RESPONSE FORM**  
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**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

*THANKS!*

Name: JOHN ADAMEK Title: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Address: P.O. Box 487, MESILLA, NM 88046

Telephone: ( ) - Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

**RESPONSE FORM**  
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**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

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**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: Mary Blevins Title: \_\_\_\_\_

Affiliation (if any): \_\_\_\_\_

Address: 500 E Riverside #13

Telephone: (505) 844-3633 Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

1-17-04

RESPONSE FORM  
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**In the development of the PEIS, the USIBWC should provide information or answers to the following questions or concerns (add additional pages if necessary):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please provide the following information so we can add or delete your name from (or update) our mailing list (PLEASE PRINT).**

Name: LINDA Page Title: Retired  
Affiliation (if any): Member - Southwest Environmental  
Center - LAS Cruces, New Mexico  
Address: 2604 Cody Circle, LAS Cruces, NM 88011  
Telephone: (505) 521-2631 Fax: ( ) -

**Please mail this form to:**

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

*Thank so much, I'm interested  
however, please send your  
timed postage. The SWEC  
is doing much to save the  
Rio Grande, and I stay  
informed through them. Good luck to  
you. Linda Page*

# APPENDIX F

**Guemez, Sarah**

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**From:** Daniel Borunda [danielborunda@ibwc.state.gov]  
**Sent:** Friday, December 10, 2004 1:10 PM  
**To:** Guemez, Sarah; Lopez-Cordova, Salvador  
**Subject:** Fwd: flood control, Tijuana River

FYI

>>> Mark Delaplaine <mdelaplaine@coastal.ca.gov> 12/10/2004 12:05:12 PM >>>  
Re: NOI to Prepare EIS, including for Tijuana River Flood Control  
Activities

Dear Mr. Borunda:

Please place us on your mailing list (both our San Francisco and San Diego offices) for the EIS, scoping meetings, and any other notices regarding the above-mentioned activity. Our San Francisco address is:

Mark Delaplaine  
Federal Consistency Supervisor  
California Coastal Commission  
45 Fremont St, Suite 2000  
San Francisco, CA 94105

Our San Diego Area office address is as follows:

Coastal Commission, Attn: Sherilyn Sarb  
San Diego Coast District  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

We request that in your document preparation, you analyze whether any proposed activity in the Tijuana River region will affect the California coastal zone. If it would, a consistency determination would need to be submitted to the California Coastal Commission for such activity, based on the requirements of Section 307 of the federal Coastal Zone Management Act (16 U.S.C. Section 1456, with implementing regulations at 15 CFR Part 930). Any consistency determination should include a finding as to whether the activities are consistent to the maximum extent practicable with the California Coastal Management Program and the necessary information to support that conclusion, including an analysis of the project's consistency with Chapter 3 of the Coastal Act. (See CFR Section 930.39 for a full listing of the information required for a complete consistency determination.)

If you have any questions about preparation of a consistency certification, please contact Larry Simon, federal consistency coordinator for the Commission, at (415) 904-5288.

Mark Delaplaine  
Federal Consistency Supervisor  
California Coastal Commission  
45 Fremont St, Suite 2000  
San Francisco, CA 94105  
(415)904-5289

(415) 904-5400 (Fax)

mdelaplaine@coastal.ca.gov

Federal Consistency Web Page: <http://www.coastal.ca.gov/fedcd/fedcndx.html>



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92009



In Reply Refer To:  
FWS-SDG-4363.1

FEB 7 2005

Mr. Daniel Borunda  
Environmental Protection Specialist  
USIBWC, Environmental Management Division  
4171 North Mesa Street, C-310  
El Paso, Texas 79902

Re: International Boundary and Water Commission's Notice of Intent to Prepare a  
Programmatic Environmental Impact Statement for Flood Control Projects within the Rio  
Grande and the Tijuana River Basins

Dear Mr. Borunda:

The U.S. Fish and Wildlife Service in Carlsbad, California (Service) has reviewed the International Boundary and Water Commission (USIBWC) Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) for its flood control projects within the Rio Grande and Tijuana River Basins. The Service also attended the public scoping meeting for the NOI on January 27, 2005. USIBWC proposes to analyze flood protection measures and alternatives to current management practices, including structural and non-structural alternatives, watershed-oriented alternatives, and collaborative measures with other agencies and landowners to determine to what extent project management can provide adequate flood protection, facilitate water deliveries, and provide boundary stabilization. The projects also would support restoration of native riparian and aquatic habitats and the development of recreational opportunities. This letter addresses the Tijuana River portion of the PEIS, which represents a continuation of the flood control project located in Tijuana, Baja California, Mexico and provides flood protection to the San Diego, California area in the United States. The Tijuana River Flood Control Project is located in the United States portion of the Tijuana River and extends 2.3 river miles from the international boundary.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service's operates under the authority, and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661 et seq.), the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), and other authorities mandating Department of Interior concern for environmental values.

TAKE PRIDE  
IN AMERICA 

The Service recommends that the PEIS incorporate a thorough analysis of how each project alternative may affect sensitive resources in the Tijuana Estuary and Tijuana River Valley, located downstream of the project area. The Tijuana Estuary and Tijuana River Valley comprise one of the largest and most important wetland systems in San Diego County. This area is a very special place for wildlife as it supports a high diversity of native habitats and species. It contains multiple habitat types including beaches, saltpan, southern foredunes, tidal estuary, coastal salt marsh, riparian wetlands, coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern willow scrub, and mulefat scrub. These habitats support a number of species known to be sensitive, including the federally listed as endangered least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), light footed clapper rail (*Rallus longirostris levipes*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sterna antillarum browni*), salt marsh birds beak (*Cordylanthus maritimus* ssp. *maritimus*), and California brown pelican (*Pelecanus occidentalis*), and the federally listed as threatened California gnatcatcher (*Poliophtila californica californica*). As such, the Tijuana Estuary and Tijuana River Valley is designated as a core biological area of the Multiple Species Conservation Program (MSCP), which is a comprehensive habitat conservation planning program that addresses multiple species habitat needs and the preservation of native vegetation communities in southwestern San Diego County. The Multiple Habitat Planning Area (MHPA) of the City of San Diego's MSCP, which delineates core biological resources areas and corridors targeted for conservation, is designated over much of the Tijuana Estuary and Tijuana River Valley. The MHPA is partly within, adjacent and downstream to the flood control project.

On February 2, 2004, Carolyn Lieberman of my staff noted while in the Tijuana River Valley that sediment and trash had accumulated along the riparian vegetation at the downstream end of where vegetation is mowed by USIBWC west of Dairy Mart Road Bridge. We recommend that the PEIS evaluate how their current flood control practices contribute to this occurrence. We suspect that current management of the flood control channel, including the mowing of vegetation, may facilitate sediments and trash to be deposited into the downstream sensitive habitats because there is little in the way to slow water flow velocities. We recommend that the USIBWC consider alternatives that will improve the existing conditions in the Tijuana Estuary and Tijuana River Valley with regard to deposition of sediment and trash, and water quality. For example, USIBWC could incorporate a sedimentation basin/trash trap into the concrete lined channel and remove accumulated sediments and trash from the basin/trap on a regular basis and/or when necessary to reduce sedimentation and deposition of trash into the downstream sensitive habitats.

The Service recommends that the PEIS incorporate a comprehensive hydrological analysis of how each project alternative may affect the hydrology within the Tijuana River and the Tijuana River Valley located downstream. The Tijuana Estuary Tidal Restoration Program, conducted in association with the California Coastal Conservancy, has conducted a comprehensive hydrological analysis and model of the Tijuana River Valley in planning their restoration program. As this information may assist in your analysis, we recommend that you coordinate with the California Coastal Conservancy on your analyses.



To assist us in our review of the PEIS, we request that the PEIS contain the following information:

1. A complete discussion of the purpose and need for the project and each of the project alternatives.
2. A complete description of the proposed project, including all practicable alternatives that have been considered to reduce project impacts to sensitive habitats, biological resources, federal and state listed threatened and endangered species, narrow endemic species, and the MHPA. The alternatives section of the PEIS should focus on alternatives that avoid or substantially lessen any of the significant biological effects of the proposed project. If an alternative is included that would result in one or more significant effects in addition to those that would be caused by the proposed project, the PEIS should discuss the impacts in sufficient detail to facilitate an informed review of the proposal. In addition, the discussion under such an alternative should adequately address the measures that would be necessary to mitigate significant biological impacts.
3. A description of the consistency of the project with the MSCP. Refer to the MSCP documentation for guidance on land use adjacency guidelines and compatible uses within the MHPA.
4. An implementation schedule for all project components. We recommend that mitigation for impacts to biological resources be initiated before and/or concurrent with project impacts.
5. A biological technical report that includes survey methods (including survey personnel, dates, times, and climate conditions), survey results, impact analysis, and proposed mitigation. The report should describe the biological resources associated with each habitat type. These descriptions should include both qualitative and quantitative assessments of the resources present on, adjacent, and downstream of the proposed subject property and include complete species lists for all biological resources. At a minimum, the following should be included:
  - a. A list of federally listed, proposed, or candidate species; state listed and candidate species; locally sensitive species; and narrow endemic species that occur on, or in habitat contiguous with, the subject property. A detailed discussion of these species, including information pertaining to their local status and distribution, should be included.
  - b. Specific acreage and description of the types of riparian, wetland, non-wetland waters of the U.S., southern maritime chaparral, maritime succulent scrub, coastal sage scrub, and other sensitive habitats that may be affected by each project alternative. Maps and tables should be included to summarize such information.

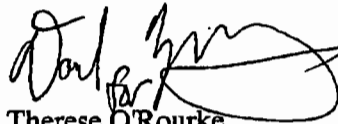
- c. A map showing potential wildlife corridors through and/or adjacent to the subject property.
- d. Results of early and late spring plant surveys of sensitive spring blooming annuals, which includes the rationale for why species with a high potential for occurrence may not have been detected.
- e. Figures that depict each project alternative, biological data, and the relationship of the subject property to the MHPA.
- f. An assessment of direct, indirect, and cumulative project impacts to fish and wildlife species and associated habitats within the project area and on adjacent properties. This assessment should address all facets of the project (e.g., construction, implementation, operation) and include the following:
  - i. A complete hydrological analysis for each project alternative to evaluate potential changes to hydrology, and how those changes may affect riparian areas, wetlands, and the MHPA.
  - ii. A thorough analysis of adverse impacts resulting from increased encroachment of humans and noise into habitat supporting wildlife.
  - iii. An analysis of how project-induced impacts may fragment open space, isolate wildlife and native vegetation communities, and affect wildlife movement at local and regional scales.
- g. Specific mitigation plans to fully offset each project alternative's direct, indirect, and cumulative impacts to sensitive biological resources.
  - i. Describe methods to be employed to prevent soil erosion and siltation of habitats.
  - ii. Describe methods to be employed to prevent discharge and disposal of toxic and/or caustic substances from the proposed project.
  - iii. Description of how project will avoid and minimize impacts to sensitive resources. For example, maintenance should be conducted outside the bird breeding season in or adjacent to nesting habitat to avoid impacts to nesting birds.
  - iv. Project impacts should be mitigated through the preservation, creation, restoration, and/or enhancement of affected habitat types.
  - v. Mitigation plans, if proposed, should be prepared by persons with specific expertise on southern California ecosystems and native plant revegetation

techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic layout depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology to be employed; (f) measures to control exotic vegetation on site; (g) a detailed monitoring program which includes provisions for replanting areas where planted materials have not survived; (h) success criteria; (i) contingency measures in the event of mitigation failure; and (j) identification of the agency that will guarantee successful creation of the mitigation habitat and provide for the conservation of the restoration site in perpetuity.

- vi. Identify measures to be taken to perpetually protect habitat values of preserved and/or mitigation areas. Issues that should be addressed include: enforcement of restrictions on vehicle, equestrian, and people access; proposed land dedications; monitoring and management programs; control of illegal dumping; restrictions on lighting near mitigation areas; and consistency with the MHPA land use adjacency guidelines of the MSCP, etc.

The Service appreciates the opportunity to comment on the NOI. We are available to work with the USBWC in evaluating proposed project alternatives to avoid or otherwise minimizes impacts to biological resources, the Tijuana Estuary and Tijuana River Valley, and the MHPA. If you have questions regarding this letter please contact Carolyn Lieberman at (760) 431-9440 extension 240.

Sincerely,



Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

cc: San Diego Regional Water Quality Control Board, Mike Porter  
U.S. Army Corps of Engineers, Terry Dean  
California Department of Fish and Game, Libby Lucas  
California Coastal Conservancy, Karen Bane  
San Diego National Wildlife Refuge Complex, Slader Buck



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office

2105 Osuna NE

Albuquerque, New Mexico 87113

Phone: (505) 346-2525 Fax: (505) 346-2542

February 3, 2005

Bernadino Olague, P.E.  
Attn. Mr. Daniel Borunda  
Engineering Department  
4171 N. Mesa Street  
El Paso, Texas 79902-1441

Dear Mr. Olague:

This is in response to your December 10, 2004, letter requesting public comments on the scope of the Programmatic Environmental Impact Statement (PEIS) for the Rio Grande and Tijuana River Flood Control Projects. The United States Section, International Boundary and Water Commission (USIBWC) will be preparing a PEIS for its flood control projects within the Rio Grande and the Tijuana River Basins. The PEIS will analyze and evaluate the impacts of potential maintenance and construction activities by the USIBWC. The U.S. Fish and Wildlife Service (Service) attended the January 12, 2005, public scoping meeting for the PEIS in Las Cruces, New Mexico.

One of the projects included in the PEIS is the Rio Grande Canalization Project (Canalization Project). However, a Record of Decision for the Canalization Project EIS is expected prior to the completion of the PEIS. Typically there is a tier-down approach from a programmatic EIS to a project-specific EIS and not vice versa. Because the project-specific issues have presumably already been addressed in the Canalization Project EIS, it is unclear how the PEIS will feed back into the Canalization Project, or why the Canalization Project is included in the PEIS.

If you have any comments or questions please contact Mike Buntjer of my staff at (505) 761-4733.

Sincerely,

*Susan MacMullin*

Susan MacMullin  
Field Supervisor

cc:

Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico

Director, Texas Parks and Wildlife, Austin, Texas



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

## Division of Water Quality

1001 I Street, Sacramento, California 95814 ♦ (916) 341-5655  
Mailing Address: P.O. Box 2231, Sacramento, California 95812  
FAX (916) 341-5808 ♦ Internet Address: <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

Mr. Daniel Borunda,  
Environmental Protection Specialist  
International Boundary and Water Commission, U S Section  
Compliance Section  
4171 North Mesa Street, C-100,  
El Paso, TX 79902.

FEB - 1 2005

Dear Mr. Borunda:

### PUBLIC SCOPING MEETINGS RIO GRANDE AND TIJUANA RIVER FLOOD CONTROL PROJECTS NEW MEXICO, TEXAS, AND CALIFORNIA

We reviewed the public scoping meeting announcement and attended the Imperial Beach public meeting on January 27, 2005. The issue of flood protection for the Tijuana River watershed in California is a very important one, and we look forward to your completion of the Programmatic Environmental Impact Statement (PEIS) for the Tijuana River Flood Control Projects in California.

As requested, we have prepared the following comments for your consideration for inclusion in the scope of work for the PEIS:

- **TMDL Program** Within the next few years, the California Regional Water Quality Control Board, San Diego Region, will be preparing Total Maximum Daily Load allocations (TMDLs) and accompanying implementation plans for a number of water quality constituents in the San Diego County portion of the Tijuana River Watershed. The scope of the PEIS should incorporate potential activities needed to address the water quality impairments identified by the Regional Board. Please contact Mr. David Barker at (858) 467-2989 in this regard.
- **Trash and Sediment from Mexico** Trash and sediment collection should be added to the PEIS scope of work. During rain events, large quantities of trash and sediment are carried by the Tijuana River and tributary canyons from Mexico into San Diego County. Much of the trash and sediment is carried beyond IBWC property and accumulates in the Tijuana River riparian and estuarine areas or local beaches. Accumulations of trash and sediments downstream from IBWC property are clogging the Tijuana River Valley and potentially contributing to downstream flooding events. Trash accumulation is a potential public health issue. Trash and sediment may also contribute to damage in the Tijuana River National Estuarine Reserve. Local governments face significant trash and sediment cleanup costs, and much of the materials can not be easily recovered once it passes IBWC property.

- **Pathogens and Water Quality Constituents** During flood events and for periods afterwards, the Tijuana River contains pathogens and water quality pollutants that may have public health and/or environmental impacts to IBWC property and downstream to the beaches and ocean. The PEIS should allow for projects needed to monitor and abate the transport of pathogens and water pollutants from IBWC property.
- **Smugglers Gulch and Other Canyons and Drains** Significant amounts of sediment and debris are carried into the Tijuana River Valley from these sources. Sediment and debris will be contained in Goat Canyon, but not the other U S Tijuana River tributaries. Please consider adding IBWC properties on all Tijuana River tributaries to the scope of work for the PEIS.

If you have any question regarding these comments, I can be reached by phone at (916) 341-5655 or by e-mail at [bchristensen@waterboards.ca.gov](mailto:bchristensen@waterboards.ca.gov).

Sincerely



Bart Christensen

cc: Mr. Pete Silva, Vice Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Mr. Ricardo Martinez  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

Mr. Arthur L. Coe  
Assistant Executive Officer  
San Diego Regional Water Quality  
Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Mr. David Hanson  
San Diego Regional Water Quality  
Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-0100

Ms. Elizabeth Boroweic  
Environmental Protection Specialist  
United States Environmental Protection  
Agency, Region 9, WTR-4  
75 Hawthorne Street  
San Francisco, CA 94105



**U.S. Customs and  
Border Protection**

February 7, 2005

1802 Saturn Blvd.  
San Diego, CA 92154

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, Texas 79902

Dear Mr. Borunda,

This letter is in response to the Programmatic Environmental Impact Statement, Tijuana River Flood Control Project.

The primary mission of the U.S. Border Patrol is to detect, deter and prevent the entry of terrorists and the weapons of terror, other persons and contraband into the United States. Under Federal Law the Border Patrol has statutory authority to access, without a warrant, public and private lands within 25 miles of the border for the purpose of patrolling the border and conducting such activities as are customary, or reasonable and necessary to prevent the illegal entry of aliens into the United States of America. (8 U.S.C. 287, 1324, and 1357).

Enforcement operations vary widely and are adapted to specific geographic regions. The Tijuana River Channel and levee in San Diego, California pose significant challenges to controlling illegal immigration. The Tijuana River flows between two of the largest cities along the Mexican/American border, (Tijuana, Baja California and San Diego, California). As you are fully aware, the Tijuana River flows out of Mexico and enters the United States approximately ½ mile west of the San Ysidro Port of Entry. A levee system was created in an effort to control flooding by storm waters flowing out of Mexico.

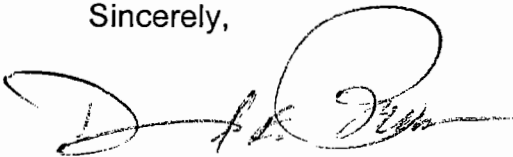
Over time the Tijuana River Levee became a daily staging ground for thousands of foreign nationals intent on illegally entering the United States. Those attempting to cross the border illegally preferred this area because of the close proximity to urban development and numerous conveyances readily accessible. The absence of an enforcement environment drew large groups and also a criminal element to the levee area. Tragically, many undocumented persons became victims of robbery, rape, assault and some lost their lives at the hands of bandits on American soil. The terrain and vegetation posed significant obstacles for the U.S. Border Patrol and San Diego Police Department. Vegetation grew unabated within the channel that created abundance

of concealment opportunities and staging areas for undocumented aliens and criminals. The build up of sand and debris made it impossible to have regular and routine patrols in the channel to deter entries or to make apprehensions. It is well documented that prior to Operation Gatekeeper thousands of people entered illegally into the United States through this area.

To address the challenges posed by the distinct geographic features of the Tijuana River Valley, tactics and infrastructure were refined that resulted in more effective border control. A crucial part of this approach was and continues to be the periodic clearing of high vegetation and mounds of sediment within the river channel from the International Border to Dairy Mart Road. Brush abatement and sand removal continue to be a vital part of the continuing success of enforcement efforts in this area. There is a direct correlation between the number of illegal border crossing attempts and the height of the vegetation within the river channel the taller the vegetation the more criminal activity in the area. The taller vegetation also poses an officer safety risk. Over the past decade, approximately three times a year (Spring, Summer, Fall), maintenance operations have been conducted in the channel using conventional mechanical means to remove or reduce high brush and sediment mounds.

In the interest of the security of the United States, we believe that clearing operations in the Tijuana River Channel should continue in order to maintain the current level of border enforcement.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. E. Brown', with a large, stylized loop at the end.

David E. Brown  
Patrol Agent In Charge



Daniel Borunda  
USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902.

January 26, 2005

Dear Mr. Borunda,

Thank you for the opportunity to comment on the river management alternatives under consideration for the Rio Grande Canalization Project. The consideration of public input is greatly appreciated! I attended the public meeting at the Las Cruces Holiday Inn on January 11, 2005 have since had time to reflect on the information presented.

Before making any decisions about how various flood control projects should be managed, the IBWC might reconsider its assumptions about the size of the flood these projects are designed to convey. An accurate understanding of what is needed in the way of flood management is a prerequisite for making intelligent decisions about whether or not levees need to be raised, how much vegetation is acceptable between the levees, how much dredging is necessary, etc.

In the past, IBWC has relied on one kind of hydraulic model to determine how high the levees need to be. However, I understand your agency is in the process of running another kind of model--a "two-dimensional" model known as FLO-2D--that provides a much more accurate picture of how floods actually behave as they move downstream. The newer models account for the dissipation of flood energy as floods move downstream, resulting in lower flood heights, which means that levees may not need to be raised in places where the older models indicate.

Therefore, before making any decisions, I suggest IBWC should use the FLO-2D modeling for all its flood control projects to get a better understanding of how its design floods will behave, since this is so fundamental to the operation and management of these projects. In the case of the Canalization Project pertaining to the river in southern NM between Percha Dam and the American Dam in El Paso, I understand you are halfway done with this modeling, which should be completed by mid-2005 at the latest. I strongly encourage the IBWC to wait to incorporate the results of this modeling into at least the Canalization and perhaps the Rectification portions of the PEIS.

In addition, as the Rio Grande is in such poor ecological condition, the agency should not just seek to avoid negative impacts to fish and wildlife, but should select an alternative that proactively attempts to restore more natural conditions to the river. In my opinion, the highest priority for environmental restoration is to reestablish slow-water and backwater aquatic habitats in the river, since these have been nearly eliminated by the straightening of the river that occurred as a result, in part, of construction of these projects. I would also like for you to consider eliminating livestock grazing entirely, since it generates little revenue for the agency and is generally detrimental to riparian areas if uncontrolled, as it mostly is today on IBWC land. In order to support recovery of fish habitat the IBWC should construct fish passages around

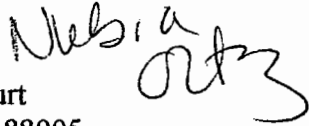
existing structures, such as diversion dams and grade controls, that block the movement of fish upstream.

Finally, I suggest that the IBWC should consider establishing a fund to purchase private land adjacent to its right-of-way from willing sellers, in order to acquire water rights to support environmental restoration on IBWC's land, and to widen the 100 year floodplain. This would assist in increasing the conveyance capacity of the projects and reducing the need to raise/construct levees.

I am an avid walker and I visit the river in the Las Cruces section several times a week throughout the year. I am also a member of the Southwest Environmental Center and the Amigos Bravos and have made a commitment to work for improving the health of the Rio Grande. I urge your agency to restore more natural conditions to the river corridor by such measures as restoring meanders and stream bank vegetation, and putting an end to the destructive practices of annually mowing the banks and periodic dredging of the river channel.

Again, thank you for your thoughtful consideration of these points.

Sincerely,  
Nubia Ortiz  
832 Stefanie Court  
Las Cruces, NM 88005

A handwritten signature in dark ink, appearing to read 'Nubia Ortiz', is written over the typed name and address.



**SAN DIEGO AUDUBON SOCIETY**  
4891 Pacific Highway, Suite 112 • San Diego CA 92110 • 619/682-7200

February 5, 2005

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, Texas 79902

Dear Mr. Borunda:

SUBJECT: Rio Grande and Tijuana River Flood Control Projects, Scoping comments for PEIS

The Tijuana River Valley and Estuary are among the most important habitat areas in the greater San Diego Region. They are major assets of the region's habitat preserve system to protect endangered and threatened species. Unfortunately the area is badly degraded by contaminated water, high loads of sediment, high loads of trash, and high volumes of floodwater that flow into the River from its watershed, mostly in Mexico. A very large part of this comes in through the proposed project area, the floodplain where the Tijuana River enters the US from Mexico. Depending on the alternatives chosen and how well they are implemented this project could help to dramatically reverse those cross-border problems or it could make their impacts even worse.

It is very important that this PEIS identify alternatives that provide water quality, habitat, endangered species protection, and flood protection benefit, and surely not a loss in any one of those. It is also important that the PEIS provide adequate information and analysis that a reader can fully assess the impacts of the project, including impacts within the footprint of the project and downstream of it.

The San Diego Audubon Society has little specific knowledge of the issues related to the Rio Grande so we will focus on the Tijuana River. However in cases in which our comments are applicable to both Rivers, please apply them to both.

We appreciated the presentation by IBWC and their consultants on this project in Imperial Beach on January 27. It provided a lot of information that is helpful about the nature of the proposed project including the potential range of project alternatives.

**MOWING OF RIPARIAN HABITAT FOR FLOOD CONTROL**

Currently IBWC mows riparian vegetation with the intent of allowing water to move more readily through the area of the Dairy Mart Road Bridge. This results in a number of environmental problems.

- Riparian habitat value is lost in the area that has been mowed.
- The soil in the mowed area is less stable from the loss of vegetation and from the direct soil disturbance of doing the mowing so it is more vulnerable to eroding causing sedimentation downstream.
- Sediments that come down the river channel that would have been deposited because of the slowing of the water due to the riparian vegetation are more likely to be carried into and deposited on the more sensitive habitats downstream causing them to be degraded.

- Trash that comes down the river channel that would have been captured in the vegetation that had been mowed is more likely to be carried downstream and deposited in the more sensitive habitats downstream causing them to be degraded and causing risk to the wildlife.
- Bacteria, other pathogens, and high loads of nutrients, that would have been removed by the vegetation and the soil organisms that accompany them, will be allowed to flow farther into the recreational areas and waters of the valley and estuary and to the Ocean.

We have questioned in the past if the current amount of mowing of riparian vegetation near the Dairy Mart Bridge is really needed for flood control. As I remember there was no analysis to justify the need for the clearing. People just thought that it seemed like a good idea. As part of this project, we urge that the PEIS specify that a hydrologic analysis be performed to see if this mowing is really needed for flood control. If it is not we urge that it be discontinued or at least reduced substantially.

We understand that the project may include restoring the dikes to their original heights or possibly increase them. We urge that the PEIS evaluate an alternative in which the dikes are returned to their design elevation and the mowing is eliminated or at least substantially reduced since the dikes would be less vulnerable to being topped.

If restoring the dikes does not alleviate the flood control problem we urge that an alternative be analyzed in which the dikes are made high enough that the periodic mowing is not required.

If some amount of mowing is still required, we urge that the project include the construction of sediment and trash trap and long term maintenance and operation of them to offset the impact of mowing facilitating the movement of sediments and trash into more sensitive riparian, marsh, mudflat, and shallow water habitats downstream.

If the mowing can not be eliminated we urge that the project include measures to offset the loss of the natural bioremediation of the vegetation that will be mowed. This could include a system of managed treatment wetlands

#### THE REMOVAL OF SEDIMENTS AND TRASH SHOULD BE INCLUDED AMONG THE OBJECTIVES OF THIS PROJECT

We are disappointed to see that the control of sediments and trash that are carried across the border by the Tijuana River were not included among the objectives of this project. We urge that they be added as specific objectives and that both be included as ranking criteria for the various alternatives. Also we urge that each of the various alternatives each include facilities and operations to remove both sediments and trash.

It is also important to remember that the sediments and trash that have and are collecting in the valley help to reduce the slope of the valley making floodwater more likely to back up in the in the IBWC area of the valley. Their buildup is contributing to the increased flood risk in the valley. "Floodplain Management" and "Integrated Land Management" were mentioned at the IBWC presentation as being among the alternatives to be evaluated. Trapping and benign removal of sediments and trash coming down the River fit well into both of those categories of flood control.

#### FLOODPLAIN MANAGEMENT

We urge that a more long-range alternative be identified and evaluated for this flood control project. As mentioned above, a huge volume of sediments have accumulated in the valley. This is visible in many parts of the valley and has lowered the slope of the valley. The reduction in the peak flows because of the dams upstream of the project probably increases this problem by preventing the accumulated material from being washed out in major storm events. It appears that this reduction in slope is incrementally reducing the ability of floodwaters to move down the valley. We strongly urge that the PEIS include a alternative that would restore

a more natural slope to the Valley and Estuary. This would obviously require the removal and disposal of a huge volume of material.

This recontouring would have to be done in an environmentally appropriate way and would have to be a long term program. Such a program could be designed and implemented to improve the quality and viability of riparian, marsh, mudflat, and shallow subtidal habitats. It would have to be done incrementally to avoid severe temporal habitat losses. Some of the excavated materials could be used to reclaim quarry sites, sold for commercial use, for beach replenishment, etc. Such a program should be coordinated with the agencies doing downstream habitat restoration projects. The Friendship Marsh and several riparian mitigation projects would provide small scale models for such a large-scale reconfiguring of the valley. Such a long-term, large-scale project could have dramatic habitat, water quality, and flood control value.

We urge that the project include an alternative what would reduce the dikes to intentionally allow flooding of the IBWC property outside of the existing river channel during large floods to increase the volume of floodwater that can be retained there and therefore reduce the risk of flood damage downstream.

#### ACQUISITION OF FLOODPLAIN PROPERTY

We were disappointed that the acquisition of property that tends to flood, but is being used for purposes that are incompatible with occasional flooding, were not listed as possible flood control alternatives in this project. This could include buying real property or buying back leases to avoid future flooding problems. In many cases this is the safest, most cost effective, most reliable, and best for the environment alternative for flood control. We urge that acquisition be included as an element of the alternatives to be evaluated.

#### WATER QUALITY IMPROVEMENT

We were pleased to notice that maintaining water quality was mentioned as a requirement in the presentation. However we urge that the project alternatives be specifically oriented to provide measures and policies that will significantly improve the quality of the water that flows through the Valley, Estuary, beach, and into the Ocean.

#### NO ADDITIONAL CHANNELIZATION OF THE RIVER

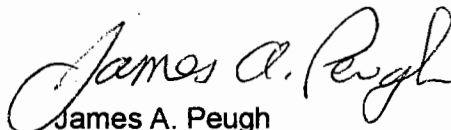
We strongly urge that this project not consider nor propose increasing channelization or paving any part of the River as a flood control measure. The Tijuana River Valley and estuary are far too important for their habitat, endangered species, water quality, and recreational value for either approach. Additional channelization to any degree would interfere with these benefits.

#### CONCLUSION

As stated above, we strongly urge that this project be oriented to finding a comprehensive approach to the cross-border water problems in this area including water quality, sediment and trash deposition, degradation of riparian and wetland habitat, etc.

Please keep San Diego Audubon Society informed of future actions and information on this project. For follow-up the undersigned can be reached at 619-224-4591 or by email at [peugh@cox.net](mailto:peugh@cox.net).

Respectfully,



James A. Peugh  
Conservation Committee Chair

# RIO GRANDE INSTITUTE

www.riogrande.org

c/o The Public Policy Information Fund  
Post Office Box 183  
Marathon, Texas 79842

Telephone: 432-386-4336  
Facsimile: 432-386-9035  
info@riogrande.org

January 26, 2005

Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa Street, C-100  
El Paso, Texas 79902

Dear Mr. Borunda:

Thank you for inviting the Rio Grande Institute to offer input during the scoping process on the Programmatic Environmental Impact Statement being prepared by the IBWC for the Rio Grande and several other rivers. This letter is the presentation the Rio Grande Institute wishes to be included in the record and supplants the brief hand-written submission we provided during the recent scoping meeting in Presidio.

Our comments pertain directly to the flood control projects in Presidio-Ojinaga and Fort Hancock/El Paso and may be used as well regarding salt cedar control issues that are to be addressed in any of your projects within the scope of your current PEIS work.

Tamarisk control and reintroduction of native plant species can have an impact on all the thematic categories around which you are conducting a PEIS, especially water supply and quality, habitat and recreation. This has been demonstrated in control projects undertaken on the Rio Grande at the Bosque del Apache, on the Pecos River in Texas and at the USDA/ARS sites in Northern Nevada. The significance of the salt cedar problem and the favorable impact of its control has not only been well documented by experts from the USDA, USGS, USBR and others, it has also been recognized as a priority to be addressed by two joint US-Mexico working groups -- the Border 2012 water resources group that met in December 2004 in Cd. Juarez and the Binational Rio Grande/Rio Bravo Working Group that last met in the offices of CILA in Cd. Juarez in 2004.

As you formulate objectives and examine alternatives, you should take note that incorporation of a salt cedar control strategy in the several alternatives can lead to a variety of benefits involving: flood control, water quality, stream flow, riparian habitat, groundwater, channel maintenance, land use, native fisheries, soil salinity, disconnected riverine and riparian habitat, wildlife corridors for migration and breeding, river recreation in the area and those downstream, infestation from seed production, views and visual enhancement, and emergency cross border surveillance for homeland security and law enforcement.

Also, please take note that in the stretch of the Rio Grande/Rio Bravo immediately downstream from the Presidio project, there is a multi-jurisdictional partnership on salt cedar control in place and functioning. The first two pilot projects are underway at this time in Boquillas Canyon and Colorado Canyon. Partnered agencies are the US National Park Service, Texas Parks and Wildlife and the national protected areas program of SEMARNAT. Financial and technical support for the projects is being provided by the Chihuahuan Desert Program of the World Wildlife Fund and the Rio Grande Institute. Support and technical assistance is also being provided by the USGS, Bureau of Reclamation, PROFAUNA, Friends of Big Bend National Park, Meadows Foundation and the Chihuahuan Desert RC&D Association.

In view of the intense interest in this matter immediately downstream and the fact that proposals are being submitted by the Rio Grande Institute and others to begin work in the Presidio project area, you should expand the list of potential partners to include neighboring collaborators.

You may also wish to consider consulting with TPWD, Rio Grande Institute and Chihuahuan Desert RC&D and others to identify some site-specific opportunities for salt cedar control and revegetation projects that could be developed in conjunction with the work IBWC contemplates. There are areas already being examined for potential control projects ranging from release of Asian leaf beetles to use of herbicides and mechanical removal techniques.

Further, because infestation of exotic plant species cannot be contained within political boundaries, this is almost inherently a binational issue. Accordingly, the IBWC is the most logical federal agency to address the problem. Indeed, it is the only bilateral agency that is on the ground and functioning in that area of the Rio Grande. Keeping in mind that both the La Paz Agreement on Environmental Cooperation and the NAFTA accords called for the signatory nations to work jointly to address transboundary environmental issues, you should proceed on this work in close consultation with the Mexican section of the commission. I failed to note any indication of that in reading the documents or hearing your otherwise excellent presentation in Presidio.

In order to restore and preserve the environmental integrity of the Rio Grande and its associated ecosystems, the Rio Grande Institute urges you to make salt cedar control, combined with reintroduction of native plant life, a priority concern within any of the strategies and alternative actions you may set forth.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. G. Fain', with a stylized flourish at the end.

Tyrus G. Fain  
President  
The Rio Grande Institute



February 7, 2005

Mr. Daniel Borunda  
Environmental Protection Specialist  
USIBWC  
4171 N. Mesa, Suite C-310  
El Paso, TX 79902-1441

c/o Maria Trunk  
1100 Kelly Way  
El Paso, TX 79902

Dear Mr. Borunda,

**RE: Programmatic Environmental Impact Statement (PEIS) for USIBWC  
management activities in the Rio Grande Flood Control Projects**

Rio Bosque Wetlands Park was created as a mitigation for the USIBWC project that constructed the American Canal Extension. The USIBWC completed the initial park site improvements in 1997. The purpose of the park was and is to restore and enhance native wetland and riparian habitat along the Rio Grande.

Unfortunately, a guaranteed year-round supply of water was not included in the multi-party agreements governing the park, so that purpose has not been fully achieved in the eight years since its creation.

The need for water at the Rio Bosque has been discussed repeatedly over the years, most recently in the Record of Decision for the El Paso-Las Cruces Regional Sustainable Water Project. The ROD (Section 8.1) lists assuring "a year round supply of water to the Rio Bosque Park" as one of the eight categories of enhancements that will be implemented when the Sustainable Water Project is begun.

The Park is immediately adjacent to the USIBWC's Rectification Project and provides valuable habitat to native flora and fauna. A reliable, year-round water supply would greatly enhance the wetland and riparian environment in the area and provide a tool for public education and recreation, results that are compatible with objectives (environmental enhancements and recreational opportunities) that the USIBWC has stated it will consider in evaluating alternatives during the current scoping process.

**OUR VISION:** Rio Bosque Wetlands Park will be a unique natural landscape where visitors from throughout the Paso del Norte region and the world experience first-hand the biologically rich ecosystems once found in our river valley, learn about those ecosystems, and become inspired to be careful stewards of our natural world.

**OUR MISSION:** To provide the volunteer support needed to make Rio Bosque Wetlands Park a world-class nature park through active involvement in the Park's habitat-restoration, education, research, public outreach, advocacy and fundraising programs.



The Friends of the Rio Bosque propose that the PEIS designate securing a year-round water supply for the Rio Bosque as an alternative of the highest priority for the USIBWC's management of the Rectification Project. Water delivery timing and amounts should be strictly compatible with the *Biological Management Plan for Rio Bosque Wetlands Park* set forth in October, 2002. In addition, we suggest that the Rio Bosque be given first priority as the site for any environmental enhancements under consideration for the Rectification Project. We believe building upon the past efforts that have gone into creating the Rio Bosque would offer the most economical and effective method of meeting the environmental enhancement recreational opportunities objectives of the USIBWC.

Thank you very much for the support USIBWC has given to Rio Bosque Wetlands Park over the years. We appreciate the opportunity to submit these comments regarding environmental issues to be addressed in this PEIS.

Sincerely,

A handwritten signature in black ink, appearing to read 'M L - R', with a long horizontal stroke extending to the right.

Maria Trunk  
Treasurer

**Hubert & Hernandez, P.A.**  
**Law Offices**

---

Stephen A. Hubert  
Steven L. Hernandez  
Beverly J. Singleman  
Lee E. Peters  
Rachel A. Brown  
Marci E. Beyer  
Dean B. Cross

2100 North Main Street  
P.O. Drawer 2857  
Las Cruces, New Mexico 88004  
(505) 526-2101

February 4, 2005

**SENT VIA FEDERAL EXPRESS OVERNIGHT DELIVERY**

Mr. Daniel Borunda  
Environmental Protection Specialist, Compliance Section  
United States International Boundary and Water Commission  
4171 N. Mesa Street, C-100  
El Paso, Texas 79902

Re: Comments of Elephant Butte Irrigation District on Scoping Issues,  
Programmatic EIS for the Rio Grande and Tijuana River Flood  
Control Projects

Dear Mr. Borunda:

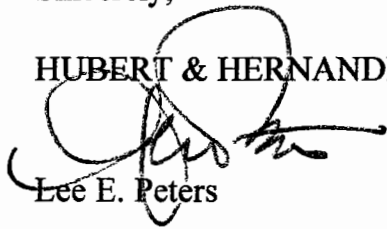
Enclosed are the written comments of the Elephant Butte Irrigation District of New Mexico pertaining to the issues in the scoping process for the Programmatic Environmental Impact Statement for the Rio Grande and Tijuana River Flood Control Projects in New Mexico, Texas and California. The bulk of these comments are contained in the multi-page document entitled "Comments of Elephant Butte Irrigation District on Draft Environmental Impact Statement, River Management Alternatives for the Rio Grande Canalization Project" which were submitted by EBID last year to IBWC. This document contains a thorough listing of the issues which must be reviewed and thoroughly analyzed by the IBWC in regard to this PEIS. Additional comments are contained in the attached document entitled "Comments of Elephant Butte Irrigation District on Scoping Process for Programmatic Environmental Impact Statement for the Rio Grande and Tijuana River Flood Control Projects in New Mexico, Texas and California".

Mr. Daniel Borunda  
Environmental Protection Specialist, Compliance Section  
United States International Boundary and Water Commission  
February 4, 2005  
Page 2

The Elephant Butte Irrigation District is available to consult with representatives of the IBWC as to more details regarding any of the issues covered in its comments. Please contact Gary Esslinger, Treasurer-Manager of EBID at P.O. Drawer 1509, Las Cruces, New Mexico 88004, (505) 526-6671.

Sincerely,

HUBERT & HERNANDEZ, P.A.



Lee E. Peters

LEP:jjb  
Enclosures

cc: Mr. Gary Esslinger, Treasurer- Manager, Elephant Butte Irrigation District  
(with enclosure)

Comments of  
Elephant Butte Irrigation District  
on Scoping Process for  
Programmatic Environmental Impact Statement  
Rio Grande and Tijuana River  
Flood Control Projects  
New Mexico, Texas and California

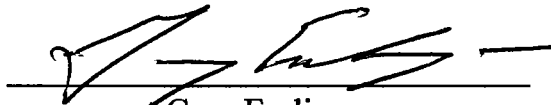
Submitted to:

International Boundary and Water Commission  
United States Section  
c/o Mr. Daniel Borunda  
Environmental Protection Specialist  
Compliance Section  
4171 North Mesa Street, C-100  
El Paso, Texas 79902

February 4, 2005

Submitted by:

Elephant Butte Irrigation District

A handwritten signature in black ink, appearing to read 'Gary Esslinger', is written over a horizontal line.

Gary Esslinger  
Treasurer-Manager  
P.O. Drawer 1509  
Las Cruces, New Mexico 88004-1509

The Elephant Butte Irrigation District ("EBID") believes there is no purpose served in the preparation of a Programmatic Environmental Impact Statement ("PEIS") for its flood control projects. Full EIS's have already been prepared for the Rio Grande projects of IBWC, so a PEIS would serve no purpose. However, should the IBWC proceed with a PEIS, EBID urges the IBWC in this scoping process to include all of the issues raised in EBID's Comments included here. EBID previously commented (March 2004) extensively in several phases of the EIS prepared by the IBWC on the Rio Grande Canalization Project. Since all of the issues in that Project are highly relevant for a PEIS for flood control in general, all of EBID's issues and concerns addressed in those comments should be included in the PEIS scoping process and thoroughly discussed in the PEIS. A copy of the 50-page Comments of EBID is attached. Additional comments of EBID are included below, in this document. EBID does not here repeat in detail comments already detailed in the March 2004 document.

1. The IBWC must evaluate the feasibility of its alternatives in light of the fact that it has no present means to acquire water rights necessary to implement any alternative other than a true no-action alternative. Every individual measure proposed or evaluated by the IBWC in the Rio Grande Canalization Project EIS creates water use or consumption effects. For example, no-mow zones create more vegetation in the area between the levees and that vegetation uses more water than mowing those areas to keep them clear. Also, creating meanders, oxbows and eddies in the river causes the water to slow or stand, thereby increasing loss of water through seepage and evaporation.

IBWC has identified no means by which it replaces the losses of water caused by its

present and planned activities. Water losses are felt by only three entities in the Canalization Project area – EBID, the El Paso County Water Improvement District No. 1 in Texas, or the Republic of Mexico. All water in the Rio Grande is owned by and committed to someone, and no water can be taken, consumed, or lost without reducing the water that someone owns. The Canalization Project EIS deals only with surface water, since that is the only type of water it can affect. The IBWC now recognizes that neither it, nor any other federal agency, has any surface water rights. The IBWC also now recognizes that even by eliminating water consumptive vegetation, like salt cedar, in the floodplain it does not acquire any right to use the salvaged water. Since all Canalization Project activities reviewed in the EIS occur in New Mexico, only water rights in that State are affected; water rights in Texas cannot be transferred to New Mexico to offset the effects of IBWC activities in New Mexico.

The only source of any significant amount of surface water rights in New Mexico is through EBID. There are very few (and very small quantities of) surface water rights in New Mexico that are outside EBID's storage and delivery system. The fact is that IBWC has no choice but to work with and through EBID in order to acquire any rights to use water for any purpose within the Canalization Project in New Mexico. Even water for the purpose of offsetting increased seepage and evaporative losses due to river and habitat "restoration" activities of IBWC can only be obtained from and through EBID. There is no current legal or physical means by which EBID water can be transferred for non-agricultural uses. Legal changes and methods are being developed at this time, but the ability to actually transfer wet water may not occur for many years. Therefore, there is no present legal or physical means

by which the IBWC can obtain water or water rights for restoration purposes. This inability to obtain water precludes IBWC's ability to implement any alternative, since each alternative involves some additional consumptive use or loss of water. This inability also constrains the ability of the IBWC to even evaluate plans, through NEPA documents, that require the acquisition of water and water rights. The IBWC should not be engaged in detailed planning when the critical element in each alternative, water, is not presently available and may not be available for some time. At the time legal and physical means to acquire water rights exist is the time to engage in planning. To engage in detailed planning now is not an appropriate use of public funds and resources.

2. The IBWC must analyze the parameters of one or more Safe Harbor Agreements ("SHA") under the Endangered Species Act ("ESA"). Notwithstanding the lack of legal and physical means of allowing surface water rights transfers for IBWC's purposes in New Mexico, EBID will not allow nor approve any transfer of water rights administered by or through EBID which create the potential for habitat for threatened, endangered, candidate, sensitive or similar status species unless protected by a SHA. There is no designated critical habitat of any threatened or endangered species within the Canalization Project. The potential for habitat for such species certainly exists, and one of the goals of river "restoration" efforts by the IBWC is to create their habitat.

A SHA protects a property owner from adverse action otherwise imposed by the ESA when a threatened or endangered species is found on that property. Water rights are real property interests under New Mexico law. EBID will simply not allow the use of its surface

water supply for river “restoration” or wildlife habitat enhancement without the protection of a SHA. EBID must have the protection of a SHA before it will even engage in discussions regarding the use of EBID water for any projects.

Since the present absence of a SHA creates a serious impediment to the IBWC’s implementation of any alternatives to its flood control activities in New Mexico, any planning of those alternatives is premature and unwarranted. A standard precept of NEPA authority is that an agency cannot develop and discuss alternatives which are not legally, technically or otherwise feasible at the time planning is done. Alternatives must be “reasonable”. 40 CFR §1502.14. Without a water source, none of the anticipated alternatives in the PEIS (Public Meeting, Las Cruces, Jan. 12, 2005) or the actual alternatives in the Canalization Project EIS is presently feasible.

EBID is willing to discuss in detail with the IBWC its concerns and requirements regarding water use. The IBWC needs to completely understand the limitations on its alternatives and the inability to actually implement any alternative under present conditions. EBID’s goal is to include all EBID water rights under SHA protection, so that water rights can be transferred for river and habitat purposes without EBID and the water right owners facing harsh penalties or forced water use under the ESA. A SHA will allow EBID, surface water right owners, IBWC, other federal agencies, governmental entities and private organizations, including environmental groups, to work together to meet common goals, without sanctions on any particular sector. Once the legal means are developed to allow surface water transfers and a SHA is entered into, those impediments to IBWC’s alternatives



are removed, and may become implementable with the cooperation of water right owners and other stakeholders.

3. The IBWC must include an actual, current operation and maintenance practices alternative in the set of considered alternatives in the PEIS. The current O&M alternative set forth in the Canalization Project EIS included environmental measures (terminating river dredging and silt removal; maintaining no-mow zones; etc.) that are outside of IBWC's legal authority. Furthermore, those environmental measures were never previously subjected to NEPA review and, therefore, could not have been implemented in advance of those requirements. Just because a measure is claimed to protect or enhance the natural environment does not exempt that measure from NEPA review. Having never been so subjected, those measures should not have been implemented and certainly should not have been included as part of current O&M conducted by IBWC.

4. There is no purpose served by preparation of a programmatic document, where EIS documents have already been prepared for individual projects. There are already EIS documents prepared for the Rio Grande Canalization Project and the Lower Rio Grande Flood Control Project. Others may exist for the remaining IBWC flood control projects. The general purpose of PEIS is a guide for subsequent site-specific project EIS's. Since those have already been created, and some projects implemented, there is no purpose for creating a guide PEIS.

5. Even though a PEIS is primarily a framework document for future site-specific project EIS's, the PEIS should thoroughly evaluate the full economic impacts of actions

proposed in the alternatives. The PEIS on the Canalization Project failed to make any meaningful economic analysis of shifting water rights from productive uses to non-productive ones. There are a number of socioeconomic impacts that will occur with wholesale shifts of productive water rights into non-productive uses, and those impacts must also be analyzed in a PEIS.

6. IBWC has never stated its legal authority or requirement to engage in riverine and habitat restoration practices and it needs to do so in the PEIS. This legal authority, or lack thereof, is critical in defining the alternatives and scoping the issues for the PEIS. It has long been EBID's contention that IBWC must hold to its legal authority and mission of efficient water deliveries and flood control. "Restorative" activities in the river floodplain are contrary to the IBWC's mission, as they reduce water deliveries and enhance the probability of flooding.

7. The IBWC must take into account all federal and state water quality standards and insure that its proposed activities do not adversely affect them. Prior environmental studies by IBWC have not adequately dealt with these issues. IBWC cannot, for example, take actions in New Mexico that would cause New Mexico to fail to meet its own water quality standards or that would violate Texas standards when the water crosses the state line.

8. The IBWC must treat all States within its operational areas equally. Instead, IBWC has overtly sided with the State of Texas against the State of New Mexico in contracting with the former to implement the Texas Clean Rivers Program. The PEIS requires a thorough analysis of the IBWC's implementation of this Program, its identification

of the causes of water quality problems, and its effect on IBWC's treating both states equally.

9. The IBWC has never formally addressed the issue of the Department of State's exemption from NEPA requirements. Since the IBWC's activities are solely to implement the requirements of international treaties and maintain an international boundary, these activities are not subject to NEPA. The IBWC has no discretion to deviate from the mandates of the treaties and their implementing documents and, therefore, a NEPA analysis adds nothing to the decisionmaking process. In other words, planning alternatives do not assist the IBWC in making planning decisions where those alternatives require the IBWC to reduce water deliveries and/or increase flood potential. This lack of discretion in implementing alternatives outside of the IBWC's authority categorically excludes the IBWC from NEPA requirements.

10. IBWC needs to direct its focus on habitat "restoration" more to areas adjacent to, but outside, the levees defining IBWC's jurisdictional area. These areas adjacent to the levees have the greatest potential for "restoration" projects, as opposed to the floodway itself. Such projects in the floodway will hinder rather than enhance flood protection.

11. IBWC needs to carefully examine all environmental justice requirements in developing its alternatives. The area affected within the Canalization Project is substantially poorer than the national average and consists of predominantly minority populations. The constituency of EBID also consists of a minority majority. The IBWC should not take actions which adversely affect these populations and the economy of the area.

12. IBWC should carefully examine the propriety of a PEIS for flood control projects, because most, if not all, the IBWC projects have other purposes at least as important as flood control. For example, the Canalization Project's purposes are both efficient water deliveries under international treaties and flood control. Mixing non-common elements of projects under a flood control PEIS may not be proper or efficient.

13. Entering a Record of Decision (ROD) on the Canalization Project EIS is improper before the PEIS is completed. Since the PEIS would create a template for project EIS's, a ROD on one project EIS before the ROD on the PEIS would be improper.

Comments of  
Elephant Butte Irrigation District  
on  
Draft Environmental Impact Statement  
River Management Alternative for the  
Rio Grande Canalization Project

Submitted to:

International Boundary and Water Commission  
United States Section  
c/o Mr. Douglas Echlin  
Lead Environmental Protection Specialist  
Environmental Management Division  
4171 North Mesa Street, C-100  
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March 1, 2004

Submitted by:

Elephant Butte Irrigation District

A handwritten signature in black ink, appearing to read 'Gary Esslinger', is written over a horizontal line.

Gary Esslinger  
Treasurer-Manager  
P.O. Drawer 1509  
Las Cruces, New Mexico 88004-1509

The Elephant Butte Irrigation District opposes any of the actions proposed in the Draft Environmental Impact Statement (DEIS) except for a true no-action alternative. The U.S. Section of the International Boundary and Water Commission (IBWC) proposes to engage in activities far outside of its authority and mission in two of the alternatives examined in the DEIS. The IBWC improperly fails to identify its preferred alternative among the four alternatives reviewed in the DEIS. The IBWC should have reviewed a true no-action alternative, which excludes the actions taken under the Memorandum of Understanding it entered with the Southwest Environmental Center in 1999, and IBWC should select a true no-action alternative to guide its actions for the future. A true no-action alternative is the only approach to IBWC's management of the Rio Grande Canalization Project (RGCP) which is legal, within its authority and mission, consistent with local needs, and fiscally responsible.

### Introduction

The constituent members of the Elephant Butte Irrigation District (EBID) own all of the surface water rights within the New Mexico portion of the Rio Grande Project. EBID owns the New Mexico distribution system formerly operated by the U.S. Bureau of Reclamation. EBID is vitally interested in the present and future operations of the IBWC since the latter's mission is to insure the efficient conveyance of water through the Rio Grande channel. The efficient conveyance of water through the river to EBID's diversions is essential to EBID's operations, particularly now in a period of drought. No water in the Rio Grande Project can be unnecessarily lost or wasted. Correspondingly, any new uses of

water in Southern New Mexico can only occur through the transfer of water from an existing use, if allowable under law.

EBID is also interested in the IBWC's other function, to provide flood control by retaining flows within the river channel and outer levees. EBID supports the flood control function by sponsoring and maintaining a number of flood control structures on arroyos which are tributary to the Rio Grande. Flood protection benefits all development in the Hatch and Mesilla Valleys, not just agricultural lands. No action should be taken which would compromise the existing flood control system.

The IBWC evaluates four alternatives in the DEIS, but fails to include the required no-action alternative, which is the alternative that should be adopted. EBID refers to this unevaluated alternative as the True No-Action alternative. The version actually evaluated in the DEIS, referred to as the Actual No-Action alternative, illegally takes water rights and violates the IBWC's mission by limiting river channel dredging, failing to mow banks, and planting new vegetation in the IBWC-controlled area. The second evaluated alternative (the Flood Control one) proposes over \$55 million in purported, but unnecessary, flood control enhancement. The only reason this alternative would be appropriate is if substantial riparian growth is allowed, since that growth would impair the existing adequate flood control measures.

The third alternative, referred to as the Integrated alternative, is a mix of unnecessary flood control enhancements and allowing a substantial amount of riparian growth. The fourth and final alternative, called the Restoration alternative, actively encourages large

swaths of riparian growth and slow-moving, or still, river flows, added to the unnecessary flood control measures. All alternatives are illegal and/or inappropriate: only a true no-action alternative can be selected.

### Legal Deficiencies in the DEIS

1. The IBWC lacks the authority to adopt alternatives which overtly promote riparian and wildlife habitat.

The Integrated and Restoration alternatives would require the IBWC to undertake actions far beyond its legal authority and its designated mission. There is no attempt at an analysis of the legal authority of the IBWC in the DEIS. Thus, the assumption that the IBWC even has the authority to examine these proposed future courses of action is fatally flawed. That review should have been made at the scoping stage of this DEIS, or at the latest the time of the Reformulation of River Management Alternatives report (issued August 2003). Nevertheless, the Restoration and Integrated alternatives could never legally be undertaken by the IBWC and should be disregarded at this DEIS stage.

The IBWC begins by misstating its "mission" as including "the need to accomplish flood control, water delivery, and operation and maintenance activities in a manner that enhances or restores the riparian ecosystem" (ES-1). IBWC's true mission is more accurately stated elsewhere as carrying out and protecting the "rights and obligations established in the conventions, treaties, and agreements between the United States and Mexico" (1-4). Those functions which are relevant to the RGCP are "[d]istribution between



the two countries of waters of the Rio Grande”. “[r]egulation and conservation of waters of the Rio Grande” and “[p]rotection of lands along the river from floods” (1-4). Without referring to the authority quoted from, the DEIS elsewhere concludes the IBWC mission to be “. . . to provide environmentally sensitive, timely, and fiscally responsible boundary and water services along the United States and Mexico border region” (1-4). Outside the DEIS but in related documents, IBWC states:

The challenge is . . . improving the environmental conditions of a river that . . . now functions as a water conveyance and delivery system.

Letter to K. Bixby. The latter comments appear to most accurately reflect the IBWC’s direction and intentions. While the IBWC improperly fails to select one of the four alternatives as its “preferred” one, information available to EBID outside formal channels indicates that IBWC prefers to select the budget-busting Restoration alternative or the next-step-down Integrated alternative.

IBWC has failed to identify anything in the treaties, conventions, minutes and agreements that it is legally obligated to follow and carry out which gives IBWC the authority to engage in activities which require so-called “environmental” benefits. The simple fact this that IBWC’s authority and mission is to accomplish two duties in operating and maintaining the RGCP — efficiency in water conveyance/delivery and flood control. These two duties serve IBWC’s internal and international responsibilities in the RGCP because following them provides adequate and efficient water supplies to users (agricultural, municipal and others) in Mexico and the United States (New Mexico and Texas) and provide

flood protection to the Hatch, Rincón and Mesilla Valleys in New Mexico and the El Paso and Juárez areas in Texas and Mexico.

The other simple fact is that any “restoration” or “enhancement” of riparian vegetation and aquatic or terrestrial wildlife habitat detracts from the water efficiency and flood control functions. The DEIS recognizes this fact but fails to account for it. For example, IBWC repeatedly admits that it does not own or control any water rights in the RGCP (ES-5, 2-41: Reformulation, 3-25, 4-4). Therefore, any water used for new riparian vegetation, river meanders and pools, and wildlife habitat will necessarily cause a corresponding reduction in someone’s supply. Since use of groundwater for any of these purposes has been ruled out, only surface water remains. For this reason, the summary of effects in the DEIS shows these reductions of available water supply required by the four alternatives — 35.3 acre feet (af): 1.078 af; 2.203 af; 9.461 af. The IBWC is already removing at least 35.3 acre feet every year (and has since 1999) because of existing environmental measures taken as a result of the illegal Southwest Environmental Center Memorandum of Understanding (SWEC MOU).

Consumptively using water through vegetative growth, slowing the water flow, and other measures proposed in the DEIS act in a direction completely contrary to IBWC’S authority and mission. IBWC cannot meander the river and create aquatic wildlife pools and move water efficiently. It cannot create substantial new vegetative growth in the river area and prevent that vegetation uprooted in a flood from harming people and property. It cannot “pulse” water releases to encourage riparian growth and retain the water quality damaged by the release of built-in salts in the flooded banks. The answer to this seeming dilemma for

the IBWC is not in huge expenditures to retire productive farmlands and to build unnecessary additions to flood control structures.

Nothing in the 1906 Treaty, the 1944 Treaty, the 1936 Rio Grande Canalization Project Act, or any related documents authorizes the overt reduction of the water supply of Mexico or the United States, or of any State within the latter. Similarly, there is nothing in the creation or reauthorizations of the IBWC that give it any authority (or "mission") to take "pro-environmental" actions or to do anything that would work against its core duties. IBWC itself has pointed only to the National Environmental Policy Act (NEPA) as its authority to evaluate, and take, the types of actions proposed in the Reformulation report and in the DEIS. However, all that NEPA requires an agency to do is to evaluate the environmental consequences of a project before beginning it. Chemical Weapons Working Group, Inc. v. U.S. Dept. of Army, 935 F.Supp. 1206, affirmed 111 F.3d 1485 (D. Utah 1996).

NEPA does not add to IBWC's responsibilities, except to follow the procedures set forth in the law and the Council on Environmental Quality (CEQ) regulations. Sierra Club v. U.S. Fish and Wildlife Service, 46 F.3d 835 (8<sup>th</sup> Cir. 1995). Likewise, NEPA does not change the "mission" of IBWC nor does it require IBWC to make management decisions that exceed its legal authority. Fund for Animals, Inc. v. Rice, 85 F.3d 535 (11<sup>th</sup> Cir. 1996). The Department of State NEPA regulations, which IBWC is required to follow, mandate a procedure, not a type of decision. 22 CFR §§ 161.1 - 161.12. This is, of course, because NEPA itself does not require that an agency make an environmentally-friendly decision.

Wyoming Farm Bureau Federation v. Babbitt, 199 F.3d 1224 (10<sup>th</sup> Cir. 2000). NEPA only mandates a procedure. Committee to Save the Rio Hondo v. Lucero, 102 F.3d 445 (10<sup>th</sup> Cir. 1996).

Where a federal agency lacks the discretion to engage in a certain project, NEPA does not apply to that project. Sac & Fox Nation v. Norton, 240 F.3d 1250 (10<sup>th</sup> Cir. 2001). Here, IBWC cannot undertake a project which prevents it from fully carrying out its duties to efficiently convey water and provide flood control. NEPA certainly does not dictate that IBWC violate those duties, nor does it require that IBWC modify its duties.

The IBWC's confusion about the propriety of its authority or "mission" appears to be skewed by its recent experience on the reach of the Rio Grande in South Texas. There, the U.S. Fish and Wildlife Service (FWS) issued a Biological Opinion in 1993 directing certain actions of IBWC under the authority of the Endangered Species Act (ESA). These actions were required to protect threatened and endangered species present within the area of IBWC responsibility along the river in South Texas. An assumption by IBWC that the same legal authority and requirements compel it to take similar actions within the RGCP in New Mexico is simply erroneous. There are no aquatic, terrestrial or airborne species located within the RGCP that are threatened or endangered. Extensive surveys have failed to locate any threatened or endangered species in the area. There is no critical habitat for any endangered or threatened species with the RGCP. There is no FWS Biological Opinion driving any action of IBWC, or any other federal agency. Similarly, the threat by SWEC to sue IBWC under the ESA, contained in its 1998 letter, is groundless. That threat does not justify the

actions acceded to by IBWC in the MOU.

Given the situation within the RGCP, there is no affirmative legal obligation upon IBWC to introduce threatened or endangered species into the river area, nor to create new or enhance existing habitat that these species might use. Arizona Cattle Growers' Assoc. v. U.S. Fish and Wildlife, 273 F.3d 1229 (9<sup>th</sup> Cir. 2001). (habitat modification does not constitute harm under ESA unless it actually kills or injures the species). In fact, there is no affirmative obligation upon IBWC to preserve or protect existing areas that are used as habitat. San Carlos Apache Tribe v. United States, 272 F.Supp.2d 860 (D. Ariz. 2003) (potential injury to a species is insufficient to constitute harm under ESA). This even extends to riparian areas which are actually used by airborne species such as the Southwest Willow Flycatcher, but are not used for nesting and are not within its area of critical habitat. Thus, there is a complete absence of a legal mandate for the IBWC to take actions similar or related to those it had to implement on the lower river.

EBID is strongly opposed to any actions by IBWC, and any related agencies, which would introduce presently non-existent endangered, threatened, candidate or sensitive species, or species of concern or special status species, to the RGCP or adjacent areas. This type of action would endanger EBID's water supply, and its constituents' lifeblood, by subjecting it to federal control through the ESA. There has already been a federal court decision in New Mexico requiring a federal agency to exert control over non-federal water rights, control that the agency did not previously have, solely for the enhancement of aquatic habitat for the silvery minnow in the mainstem of the middle Rio Grande. Any effort by the

IBWC to create the environment to foster similar species in the RGCP area will be resisted by EBID, to the fullest extent possible.

There being no legal mandate, requirement or obligation to protect, create or enhance riparian areas or species habitat within the RGCP, the IBWC's focus is properly on its sole legal duties — water delivery efficiency and flood control. Any alternatives outside the scope of IBWC's limited legal duties and authority are illegal and should be rejected at the DEIS stage since some of these alternatives have already improperly been inserted into the Reformulation report and the DEIS.

2. The Restoration and Integrated alternatives  
cannot be implemented because the necessary  
water rights cannot be acquired.

Initially, IBWC ignored the reality of water rights within the RGCP and assumed water could be obtained at no cost and without restrictions. Comments at an early stage by EBID caused IBWC to reformulate the alternatives. Yet, the DEIS still contain incorrect assumptions about water availability to fulfill these plans. After realizing that water is not available just for the taking, IBWC assumed that removal of salt cedar would free up enough water for offsetting new vegetative uses. This too proved unrealistic (2-42). Next, IBWC looked to direct acquisition of water rights from farmers (presumably all within New Mexico). Because of the requirement of retiring farmland associated with this type of acquisition, IBWC now proposes to pay for on-farm conservation measures, again assuming that it could acquire the water rights from the savings. Alternatively, IBWC now looks to acquiring annual water supplies through water banking. Neither of these methods is

presently feasible, and may never be. Moreover, the cooperation of EBID will be required on any method by which IBWC would acquire or use water within the New Mexico portion of the Rio Grande Project. EBID does not believe that the 1920 Act applies to water uses within EBID, so the Bureau of Reclamation's role in water right transfers is irrelevant. EBID will not approve or cooperate on any IBWC project that is implemented over its objection.

First, the direct acquisition of water rights from within EBID is not an option at the present time. The socioeconomic effects of such transfers are discussed elsewhere in these comments. All that needs to be stated here is that the amounts IBWC proposes to transfer to nonproductive uses will dramatically impact the Southern New Mexico economy. Second, there is no method allowed under New Mexico water law to transfer water "saved" from on-farm conservation methods to another entity or for another purpose. Third, it is questionable whether New Mexico water law recognizes the types of water uses proposed under the Restoration and Integrated alternatives as beneficial uses. If not, no transfer of any water rights would be approved. Fourth, a water banking system is not presently in place. If and when it is, it may not allow or include the types of uses IBWC intends to put water to. Moreover, the IBWC uses are permanent or not readily adjustable on an annual basis since vegetative growth needs water every year or dies, or, as in the case of willows and cottonwoods, vegetation has taken root into the river-connected groundwater and will use water regardless of whether water "rights" are obtained. Fifth, a water banking system is being developed in order to allow transfers from agricultural uses to more important uses like

municipal uses, not nonproductive uses as proposed by IBWC.

IBWC is also assuming that other legal impediments can be easily overcome. It is not likely that Congress will easily amend the authorized purposes of the Rio Grande Project, particularly without the support of the Project beneficiaries, EBID and the El Paso County Water Improvement District No. 1. IBWC also assumes the necessity of a contract or other approval of the Bureau of Reclamation under the (1920 Act); even if such a contract is necessary, it does not exist. Finally, IBWC assumes that transfers will meet any approval required of the New Mexico State Engineer. These legal impediments are simply assumed away by IBWC, but it is not likely that all such impediments are overcome and approvals obtained, even over the 20-year horizon IBWC is working under. Moreover, these barriers will not likely be overcome over the opposition of the irrigation districts.

3. The DEIS does not comply with the requirements of NEPA and the CEQ regulations.

The DEIS, as mentioned, fails to include a true no-action alternative, in violation of 40 CFR §1502.14 (d). The actual no-action alternative in the DEIS includes measures required of IBWC in the SWEC MOU, including “no-mow” zones, planting of hundreds of trees, and limits on river dredging. A true no-action alternative could not include these measures because they are not part of IBWC’s duties and “mission” and they were not themselves evaluated under NEPA. IBWC made no effort to comply with NEPA to evaluate any environmental effects, positive or negative, resulting from implementation of the 1996 MOU. IBWC instead claimed a categorical exclusion on novel grounds, that they were



implemented on an "experimental" basis. If they were indeed experimental then these measures cannot become part of a no-action alternative because that assumes they are an integral part of IBWC's work. Without separate NEPA evaluation, the SWEC MOU measures cannot become part of IBWC's regular operations. There is no such "experimental" exclusion from NEPA.

Neither NEPA nor the CEQ regulations contain categorical exclusions; agency NEPA regulations must be reviewed. The Department of State NEPA regulations contain no categorical exclusion close to that claimed by IBWC. See, 22 CFR §161.7 (b). In fact, those regulations state:

- (c) Actions normally requiring environmental assessments. A Departmental action *shall* require the preparation of an environmental assessment if the action is not one known normally to require an environmental impact statement and is not categorically excluded. . . . such as those actions involving:
- (2) Wetlands, floodplains . . .

22 CFR §161.7 (c). On the other hand, the "[m]andatory actions required under any treaty or international agreement to which the United States Government is a party" are ordinarily exempt from NEPA requirements, simply because the Department (and IBWC) lack the discretion to implement measures, such as overtly pro-environmental ones, other than its mandatory ones. This is a critical point, because a true no-action alternative (in other words, continuation of the regular duties of IBWC) is itself not subject to NEPA review or documentation. It is the extension of measures outside the IBWC's duties which triggers NEPA review because they are discretionary, but the same measures are prohibited for the

same, simple reason that they are outside its duties. Thus, IBWC never should have even considered measures outside its authority; had it acted properly, IBWC would not be preparing an EIS. NEPA review thus becomes a self-fulfilling prophecy.

IBWC, however, misunderstands its functions. It is not required to evaluate pro-environmental measures which are outside its authority (i.e., outside its agency discretion) to consider. If it does so, it must evaluate them under NEPA, but it cannot implement them because they exceed its authority. The point is why evaluate these measures to begin with?

In addition to not evaluating a no-action alternative, IBWC fails to identify its preferred alternative, in violation of 40 CFR §1502.14 (e). The failure to do so deprives the public, and particularly real stakeholders like EBID, from determining what the IBWC's true direction and intentions are, and from commenting on them. This forces commenters to use a "shotgun" approach, which diffuses effective comment on the true direction of the agency.

4. The DEIS has omitted significant environmental effects.

The IBWC is required to identify and discuss all of the significant environmental effects that could result from the evaluated alternatives. 40 CFR §1502.16; Middle Rio Grande Conservancy District v. Norton, 294 F.3d 1220 (10<sup>th</sup> Cir. 2002). The DEIS omits a number of serious potential effects from measures called for in the Restoration and Integrated alternatives. These are detailed in the additional comments included herewith. Due to the very short amount of time allowed for comments, EBID was unable to coordinate the comments of its reviewing consultants.

Since an EIS must evaluate the significant environmental effects of a proposed agency action, the omission of one or more of those effects renders the EIS faulty and it must be redone or revised. Environmental Defense Fund, Inc. v. Andrus, 619 F.2d 1368 (10<sup>th</sup> Cir. 1980). Essentially, the DEIS has failed to evaluate any adverse environmental effects of the measures it proposes, assuming erroneously that all effects would be beneficial to the environment. This does not excuse IBWC's requirement to evaluate all environmental effects — beneficial and detrimental. 40 CFR §1508.27(b)(1); Catron County Bd. Of Comrs. v. U.S. Fish and Wildlife Service, 75 F.3d 1429 (10<sup>th</sup> Cir. 1996).

5. The DEIS fails to consider state, regional and  
local plans.

The IBWC is required to discuss “[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local . . . land use plans, policies and controls for the area concerned”. 40 CFR §1502.16. The DEIS fails to include any such discussion. New Mexico adopted a State Water Plan in 2003, but the DEIS does not mention it. Doña Ana County, and the City of Las Cruces, New Mexico, have adopted land use plans, but they are not mentioned either. For example, these plans emphasize the preservation of farmland in the County and around the expanding City.

Additionally, the El Paso – Las Cruces Regional Sustainable Water Project, an offshoot of the New Mexico – Texas Water Commission, has adopted plans and strategies for supplying municipal water uses in the region (overlapping much of the same area of IBWC jurisdiction). The DEIS briefly mentions these documents under the category of

“Cumulative Effects”, but completely misconstrues their meaning and their significance. While recognizing that “[c]umulative impacts would have been significant for all resource areas”, the DEIS irrationally concludes that the entire Project “is no longer viable” (4-86). This is a long-term project, looking to providing means for supplying regional water for municipal purposes. The DEIS fails to analyze how the Restoration and Integrated alternatives create competition for water sources between nonproductive uses and important human water uses. It is important to identify the conflict between this regional plan and a proposed federal plan for the same sources of water. The Sustainable Water Project recognizes that long-term sustainable uses must be developed from the renewable surface water supply, and not from the finite groundwater sources. The proposed alternative IBWC actions will directly compete for those same sources.

6. No Takings Implications Assessment was  
prepared by IBWC.

Executive Order 12630 requires a federal agency to prepare a Takings Implications Assessment (TIA) where a federal action could effect a taking or limitation on the use of private property. The actual no-action alternative is already taking private water rights without any compensation to the owners. The estimate of annual consumption of 35.3 acre feet is readily provided in the DEIS (ES-7) for the effects of the no-mow zones alone. No estimate is made of the water lost from the planting of hundreds of trees and the termination or limiting of dredging implemented as a result of the SWEC MOU. These measures have been implemented for 4-5 years, without any environmental evaluation or compensation for

the water these governmental actions are consuming. This is precisely the type of actions for which a TIA is mandated.

IBWC repeatedly admits it owns no water rights; yet, it fails to explain how it has implemented the SWEC MOU requirements without paying for the water used (and lost). With this attitude, EBID is understandably uncomfortable with the prospect of substantial increases in water use if the Restoration or Integrated alternatives are adopted. Applying the IBWC's own valuation figures, the 35.3 afy have an annual value of over \$100,000, and a 6-7 year value of two-thirds of a million dollars. Under the Restoration alternative, IBWC estimates that \$28.4 million in water rights will be affected or will have to be acquired. A TIA is essential to properly evaluate IBWC's proposals.

#### Policy Deficiencies in the DEIS

1. All alternatives but a true no-action one are far too expensive to be feasible.

Compared to the minor expense of the present IBWC operations within the RGCP, those alternatives other than the no-action alternative are far too expensive for any purported benefits provided. Moreover, none of these alternatives would ever receive Congressional authorization or funding because the benefits are marginal, especially compared to the costs. None of the action alternatives meet IBWC's professed goal to provide "fiscally responsible boundary and water services" (1-4).

Examined in the DEIS are essentially only two alternatives, the no-action alternative and a \$55 million flood control alternative. There are two additional variations of the latter

alternative, authorizing increasing amounts of vegetation in the floodplain. The only way expenditure of \$55-plus million could be justified is to protect against the damage to existing structures from the new vegetation swept downstream in floods. Vegetation, especially trees, in the floodplain endangers the diversion structures of the Rio Grande Project as those trees can be uprooted in a flood, carried downstream and rammed up against dams.

The incredible amounts proposed for all alternatives but the current operations within the RGCP cannot be justified under any reasonable analysis. Nor is there any effort to do so. Despite the responsibility of the IBWC to conduct a benefit-cost analysis to support its proposals, the IBWC has failed to do so. This type of analysis is necessary in order to assess the trade-off between a huge outlay of financial resources and the purported benefits of the project alternatives. The DEIS affords a reviewer, and in particular a stakeholder like EBID, no ability to compare benefits and costs. For this alone, the flood control-plus alternatives should be rejected because any need for them and their benefits cannot be determined. The only justification for these alternatives that can be discerned from the DEIS is an unsubstantiated desire (on someone's part) to have "native" vegetation grown in the Rio Grande floodplain. As stated previously, there is no legal mandate nor compelling public policy requiring such a "restoration". Instead, it would run contrary to decades of IBWC involvement in the RGCP and would be antagonistic to IBWC's legal mission and mandate. Furthermore, the actual loss of flood control capacity and the removal of water rights from productive uses raises the costs of these alternatives far beyond any potential benefits. The IBWC does not even attempt to place a value on any purported social benefits of "native"

vegetation restoration, probably because such an assessment would fall far short of the costs.

2. Water use in the various alternatives is  
inaccurate and understated.

The extended process resulting in this DEIS has convinced the IBWC of one clear truth — the IBWC neither owns nor controls any water rights within the RGCP. The corollary to this fact is the IBWC must acquire water rights, or the right to use water, through the irrigation districts and/or with their cooperation. Since virtually all projects proposed in the DEIS occur in New Mexico, the water source necessarily must be from within EBID.

There is a deliberate effort in the DEIS to understate water use in the various alternatives, and therefore also understate the effects of the removal of water from current productive uses into nonproductive applications. The best example of this is in the Executive Summary, where the water use of the three action alternatives is shown. The Flood Control alternative will use 1,078 acre feet per year (afy), the Integrated alternative 2,203 afy, and the Restoration alternative 9,461 afy (ES-7). In an effort to minimize the effects of the withdrawal of these amounts from current agricultural uses, they are shown respectively as 0.17 %, 0.36 %, and 1.55 % of “the combined diversions of Rio Grande Project water along the RGCP” (ES-7). These percentages, in fact, calculate to annual uses under these scenarios of 1,097 afy, 2,322 afy, and 9,998 afy, at the 645,000 average diversion (3-6). This mathematical error is unexplained. Since essentially all these uses must come from within EBID, the real percentages would be around .30%, .63%, and 2.72%, respectively, of the EBID diversions. The expression as a percentage is a deliberate understatement of the

effects of these alternatives.

An attempt to show the real effect is made later, as the amount of irrigated farmland retired and crop value reduced by the removal of these water rights from productive uses. Figures for the Flood Control alternative are not shown, but under the Integrated alternative 734 acres and \$900,000 annual value would be removed, and under the Restoration alternative 3,154 acres and \$4,000,000 annual value. These figures are questioned by EBID as to their accuracy, as they show only \$1,226 to \$1,268 per acre in lost crop value and many crops grown in EBID have a higher value (pecans, vegetable, etc.). These farmland retirements will cost the taxpayers \$6.6 million and \$28.4 million; respectively. No benefit-cost analysis can justify this expense and the commensurate reduction of agricultural production.

The most significant omission in IBWC's analysis is the failure to show the repercussions in the local economy of the loss of \$1 to \$4 million per year. Even though these would be permanent removals of water rights from the agricultural economy, only annual numbers are shown; there is no attempt to show anything more, even though these actions would minimally affect the Southern New Mexico economy by \$20 to \$80 million over the DEIS' planning horizon of twenty years. Any economist would tell the IBWC that the removal of this amount of dollars circulating in the local economy would be much higher than solely the amount of the lost production value itself. Virtually all the money earned from each acre would be spent in the local area by the farmer. The only attempt to evaluate employment effects is the estimate of the reduction of farmworker jobs of 7 – 9 and 35 – 40,



respectively. These effects are substantially understated when they examine only one small part of the employment affected by the loss of millions of dollars from the local economy.

Despite the conclusions of the DEIS that millions will be removed from the local economy, IBWC makes contradictory conclusions, like:

Loss of water due to the creation of wetlands and bosque enhancement areas would have a small effect on commercial farming and land use.

(4 – 87). The failure to assess the full effect on the economy is a serious flaw in the DEIS analysis.

3. The DEIS essentially ignores the IBWC's obligation to examine environmental justice effects.

The gross understatement of the economic effects of the removal of productive water rights and farmland from the economy distorts the impacts of these plans on environmental justice criteria the IBWC is required to examine. Presidential Executive Order 12898 (February 11, 1994) requires IBWC to include environmental justice as part of its "mission". IBWC must then adequately examine the effects of its programs and environmental actions upon "minority populations and low-income populations". A majority of EBID's constituent members are Hispanic or members of other minority groups; this fact is not reflected in the DEIS even though it will be these farmers who would be enticed to sell their water rights for the IBWC program. What is reflected to a small degree in the DEIS is that overall Doña Ana County not only has a majority minority population but is one of the economically poorest countries in the nation. Removal of millions of dollars of annual economic activity from the

area can only harm these populations, but the DEIS minimizes these effects. Furthermore, the policies and plans of local governments and regional planning efforts place priority upon transitioning water rights into municipal uses should they be moved out of their present agricultural use. The IBWC's plans to acquire water for permanent nonproductive uses would be in direct competition with the ability of municipal suppliers to acquire the same water rights to serve people. Moreover, to the extent that transitioning agricultural water rights into municipal uses increases the economic value of the water used, the IBWC plans would damage the ability of those local governments to develop good paying jobs for local people.

4. The DEIS fails to account for drought conditions.

The DEIS routinely uses water supply averages and numbers from a recent time period and not long-term figures. This ignores historic droughts, long-term sustainability, and the current drought. Any long-term planning by IBWC must account for drought conditions, because its anticipated uses for riparian restoration will create permanent uses. Once a willow or cottonwood takes root, its water supply is derived more from groundwater than surface water. Acquisition of a surface water supply in times of drought does not fulfill the water requirements of these established trees, as shown by the recent experience of EBID's allocation of only eight inches of a normal three foot annual allotment. If an acre of cottonwoods needs 3.48 afy, an EBID water right acquired by IBWC will not provide the annual water needs of these trees. The trees will use this amount of water annually, whether

surface water is present or not (4-2). The DEIS provides no means for handling the impact, under this scenario, of the use by this acre of cottonwoods of 2.75 afy above and beyond the annual surface water right. The DEIS, at a minimum, should propose the acquisition of adequate water rights under drought scenarios, which may require the acquisition of groundwater rights sufficient to supply the actual use of water in all years, including those in drought. EBID will require nothing less, if its approval would be sought on such a plan.

5. The IBWC is not treating its United States entities fairly.

The IBWC is required to treat all of the affected entities within the United States equally and fairly. EBID has commented extensively to the IBWC on various IBWC programs where IBWC takes a decidedly pro-Texas stance. EBID remains extremely concerned about Texas complaints about the quality of water delivered into that state. The alternatives proposed by IBWC in the DEIS will not improve water quality in the system, and will likely harm it. To this end, IBWC should not undertake any action which favors, or harms, one or the other state.

Along this line, the entire array of alternatives disfavor New Mexico and EBID. Virtually the entire project area for any of the reviewed alternatives is in New Mexico and not Texas. All the water needed for any of the alternative projects will have to be acquired in New Mexico and from New Mexico water right owners. All environmental measures will take place in New Mexico. The Rio Grande will be slowed within New Mexico, by the lack of dredging and the creation of meanders and the like, and water consumption will increase

in New Mexico due to these measures and the dramatic increase in riparian vegetation. These will only increase the calls by Texas to hold New Mexico responsible for delivery reductions (since Mexico's supply is reduced only under limited conditions) and water quality changes. The measures proposed by IBWC in the DEIS will only exacerbate the ongoing disputes between the two states and will result in the IBWC being continually drawn in on the side of the more politically powerful state, Texas. This should never be the result of a federally-sponsored and-financial project. Condition (c) in the United States Senate's ratification resolution for the 1944 treaty provides that nothing in that treaty authorizes IBWC to alter or control the distribution of waters to users within the two states. IBWC is failing to follow this mandate.

Furthermore, even though virtually all of the effects of the proposed projects would be felt in New Mexico, IBWC held its only public hearing on this DEIS in El Paso, Texas. EBID's request to hold an additional hearing in New Mexico was ignored. Also ignored was a joint request by almost every New Mexico stakeholder to allow more time for them to file comments on this DEIS; only a few more days was allowed. Even though this DEIS is the result of years of work by IBWC, it is permitting the stakeholders and the public only a few weeks to respond to it. This is plainly inadequate, especially in light of the fact that the only opportunity any party has to challenge the EIS in court is based on the record created.

6. The cessation of river dredging affects quantity of water delivered but no assessment is made.

Routine dredging of the river at points where flow is impeded is necessary to meet

IBWC's legal duties and mission. To fail to do so violates IBWC's responsibilities to insure efficient water flows to Mexico under treaties and to EBID and its sister irrigation district in Texas. Dredging was routinely conducted up to the MOU with the Southwest Environmental Center in 1999 but none has been conducted since. IBWC makes the simplistic explanation that "[d]redging of the main channel has not been required since 1996" (1-15). EBID contends that dredging is continually needed and that the failure to dredge in almost 8 years is a dereliction of the IBWC's duties. Dredging to maintain a channel to facilitate efficient river flows is even more essential in times of drought, which have affected this area recently. Smaller volume flows require a more defined channel so water does not slow, stop and pool.

There is no apparent assessment in the DEIS of any volume reduction caused by the slowing of water flows in the river due to the failure of IBWC to dredge. Perhaps the IBWC deems such an assessment unimportant, but EBID does not. Without such an evaluation, IBWC deprives EBID of the ability to determine the veracity of IBWC's contentions that the lack of dredging has no effect on water quantity and that there had been no "need" for dredging in almost 8 years. Added to the fact that the failure to conduct dredging is a substantial change from a true no-action alternative, this omission is a substantial flaw in the DEIS.

7. The no-mow zones create environmental  
hazards, not benefits.

IBWC fails to account for the actual result of its refusal to mow certain areas under

the SWEC MOU. Instead of fostering “native” vegetation, as desired, the no-mow zones are growing tumbleweeds and other non-native undesirables, which end up blowing into the river, ditches, drains and farmers’ fields. They are creating an environmental hazard, but IBWC ignores these effects of its short-sighted agreement with SWEC.

### Conclusion

Any alternative but a true no-action plan violates the IBWC’s legal requirements to facilitate efficient water flows and protect people and property against flooding. The actual no-action alternative reviewed is illegal and cannot be implemented because it includes measures already undertaken by IBWC and which violate IBWC’s legal duties. All but the no-action alternatives are very expensive and provide nowhere near the amount of benefits required for adoption of any of them. This DEIS contains numerous serious omissions and defects that invalidate its current use.

No proposed project can be implemented without an agreement for the use of water, or the transition of water rights, through EBID. No plan should even be proposed until this and other legal impediments are solved. No project should promote the introduction of any threatened, endangered or similar species, but at a bare minimum the use of EBID water will require one or more Safe Harbor Agreements to protect against the takeover of private water rights under the ESA. If EBID is left with no other recourse, it will refuse to allow any use of EBID water and effectively block implementation of any imprudent alternative selected by IBWC.

EBID urges the IBWC to reject all alternatives and to fulfill its duties by returning to

only those functions it routinely performed prior to 1999.

## **PART A.**

### **COMMENTS ON LEGAL AND FISCAL ASPECTS OF THE DEIS**

#### **CONCERN I:**

**The alternative project proposed by USIBWC that provides for extensive planting of woody vegetation in the pilot channel and flood way is not in keeping with the original intent of the Congress and should not be adopted (see Public Law 392 of August 29, 1935).**

#### **RATIONAL FOR CONCERN:**

The objective of the 1935 act funding the canalization project was to provide "equitable division of the waters of the Rio Grande and to properly regulate and control, to the fullest extent possible, the water supply for use in the two countries as provided by treaty". The 1935 Canalization Project Act did not provide for a heavily vegetated river, but for a straight flood channel between two levees that would carry flood waters without risk to US or Mexico and that would provide for the efficient water delivery to US and Mexican water users. The proposed planting of woody vegetation of the flood ways and the re-institution of river meanders as proposed by the USIBWC will not be in compliance with intent of the authorizing act. The original legislation called for operation and maintenance in "substantial accordance with the engineering plans" that had been developed for the project. The re-vegetation of the river channel as now proposed by the USIBWC was not a part of the original operation and maintenance provisions that were included in the engineering plans submitted to the Congress.

#### **CONCERN II:**

**The alternative project proposed by USIBWC that provides for extensive planting of woody vegetation in the channel and flood way, and the re-installation of river meanders is not in keeping with the intent of an international agreements between the US and Mexico. The alternate proposals of the USIBWC in the DEIS should not be adopted. (see the February 1, 1933 Convention between the US and Mexico on the rectification of the Rio Grande; this agreement was ratified by the US Senate on April 25, 1933; also see Minute Number 129 of February 1, 1933).**



## RATIONAL FOR CONCERN:

1. The US-Mexico Convention of 1933 contemplated a straightened river channel, both above and below El Paso that would run between levees and that would be kept clear of all brush and other obstructions that might retard flow. Section III. -- Proposed Plans in Minute 129 describes this concept in the Rectification Project as follows:

“The treatment to be given the river ..... consists of a general straightening following the present channel of the river where ever possible, and cutting across the bends where necessary to decrease length. Along each side of the new channel, ..... levees will be built of sufficient height and far enough apart to pass the floods. The channel thus created will always be kept clear of brush and other obstructions that might retard the flow”

2. The Canalization Project above El Paso was a key element in the 1933 US-Mexico agreement. The plan for the project was attached as an exhibit to Minute Number 129 (see item (2) on page 2 of Minute No. 129). In Minute 129 there is the acknowledgement and a number of references to the U.S. provision of an up-stream flood-water storage- reservoir (Caballo Reservoir) and the canalization of the Rio Grande from Percha Dam to El Paso. Both were both needed in order to remove the threat of flooding in the El Paso/Juarez area. The purpose of canalization of this reach of the river was to ensure that scouring velocities would occur in the river at El Paso in order to remove sediment there that caused the river bed to be higher than parts of El Paso and Juarez (see Minute Number 129).

3. The 1933 international Convention that lead to Minute Number 129, dealt for the most part with the rectification project on the Rio Grande from El Paso downstream to Ft. Quitman, Texas. However, the engineering concepts and goals of the canalization and rectification projects were similar, if not identical. Both envisioned a straightened river channel with no flood-flow obstructions between the levees (see Exhibit No. 3 to the Convention). From El Paso downstream to Ft. Quitman, the joint US-Mexico river rectification project followed a design very similar to that of the canalization project above El Paso.

### **CONCERN III:**

The time required for a comprehensive evaluation of all of the environmental aspects of the DEIS is beyond the reasonable expectation. The expenditure for a comprehensive review is beyond reasonable expectation for a non-Federal agency. The USIBWC has placed an unreasonable burden of the Elephant Butte Irrigation District and on other water users in New Mexico. As a comprehensive review is out of the question, no changes from the original canalization operation and maintenance plan should be adopted.

### **RATIONAL FOR CONCERN:**

A non-federal stakeholder should not be expected to spend tens of thousands of dollars in the review of a DEIS in order to protect themselves from the invasive acts of a federal agency.

1. A multi-disciplinary team is required for an adequate review of the DEIS. In preparation of the DEIS, the USIBWC used at least three contractors whose expertise included ecology, biology, anthropology, wildlife science, fisheries, fishery sciences, botany, journalism, water resources, environmental engineering, and civil engineering. These contractors included 11 MA and MS degree staff and 6 PhDs. There were at least 12 federal employees who reviewed the DEIS. See Table 5.2-1 and 5.2-2 in the DEIS.

2. The public and individuals in the private sector can not afford to take the time needed for a comprehensive review of a federal DEIS that took three to five years to prepare and that may have cost more than one million to write so that the USIBWC can select a plan that will cost \$10 to 15 million to design, and that will cost over \$100 million when all the proposed plans are fully implemented. This compares to the annual operation and channel maintenance work that should be done for less than one million dollars per year.

### **CONCERN IV:**

A petition was sent to the USIBWC on asking for a public hearing on the DEIS in New Mexico as virtually all of the proposed water consuming activities proposed by the USIBWC are in New Mexico. This petition was signed by 10 stakeholders in a letter sent to the USIBWC on January 4, 2004. The Elephant Butte Irrigation District has sent a second letter to the Commissioner request a public hearing in New Mexico.

#### **RATIONAL FOR CONCERN:**

In a telephone conversation, a responsible USIBWC staffer rejected a plea by EBID for a second public hearing on the DEIS in Las Cruces, New Mexico as being too expensive. This refusal to meet with those most affected by the proposed USIBWC plan is not in keeping with the intent of section 2(b) of Executive Order 11514 and CEQ regulations 1506.6. The failure on the part of the USIBWC to hold more than one public meeting on the DEIS is also unfair when members of the public must expend significant sums of their own money to counter unneeded and unacceptable federal works projects. Because of a lack of adequate public hearings, no changes from the original canalization operation and maintenance plan should be adopted.

#### **CONCERN V:**

All of the expenditure of federal money and non-federal private and public money could have been avoided by following CEQ regulation 1500.4 on Reducing Paper Work. For this reason no changes from the original canalization operation and maintenance plan should be adopted.

#### **RATIONAL FOR CONCERN:**

CEQ regulations state that agencies shall reduce excessive paper work by using a finding of no significant impact when an action will not have a significant impact on the human environment. Table ES-2 in the Executive Summary consistently gives the effects of continuing the authorized canalization operation and maintenance as "no change from baseline conditions". Table ES-2 does not list a single adverse environmental impact that will be caused by continuing the "no action alternative". There is absolutely no rational for the USIBWC to have prepared a DEIS when a finding of "no significant effect" could have been prepared for a fraction of the cost of writing, reviewing and defending the DEIS. This is an inexcusable waste of money tax money and private resources on the part of the USIBWC.

#### **CONCERN VI:**

The DEIS is misleading and for this reason only the original annual maintenance and operation work should be approved.

### RATIONAL FOR CONCERN:

The DEIS actually describes only choices: the "no action" project and one very costly alternative project. The two choices are:

1. the annual levee and flood-way maintenance and dredging of the pilot channel is the "no action" project; and
2. the other is a \$55 million major levee relocation and reconstruction project. There are two other versions of the levee project, each providing for additional channel vegetation and flow modifications. The only rational for the \$55 million levee work is to provide sufficient additional channel capacity to allow vegetation planting in the floodway.

### CONCERN VII:

Much of the rational for important elements in the alternative project offered in the DEIS are referenced to studies not included in the DEIS and not obtainable by public reviewers. Because the DEIS fails to disclose pertinent analysis on the need for flood control facilities, no changes from the original canalization maintenance plan should be adopted.

### RATIONAL FOR CONCERN:

1. The justification of the expenditure of over \$55 million dollars of tax money for "**Flood Control Improvements**" is not found in Appendix B, a US Army Corp of Engineers (USACE) study, but in a Parsons report that is not provided in the DEIS (see page 2-9 of the DEIS). The USACE 1996 study does indicate the need for some flood control improvements, particularly in the Canutillo area, but it does not speak to the significant expenditures for levee modifications proposed by the USIBWC in the DEIS. The USIBWC should develop a new, stand alone project, if significant new levee work is justified by flood control concerns in the El Paso/Juarez area. Piggy-backing a \$55 million flood control project on a million dollar O&M project is totally unjustified.

2. It appear that the only rational for spending \$55 million to increase the height of 60 to 65 miles of levees in New Mexico is to provide additional flood capacity so as to allow the extensive planting of vegetation in the river floodway. This places a huge price on the value of a single new cotton wood tree grown in the floodway, an expenditure that is not justified.

## **PART B.**

### **COMMENTS ON THE ENVIRONMENTAL ASPECTS OF THE DEIS**

#### **CONCERN I:**

The USIBWC proposed "environmental" modifications of the Canalization Project are not in keeping with the intent of Minute Number 129, nor the 1933 act that made the project possible. For these reasons, no changes from the original canalization operation and maintenance plan should be adopted.

#### **RATIONAL FOR CONCERN:**

In describing the Rectification Project in Minute 129 a river channel with "environmental amenities" is not pictured. The plan for the Rectification Project calls for a river, "in conjunction with the proposed Caballo Dam and Reservoir", ... "that will take on more the nature of a large central drain or canal than a river"(see Section III. - Proposed Plan (c).) Because the Canalization Project and the Rectification were both conceived to accomplish the goals of flood control and water delivery, and because of the reference of the Canalization Project in Minute 129, it is not unreasonable to believe that both the United States and Mexico pictured the river, after straightening and levee construction, as having "more the nature of a large central drain or canal than a river".

#### **CONCERN II:**

The DEIS fails to demonstrate how the USIBWC proposed "environmental" alternates will restore the original riparian ecosystem that prevailed prior to the canalization project. The DEIS fails to establish what the totality of the "native vegetation" was before initiation of the original canalization operation and maintenance activities. The DEIS raises a valid question: Are the proposed plantings the real essence of the riparian vegetation along the Rio Grande channel prior to 1935? As there is evidence that the USIBWC proposed alternative is not designed to restore the pre-1935 "native vegetation", changes to the original canalization project should be rejected.

## RATIONAL FOR CONCERN:

The text in Section 2 of the DEIS notes that Table 2.6-3 includes "all point projects" in the environmental alternatives. The goal of the planting is described as the "seeding and planting of "native vegetation" (see pages 2-6 to 2-15). The phrase "restoration" is used in the text to describe USIBWC intentions. The "Bosque enhancement" elements of the USIBWC plan call for removal of established salt cedar, and for seeding or planting of "native vegetation", but the DEIS is unspecific as to what the totality of "native vegetation" was in 1935 or now is See page 2-14 and 2-15. The focus of the proposed planting is almost totally on "willows " and "cottonwoods". Were cottonwoods and willows the totality of the native vegetation in 1935? Historical records indicate that this may not be the case.

In 1904 E.O. Wooton, a biologist at New Mexico College of Agricultural and Mechanic Art carried out a 55-day botanical survey of central part of the State. Wooton traveled in a wagon and on the second day of his trip after leaving Las Cruces and going northward up the Rio Grande, he described the river valley vegetation as being "full of cochanilla, tornillo, some large mesquite, ..... and cotton wood bosques". At other sites along the Rio Grande, Wooton reported the bottom lands to be grassed "with alkali sacaton, salt grass, and vine mesquite". In the flood plains he invariably found tornillo, willows, mesquite, and cottonwoods (see "The Trail of E.O. Wooton" by Dr. Kelly W. Allred, published in New Mexico Resources, issue IX, Spring 1993.)

Clearly, there were stands, "bosques" and thickets of cottonwoods and willows along the Rio Grande channel in 1904, but there was a great deal of other "native vegetation" growing there, too. Does the USIBWC plan to be faithful the total realm of riparian vegetation that existed in 1935? How would "canalization project" function in its role of preventing floods and efficiently transporting water to the users in the US and Mexico? It very doubtful that the many stands of cottonwood and that the stream-bed willow persisted as late as 1935 to the same extent as that found by E.O. Wooton in 1904 (see page 5 of Allred's paper). The DEIS notes that the Rio Grande ecosystem was "highly altered from events pre-dating" the canalization project (see page ES-1). This raises a significant question about the USIBWC's proposed "environmental" plans. What ecosystem is to be restored: Is it the 1870 ecosystem? Is it the 1904 "native vegetation" found by Wooton? Is it the 1935 conditions? None of these are described in the DEIS.

### **CONCERN III:**

In the 1990's the USIBWC altered the original operation, dredging and maintenance procedures for the Canalization Project (see page 1-14). These changes have been as environmental disaster, to the waste of water resources belong to water users in the Elephant Butte Irrigation District, to localized flooding of private lands, and to an increase in the potential for urban flooding. The USIBWC has been resistant in their acknowledgement of their responsibility for the adverse conditions created in their quest to enhance ecosystem functions (see correspondence from EBID to the USIBWC in Appendix H to the DEIS). Because of the problems created by these USIBWC changes in dredging and maintenance procedures, no changes from the original canalization operation and maintenance program can be supported.

### **RATIONAL FOR CONCERN:**

1. In the late 1990's the USIBWC created 13 artificial ponds or embayments in the bed of the Rio Grande by installing rock weirs. The DEIS reports that the creation of these ponds was a mitigation requirement of the USACE as a part of a 404 dredging permit. Telephone requests to both the El Paso office and the Albuquerque 404 enforcement branch of the USACE failed to produce any Corp permits to the USIBWC. The El Paso office records were hand sorted but no permit was found that related to a Corp mitigation requirement. The Albuquerque office representative said that information on a 404 permit with the USIBWC could not be released without a "Freedom Of Information" request. On November 27, 2003, Mr. Neil Shaffer a stream ecologist with the New Mexico Environment Department told EBID staff that he had checked the Rio Grande near Derry, New Mexico and that he had found one of the worst cases of stream eutrophication that he had ever observed. The following day Dr. Phil King and Dr. John W. Hernandez of the EBID took a field trip of the river from Garfield upstream to above Percha Dam. A serious eutrophication problem did exist in the very shallow USIBWC embayments: floating algae were present, massive amounts of stringy attached algae filled the water, the river bottom was carpeted with what appear to be Asian clam shells, and bones from dead fish littered dry sections of the river. No live fish were seen. Given the large concentrations of attached algae in the ponds wide diurnal swings in pH and in dissolved oxygen in these USIBWC ponds would be expected making fish-life untenable.

2. Dredging of the channel has not been performed by the USIBWC since 1996. This has lead to the build up of sediment in the river channel, to an increase in the level of the channel, and to the formation of islands. Reports of local flooding in the Radium Springs area have been received because the increased channel elevation. The drought of the past years has exasperated the problem as river scouring has not occurred. The combination of these conditions has increased the potential for urban flooding in New Mexico, Texas and Mexico. It should also be noted that the flood potential may have also been impacted by "no-mow" zones created by the USIBWC in the flood way.

3. Since 1999 the USIBWC has allow and/or planted a very large number of cottonwood poles in the flood way. The USIBWC reports planting 800 poles, but environmental groups has also been active in planting vegetation (see page 2-5). Many cottonwood poles have died or are stunted, but there is no doubt that the USIBWC vegetation program has consumed water charged to the water users in the EBID. The USIBWC has no water rights; two letters have been sent to the USIBWC protesting this illegal use of District resources (see Appendix H). The USIBWC refuses to acknowledge any resource loss on the part of the EBID. This is an unacceptable situation.

#### **CONCERN IV:**

**"Salinity Management" is an element in a number of the USIBWC proposed "environmental" options (see pages 2-14, 2-15, 2-16, and 2-20. As with many of the proposed actions that will lead to greater consumptive use of water in the channel and on the flood way, salinity management could cause the total dissolved solids in the irrigation water delivered to Texas and Mexico to increase resulting in significant economic losses. The adverse effects of the USIBWC's alternative project on water quality are sufficient, in and of themselves, to reject all elements of the alternate projects. The DEIS fails to address the salinity issue and the impact that increases will have on down-stream water users. The only water quality analysis in the DEIS is with respects to suspended solids: the DEIS predicts that water quality will improve if the USIBWC alternate project is selected (see Table ES-2 and Table 2.12-1) Water quality will not improve as a result of the proposed new activities. For this reason the proposed alternate should not be accepted.**



### **RATIONAL FOR CONCERN:**

There is good reason for the inclusion of salinity management as a part of the USIBWC alternate proposals. Evaporation of sub-surface water from the river-channel sands and from flood-way soils has left significant residual salts in the surface sands and soils. Evapo-transpiration from flood-way grasses and bosque salt cedars can also leave salt deposits in surface soils. The level of concentration of these salts may become so high as to preclude the growth of all vegetation except for the most salt-tolerant plants. The failure of cottonwood poles to grow in the floodplain (see Concern III.) may have resulted from high soil salinities.

The methods to be used for "salinity management" are not well articulated in the DEIS although words about "chemical treatment" are included. The salt build up in the channel and flood plain soils can not be transmuted; there are only two treatments that may work: remove all of high salt soil from the flood plains (and this is a very expensive process; and removal of the salt from the soil. If soil leaching is used, the salts will move downstream and will be carried on to farm field where severe economic impacts will result.

Other land-use practices proposed in the DEIS that can have an adverse impact on water quality are the proposed opening of "meanders", "back shaving" of the channel banks, and surge flooding of the flood way. All three of these proposals will result in increases in the salinity of the water delivered to Texas and Mexico; all three can significantly impact quality and water users. None of these processes should be employed in any future operation and maintenance program for the canalized reach of the Rio Grande.

### **CONCERN V:**

The DEIS fails to prove that the original annual canalization project operation and maintenance activities have not enhanced aspects of the ecology of the Rio Grande. The USIBWC admits as much. (see page ES-1, page 1-1, and Table ES-2). As the original maintenance procedures have been effective in improving wildlife habitat since the 1930's, the alternative project proposed by the USIBWC is not needed and should be rejected.

### RATIONAL FOR CONCERN:

The canalized section of the Rio Grande with its grass lands, bosque, and wetlands, in conjunction with the EBID drains and farm lands along side the flood way, now provide a diverse vegetation and wildlife habitat. Many different birds, particularly water fowl, are routinely found feeding on irrigated fields and in the cover provided in the near-by drain system. Deer have been seen in the flood way near the Leasburg Diversion dam and beavers are found in the drains on occasion. The native grasses that cover the flood way offer cover and food for a variety of small animals. Small fish are routinely found in the drain system and at times in the river channel. Massive groves of trees can be found on the irrigated lands along side the river channel. The Canalization Project in conjunction with the Rio Grande Project has produced an enhanced diverse ecosystem.

### CONCERN VI:

The creditability DEIS is in doubt. The authors of the DEIS have consistently mislead the reader by presenting the most optimistic data available; by using literature citations for studies done else where giving the reader the sense that the study is wholly applicable to Southern New Mexico; by using unrelated statistical analysis to imply that the land and water resources to be committed are minimal at best; and by including detailed analysis of "environmental benefits" that are at best very unlikely to be attained. The use of biased data and analysis is good reason to doubt the rational for accepting any of the USIBWC's proposed modifications to the canalization project.

### RATIONAL FOR CONCERN:

1. Using the most optimistic data:
  - (a) The long-term average annual precipitation given in the DEIS for Las Cruces 10 inches per year.(page 3-1). No reference is cited, but it appears to come from the rounding-off of the data in Table 3.1-1 which is for the period 1959-2002. This data does not include the drought of the early 1950's. A more applicable measure of area rainfall would be the use of median values.

(b) Table 4.1-2 provides an optimistic estimate of the water savings by converting from (mature) salt cedar to (newly planted) cottonwood stands. A savings of 1.48 acre-feet per acre is estimated. Any water rights gained by reduction in evapo-transpiration will have to be approved by the New Mexico State Engineer (NMSEO) as a part of the current adjudication process. The NMSEO has made a number of estimates over the years of water salvage from salt cedar eradication. The estimate of 1.48 acre-feet per acre is very high. The NMNSEO should have been consulted before using the estimate in Table 4.1-2. Also see the optimistic overall estimate of addition consumptive use for the USIBWC proposed project given in Table 4.1-4

2. Using citations for work done in other regions as being fully applicable to the saline channel flood way of the Canalization area in Southern New Mexico.

- (a) On the effects of grazing on riparian areas: Pratts 1989; this study may only be applicable to Montana.
- (b) On wetlands creation: Crawford, 1996; this is a Middle Rio Grande study and is of questionable applicability.
- (c) On Rio Grande vegetation: Crawford, 1996; this is a Middle Rio Grande study and is likely limited in its scope.
- (d) On raising water tables: Wozniak, 1995; a study of historical changes in the Middle Grande. This study is not likely to closely relate to ground water levels now found in the Canalization area.
- (e) On the establishment of cottonwoods: Stromberg, 1991; this is a California study and is unlikely to be applicable to the DEIS area.
- (f) On the establishment of cottonwoods: Dresden 1999; this is a Middle Rio Grande study and may not be applicable.

3. The use of statistics to imply that adverse impacts on land and water resources are quite minimal as a result of the proposed USIBWC projects:

- (a) Table ES-2, Table 4.1-3, Table 4.1-4 and Table 4.1-5 try to convey the idea that the increased water use by new vegetation is really insignificant when the entire supply in the Rio Grande Project is considered. This is a false conclusion as the impact of the new consumptive uses proposed by the USIBWC are on the water users in New Mexico and on those with wells along the river above Las Cruces.
- (b) Table ES-2 and Table 4.11-5 convey the sense that air emissions during levee construction will be quite small when compared to the total emission in three counties.
- (c) Sections 4.8.5 and 4.8.6 conveys the idea that the farm land resources required for the USIBWC alternative discussed are small (3.9% and 16.6 %) of the farm lands within one quarter of a mile of the river. Taking these lands out of production will have a significant impact on farm income and on the efficient operation of the EBID water delivery system in the area. However, the DEIS concludes that there will be "no impact" on low-income and minority families, and on farm population and rural housing when irrigated lands are retired to off-set the additional water use caused by the proposed massive re-vegetation programs. The negative effects of the reduction in the grazing that is now allowed on the floodway will most like be felt by low income minority families. The DEIS fails to recognize this impact.

4. The use in the DEIS of extensive analysis of "environmental benefits" for endangered species and aquatic life that have little chance of long-term attainment:

- (a) The DEIS gives four page in Section 3 and five pages in Section 4 to the environmental impacts on the proposed alternate projects on threatened and endangered species. The DEIS could have been simplified if the conclusion of the section was stated up front: the habitat for endangered and threatened species is not found within the jurisdictional lands of the USIBWC with the exception of the willow fly-catcher where habitat is found in areas adjacent to the USIBWC right-of-way.

- (b) The DEIS gives five pages to aquatic environment in Section 3 and three pages in Section 4. Table 3.7.5 lists fish species that have been found in the artificial ponds and embayment constructed by the USIBWC . Given the effects of the drought on stream flow and the eutrophic conditions that have developed it is unlikely that a sustainable population of fish can be developed in the river from Percha Dam down stream to El Paso unless much greater allocations of water are made to this limited objective. The DEIS fails to comment on the effects of these ponds on water salinity and the growth of mosquitoes and the effects of vectors on disease transmission.

#### **PART C.**

#### **COMMENTS ON THE WATER RESOURCES ASPECTS OF THE DEIS**

## PART C.

### COMMENTS ON THE WATER RESOURCES ASPECTS OF THE DEIS

#### **Water Rights Acquisition**

The EIS is correct in the opening sentence of section 2.9.2: "...the USIBWC does not own water rights." The document then goes on to assume that USIBWC can acquire water rights through cooperation with EBID and EPCWID#1. EBID has no plans to cooperate with USIBWC on the acquisition of water rights by federal agencies. EBID favors a grass-roots approach to restoration policy development rather than a federal effort that appears to steamroll the concerns and rights of local Project Water users.

The EIS document cites the World Wildlife Fund (WWF) report by King and Maitland (2003), which examines potential mechanisms for putting water to environmental use in the Rio Grande Project. However, the EIS document misses one of the central points of that report:

*"The first and most critical project that must be executed before, or at least in parallel with, physical restoration projects is the development and negotiation of the rules and institutional framework under which water can be acquired, transferred, managed, and accounted for restoration projects. The details of this framework will have profound effects on what is feasible and how projects are executed."*

The EIS has skipped over the development of any institutional framework to allow for the transfer, accounting, and management of the water of the Rio Grande Project for environmental restoration. The USIBWC EIS is exactly the sort of counterproductive restoration planning that King and Maitland envisioned when they stated the need for an institutional framework before restoration activities that affect Project Water supply are implemented. The restoration alternatives presented in the EIS are infeasible under existing policies, and the EIS only makes general references to conservation and water banking that have no way of being implemented without significant institutional development, which is not addressed in the EIS.

It is unfortunate that the USIBWC's EIS process has skipped over the critical institution-building step, as it creates a divisive rift between environmental groups and agricultural water users who would be the principals in the development and implementation of water policies aimed at supporting river restoration. A more constructive approach would have been to convene a meeting of stakeholders and develop a consensus on how water could

be managed for restoration without infringing upon the rights of existing water users. While water conservation is an important goal for Project Water users, it does not create water for other uses - it makes more water available for beneficial use by existing Project Water users.

The EIS leaves this issue unanswered, and if one of the restoration alternatives is selected, the increased consumptive use will, by default in the absence of the necessary institutional framework, come out of Project Water, reducing the water available for beneficial use by EBID, EPCWID#1, and Mexico.

Under current allocation and accounting, losses of Project Water supply due to adoption of a restoration alternative would be shared by the two U.S. districts and Mexico on a proportional basis. However, discussion among the districts and USBR contemplate a changed operating agreement that would establish a state line index to ensure that EPCWID#1 and Mexico are getting their equitable share of Project Water. If this is done, EBID would bear the burden of the water loss. While the details of future operating agreements are subject to a confidentiality order, this is a serious concern to EBID in particular.

Even the No Action alternative includes measures such as no mow zones and no dredging of the main channel that have been implemented with no appropriate NEPA process. In 2003, the first water-short year since 1978, the river efficiency (Project Delivery/Project Release) was 93 percent for the year. While this is within the bounds of historical efficiency for the level of release that occurred in 2003, it is below what would be expected, and the USBWC's failure



to dredge the main channel was undoubtedly one contributing factor. The No Action alternative should be a true No Action alternative - it should include full traditional mowing and channel dredging practices.

Indicative of the lack of attention to institutional constraints on the proposed restoration options, section 4.15.1 states that Upper Rio Grande modeling will improve the river's delivery efficiency, insuring more water would be available for measure implementation. This is entirely false. If delivery efficiency of the Upper Rio Grande Basin is improved in the Middle Rio Grande (MRG), more water will be delivered to Elephant Butte Dam, which will count toward New Mexico's delivery obligation under the Rio Grande Compact and be stored as usable Project Water or Credit water for New Mexico under the Compact. If efficiency is improved in the Rio Grande Project, the available supply to Project Water users is increased. In no case does the USIBWC obtain a water right for such efficiency increases, and there is no way that an agency with no water rights can offset increased depletions of Project Water.

Since USIBWC does not have the capacity to acquire water rights to offset consumptive losses of the restoration alternatives, the No Action alternative should be selected. The No Action alternative should eliminate no mow zones and restore channel dredging.

### **Consumptive Loss Estimates**

The consumptive loss estimates presented in the EIS are incorrect and misleading. In table

4.1-1, evapotranspiration (ET) estimates for several vegetation types are given, which are derived from the USBR's AWARDS system and ET Toolbox. A value of 3.48 acre-feet/acre is given for cottonwood. This is presumably based on the crop coefficients contained in the ET Toolbox, which were derived from research at Bosque del Apache. The cottonwood stand in that research had large tree spacing, and very little understory, resulting in a low leaf area index, a key factor in ET. If cottonwood is allowed to grow very densely, it is likely that it will use about the same amount of water as saltcedar. Dense growth occurs when flooding induces seed germination of cottonwood, as will happen with the proposed flood releases. Therefore, the replacement of saltcedar with cottonwood will not save the water that the EIS assumes it will.

Furthermore, the document does not consider maintenance of the native vegetation, a process that will be far more costly and time consuming than current mowing practices. Based on USBWC's difficulty in keeping up with channel dredging duties, this will be an unmanageable demand on their resources. If this maintenance is not diligently performed, saltcedar will overtake the native vegetation, and the project will result in a high water consuming monotypic stand of saltcedar, the worst of all options.

Also in the consumptive use estimates is a value of 4.01 acre-feet per acre for pasture grass (table 4.1-1). This value is inappropriate for the conditions of grass between the levees, which is not irrigated and is generally stressed by salt and lack of moisture. It is very unlikely that

the mowed vegetation that is grazed uses more than about 2 acre-feet per acre, making the increase in consumptive use by changing vegetation even higher than the estimates. The inputs for determining the consumptive use estimates presented in table 4.1-1 are not presented, but the results indicate a lack of understanding or attention to detail in the selection of inputs.

The estimates of consumptive use are poorly documented and very counter intuitive. They underestimate the adverse effects of the restoration alternatives on water quantity. The No Action alternative should be selected, with mowing and main channel dredging restored.

#### **New Mexico-Texas Water Commission**

The EIS states that the El Paso-Las Cruces Regional Sustainable Water Project is no longer viable, and that while cumulative impacts would have been significant for all resource areas, the project's defunct status makes that irrelevant. Aquifer storage and recovery, surface water treatment plants, and several other aspects of the project are alive and well, and proceeding. As the EIS states, the restoration alternatives will significantly affect these projects, and the EIS absolutely must address these impacts. In the absence of such an analysis, only the No Action alternative, modified as stated previously, can be adopted.

#### **Vector Control**

While one of the goals of river restoration is to develop adequate habitat for wildlife, an unfortunate consequence is the creation of habitat for mosquitoes and other disease vectors.

The Rio Grande runs through populated areas, and the restoration alternatives will certainly dramatically increase the mosquito population. With the Rio Grande Project's proximity to Mexico, where migration from central and southern Mexico to Juarez and the United States can bring malaria, dengue fever, and other mosquito-borne diseases into the system. The recent outbreak of West Nile virus presents a new threat to people in the area. No consideration of health effects or the economic cost of vector control is included in the EIS, a critical omission. Las Cruces got its name from the crosses marking the graves of people who died either from the desert or fevers associated with the river. Restoring the river should not be taken to the point of endangering human health.

#### **No Mow Zones**

The USIBWC unilaterally created no mow zones along the river under an MOU with the Southwest Environment Center (SWEC). As stated earlier, these zones use more water than mowed vegetation and reduce the flood carrying capacity of the river. Another serious problem for people who live in the area is the weeds that grow in the no mow zones. Farmers have a difficult time with weed control in their fields, and the presence of heavy weed cover and seed production in the no mow zones exacerbates the problem. Tumbleweeds are very prevalent in the no mow zones, and they present both a weed and a safety problem, as they blow around and interfere with traffic. They also present a fire hazard, particularly when dry tumbleweeds build up near or against buildings. The objective of the no mow zones was presumably to develop native vegetation, but tumbleweeds, or Russian thistle, are what came

in. EBID fears that a similar process will occur with saltcedar that will overtake native riparian vegetation, and the IBWC is not in a fiscal position to prevent it.

# ***Southwest Environmental Center***

A VOICE FOR THE ENVIRONMENT IN SOUTHERN NEW MEXICO

HO-U.S. IBWC MAIL ROOM  
2005 FEB - 8 A 11: 39

Daniel Borunda, Environmental Protection Specialist  
Compliance Section, USIBWC  
4171 North Mesa, C-100  
El Paso, TX 79902

Dear Mr. Borunda:

The Southwest Environmental Center is a nonprofit conservation organization that works to reverse the accelerating worldwide extinction of plants and animals by protecting native wildlife and their habitats in the Southwest. Our approximately 1000 members have a strong interest in restoring the Rio Grande to ecological health in southern New Mexico and Texas.

We appreciate the opportunity to provide these scoping comments for the programmatic environmental impact statement (PEIS) for USIBWC's flood control projects on the Rio Grande and Tijuana River. Our comments refer primarily to the Rio Grande Canalization Project (RGCP) and Rio Grande Rectification Project (RGRP).

**1. USIBWC should clarify the relationship between the PEIS and commitments made in its agreement with the Southwest Environmental Center**

As you probably know, the USIBWC signed a memorandum of understanding (MOU) with the Southwest Environmental Center dated March 22, 1999 (copy attached). This agreement was negotiated in lieu of SWEC pursuing litigation against USIBWC for violations of the Endangered Species Act and National Environmental Policy Act (NEPA). It was understood by both parties that the litigation would be renewed if the USIBWC failed to comply with its commitments.

In the MOU, USIBWC committed to undertake several actions, including completion of an environmental impact statement (EIS) for both the RGCP and RGRP. It is not clear if the proposed PEIS is intended to fulfill these requirements, but we assume that it is with respect to Rectification, and with respect to Canalization if the 2004 RGCP FEIS is incorporated into the PEIS. If this is the case, then the scope of analysis for the PEIS must conform with the commitment made by USIBWC in the MOU. If it is not the case, then an explanation should be provided as to when an EIS will be prepared for the Rectification Project in fulfillment of USIBWC's obligation in the MOU.

The notice of intent (NOI) published for the PEIS in the Federal Register (12/10/04) states:

The USIBWC, as the lead agency, proposes to collect information necessary for the preparation of a PEIS and to analyze alternatives for the management of the flood control projects to ensure compliance with the projects' mandates (flood protection, water deliveries and/or boundary stabilization) while creating opportunities for habitat restoration and recreation. Management activities to be evaluated may include: (1) Construction activities, such as raising and setting back levees, recreating meanders, and modifying the river channel; (2) maintenance activities such as vegetation control, channel dredging, and erosion control; and (3) other non-structural activities, such as land management and grazing.

It is not clear if the scope of analysis proposed in the NOI is the same as that agreed to in the MOU, but its brevity raises concerns that it is not.

In the MOU, USIBWC committed to making a comprehensive and in-depth reevaluation of existing management practices for both the RGCP and RGRP in order to find ways to improve the condition of the Rio Grande ecosystem and come into full compliance with federal environmental laws. This commitment was based on an acknowledgement that it was no longer acceptable to manage the Rio Grande projects solely for flood control and water delivery, but that the agency had an affirmative duty to protect the natural resources under its jurisdiction. Section I.B. of the MOU reads as follows:

USIBWC shall issue a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) relating to the Canalization Project by August 15, 1999. USIBWC will hold at least two Scoping Meetings for the EIS, one of which will take place in Las Cruces, New Mexico. USIBWC will release a Draft EIS by February 15, 2001 and will issue a Record of Decision (ROD) by August 15, 2001. *The scope of the EIS will include analysis of available flood protection measures and alternatives to current management, including watershed-oriented and non-structural alternatives, and including collaborative measures with other agencies and landowners, to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders and overbank flooding. The DEIS shall analyze, pursuant to NEPA, the indirect and cumulative effects of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions," such actions' impacts are to include, but not be limited to, impacts of USIBWC actions in the project on the Rio Grande ecosystem above and below the project. The DEIS shall make explicit the USIBWC's modeling assumptions concerning the magnitude and frequency of flood events that flood protection is meant to control. The DEIS shall make explicit the statutory or other basis for USIBWC's flood protection mandate.[Emphasis added]*

Section 1.C. of the MOU refers to the RGRP, and basically says the same thing as the preceding section. It reads as follows:

USIBWC will issue a NOI for an EIS relating to the United States portion of the Rectification Project within five months after funds become available, if the funds become available for fiscal year 2000. Funds are requested for fiscal year 2000, and, if they are not received in fiscal year 2000, then USIBWC will issue a NOI within two months of the time it becomes aware that funds are not available, and USIBWC will continue to pursue acquisition of funds. If funding becomes available in fiscal year 2001 or later, USIBWC will publish another NOI within 30 days after funds become available to USIBWC. When the funds are available, the USIBWC will complete a Draft EIS within two years after the NOI is issued and will issue the ROD within three years after the NOI. *The scope of the Rectification EIS will include analysis of available flood protection and alternatives to current management, including watershed-oriented and non-structural alternatives, and including collaborative measures with other agencies and landowners, to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders and overbank flooding. The DEIS shall analyze, pursuant to NEPA, the indirect and cumulative effects of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions," such actions' impacts are to include, but not be limited to, impacts of USIBWC actions in the project on the Rio Grande ecosystem above and below the project. The DEIS shall make explicit the USIBWC's modeling assumptions concerning the magnitude and frequency of flood events that flood protection is meant to control. The DEIS shall make explicit the statutory or other basis for USIBWC's flood protection mandate. [Emphasis added.]*

We urge USIBWC to comply with both the letter and the spirit of its contractual and legally-binding obligation made in the MOU with respect to the breadth of analysis it promised to undertake in the EIS for the RGCP and RGRP.

**2. The PEIS should include a serious analysis of the potential for using watershed-oriented and non-structural approaches, including collaborative measures with other agencies and landowners, to meet flood control objectives.**

We expect the PEIS to include a serious, detailed analysis of the potential for watershed oriented, non-structural and collaborative measures to meet USIBWC's flood control responsibilities as well as improve the Rio Grande ecosystem. These things were peremptorily and inappropriately dismissed from serious consideration in the Canalization Project EIS.

We understand "watershed oriented alternatives" to mean, among other things, looking at the potential for reducing excessive sediment loading by improving/mitigating land uses in the upland portion of the watershed, including livestock grazing on USIBWC property and other federal lands. We understand "non-structural alternatives" to mean giving consideration to methods other than simply building and raising levees for managing flood risks at acceptable levels. Examples include acquiring land or flood easements to widen the floodplain under USIBWC control, and establishing wetlands to capture and absorb flood flows. We understand "collaborative measures" to include USIBWC making good-faith and sustained efforts to cooperate with other agencies and landowners to meet its flood control and ecosystem management responsibilities, such as working with local governments to maintain open space near the river.

**3. USIBWC should use a scientifically acceptable and appropriate definition of ecosystem restoration for the Rio Grande**

The MOU requires that USIBWC "determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes" for both the RGCP and RGRP.

The definition of restoration used in the PEIS is critical as a starting point for complying with the requirements of NEPA and the MOU. We encourage USIBWC to adopt the definition of river restoration put forward by the National Academy of Sciences (*Restoration of Aquatic Ecosystems: Science Technology, and Public Policy*, 1992) and the U.S. Environmental Protection Agency (<http://www.epa.gov/owow/wetlands/restore>). This definition embodies the following concepts:

- Looks to the predisturbance state for reference (pre-1870 in this case, but certainly pre-Elephant Butte Dam):

*The fundamental goal of aquatic ecosystem restoration is to return it to a condition that resembles its natural predisturbance state as closely as possible. Achievement of this goal entails restoration of the target ecosystem's structure and function both locally and within its broader landscape and watershed context. (NAS p. 55)*

*Restoration is defined as the return of an ecosystem to a close approximation of its condition prior to disturbance. (NAS p. 360)*

- Seeks to address causes not just symptoms of disturbance:

*To achieve long-term success, aquatic ecosystem restoration should address the causes and not just the symptoms of ecological disturbance. (NAS p. 55)*

- Seeks to replace hydrologic conditions as well as structure:



*Restoration of a river or other aquatic system requires replacing not only the predisturbance morphology but the hydrologic conditions as well. (NAS p 56)*

- Is holistic and multi-faceted

*The holistic nature of restoration, including the reintroduction of animals, needs to be emphasized...Merely recreating form without the functions, or the functions in an artificial configuration bearing little resemblance to a natural form, does not constitute restoration. The objective is to emulate a natural, self-regulating system that is integrated ecologically with the landscape in which it occurs. Often, restoration requires one or more of the following processes: reconstruction of antecedent physical conditions, chemical adjustment of the soil and water, and biological manipulation, including reintroduction of absent native flora and fauna. (quoted in EPA)*

*Restoration management, which seeks to make the structure of an existing aquatic ecosystem better conform with some prior condition, requires taking one or more of the following actions: (1) reestablishing flooding and flow regimes, and restoring wetlands and riparian areas; (2) reducing the delivery of sediments and chemical contaminants, and initiating their removal from the waters and sediments; and (3) revegetating areas and reintroducing native species. Management may mean manipulation of the structure of the existing aquatic ecosystem, an engineering problem illustrated in the case of the Kissimmee river in Florida... (NAS p. 350)*

- Is sustainable because it requires a minimum of human intervention
- Considers specific biotic elements.

We urge USIBWC to avoid the mistake made in the RGCP FEIS when it adopted a definition of restoration that is neither scientifically acceptable nor adequate to meet the requirements of the MOU or the National Environmental Policy Act (NEPA). The concept of "partial restoration" contained in that document is unnecessarily and arbitrarily limited. Because it lacks the above elements, it has resulted in the inclusion of "restoration" measures within the alternatives that are neither holistic nor sustainable.

Inadequate consideration was given to the following key river restoration objectives:

- provide a greater range of flow regimes
- enhance river dynamic behavior
- remove constraints on natural channel processes
- expand the active floodplain
- increase the channel/floodplain hydrologic connectivity
- enhance sediment loading to support channel functions
- ensure channel forming flows will sustain restoration measures.

The Southwest Environmental Center is one of a number of organizations working to restore the Rio Grande ecosystem. Our goal is to restore all of the above elements to the greatest degree possible. We begin with the assumption that it is possible to restore the river in the Canalization and Rectification reaches, i.e. engineer a river system that functions like the pre-1865 and possesses the same basic structure, albeit with less water and a narrower floodplain.

We assume the upper limits of restoration will be determined by physical and institutional constraints that cannot be overcome on a reasonable time frame. These include: the presence of buildings and other structures in the floodplain that limit the extent to which flooding and channel movement can occur; the existence of large dams such as Caballo and Elephant Butte Dam that prevent upstream fish movement and govern critical physical parameters such as sediment loads; and major institutional and legal

constructions that are not likely to be changed, such as the basic allocation of the Rio Grande's waters spelled out in the Rio Grande Compact. Between the river's current condition and these upper limits lies the realm of possibility.

We assume that the amount of restoration that occurs will depend to a large degree upon the amount of water and floodplain made available for restoration, and that a range of restoration scenarios are possible between the status quo and the upper limits imposed by immovable physical and institutional constraints.

Once the structure and function of the system are restored, we assume that adding more water or widening the floodplain will not fundamentally improve or alter the structure or function of the system, but will instead result in an increase in the number and size of certain characteristics of the system, such as the number of surface water features in the floodplain, the areal extent of various plant communities, the frequency of overbank flooding, and the size and duration of peak flows.

Given these assumptions, we address ourselves to the question: if a range of restoration scenarios are possible, how much is enough? What are the appropriate targets? Our response focuses on several biological components of the system. The biological "structure" of the system has been severely altered, as evidenced by the following:

- only 5-7 of 21-24 native fish species remain in the river;
- there is virtually no regeneration of cottonwoods and Gooding's willows
- the predisturbance mosaic of riparian plant communities has been eliminated

We seek to redress these conditions through the following restoration objectives:

- provide enough habitat to support viable populations of native fish species
- ensure regeneration of cottonwood-willow stands
- restore and maintain a mix of native riparian plant communities

We assume that these conditions exist because the river has lost much of its functionality, i.e. that the river creates structure to a large degree through its functioning. We further assume that to achieve these objectives, we will by necessity have to restore a large measure of functionality to the system, that will in turn create and sustain the necessary habitat structure to support viable populations, and create and sustain riparian plant communities.

Lest our idea of restoration seem unrealistic, we encourage IBWC to consider the restoration effort currently underway on the middle Rio Grande of New Mexico by the Save Our Bosque Task Force (SOBTF), a group comprised of federal agency personnel and other stakeholders. SOBTF's vision of restoration is:

*A riparian ecosystem that functions as natural as possible within the confines of 21<sup>st</sup> Century infrastructure and political limitations while respecting the traditional customs and cultures of the citizens of Socorro County.*

Two objectives have been defined to achieve this goal: 1) enhance natural river functions; and 2) increase habitat diversity. The general approach used by SOBTF is to create riparian restoration opportunities by establishing favorable hydrogeomorphic conditions, i.e. to let the river do as much of the work of restoration as possible, to save money and to ensure sustainability. We endorse this approach.

**4. The PEIS should adopt a definition of restoration based on an accurate understanding of the “pre-disturbance” state of the Rio Grande**

We recommend three sources for information about the historic Rio Grande ecosystem in New Mexico and west Texas. The first is *Middle Rio Grande Ecosystem: Bosque Biological Management Plan* (Cliff Crawford et al, 1993). The second is *Historic Reconstruction of the Ecology of the Rio Grande/Rio Bravo Channel and Floodplain in the Chihuahuan Desert* (Nancy Stotz for World Wildlife Fund, 2000). The third is *Hope for a Living River: A Framework for a Restoration Vision for the Rio Grande* (Tetra Tech for World Wildlife Fund, 2003).

Although humans have been living along the Rio Grande and using its waters for centuries, the magnitude of human impact greatly increased following the U.S. Civil War. Events associated with this period included the subjugation of the remaining hostile natives, large influx of settlers into the region, greatly increased diversions for irrigation in the San Luis and middle Rio Grande (MRG) valleys, advent of large cattle drives into the basin and subsequent overgrazing during concurrent drought, arrival of the railroad, and extensive logging and mining in the uplands. The net effect of all these developments was to increase runoff, reduce infiltration of precipitation into soils, increase sediment loads, increase rates of aggradation, increase frequency of flooding, and increase variability of flows and frequency of river dry-ups. Thus, for our purposes, predisturbance refers to the period prior to about 1865.

The following is a description of the river's characteristics in its predisturbance state, based on the best available information.

- *Channel Morphology and Location:*

“The river constantly adjusts, always trying to establish a new equilibrium between its discharge and sediment load.” (Crawford, 1993, p. 19)

Prior to 14<sup>th</sup> century, the MRG was “a perennially flowing, aggrading river with a shifting sand substrate. As stated, its pattern was, as a rule, braided and slightly sinuous. The river would freely migrate across the floodplain, the extent being limited only by the valley terraces and bedrock outcroppings. The Rio Grande's bed would aggrade over time; then, in response to a hydrologic event or series of events, it would leave its elevated channel and establish a new course at a lower elevation in the valley. This process is called river avulsion. Although an aggrading system, the RG was in a state of dynamic equilibrium, providing periods of stability that allowed riparian vegetation to become established on riverbanks and islands alternating with periods of instability (e.g. extreme flooding) that provided, by erosion and deposition, new locations for riparian vegetation. (Crawford, p. 19)

Increased water diversions from A.D. 1400 through early part of 20<sup>th</sup> century, coupled with increased sediment loads and natural climatic variability, combined “to accelerate the aggradation of the riverbed and, accordingly, the frequency of overbank flooding and the river avulsion.” (Crawford, p. 20)

Prior to 1912, in Canalization Project reach, the river followed a path that meandered considerably, as evidenced by historic maps. (Stotz, p. 10) Stotz suggests that the reduction in meandering and apparent widening of the channel in the Mesilla Valley and El Paso during the late 19<sup>th</sup> and early 20<sup>th</sup> century was due, at least in part, to a reduction in flows and increase in sediment loads, similar to what occurred on the MRG. The drastic reduction in sediment load carried by the river following completion of Elephant Butte Dam undoubtedly contributed to a further reduction in sinuosity as the sediment starved river sought a new equilibrium and carved an incised, narrower channel.

Small scale shifts in channel location occurred frequently due to the river's meandering path. Meanders tend to migrate laterally and downstream. Meander cutoffs created islands and oxbow lakes. Bartlett (18??) and Ruxton (1846) complained about the river's shifting location near El Paso. (Stotz, p. 10)

Large scale shifts in channel location also occurred. For example, a flood in 1862 caused the river to move from the east to the west of the town of Mesilla by 1865. There is some evidence that the river tended to jump between a limited number of previously existing channels rather than create new channels each time, at least in El Paso valley. (Stotz, p. 11)

- *Surface Water Hydrology*

With no water regulation, the [MRG] river's hydrograph would have reflected the seasonal events of snowmelt runoff and summer/fall precipitation. (Crawford, 17)

Flooding was a regular occurrence. Scurlock catalogued at least 85 floods (defined as events with a flow greater than 5,000 cfs) from Mesilla to Fabens, TX between 1665-1942, 51 of these after 1846 (or roughly once every two years, although given the disturbed condition of the watershed in the late 19<sup>th</sup> century and later, this probably does not reflect a natural flood periodicity). (Stotz, p. 11).

Scurlock identified three causes of flooding: 1) spring floods (April-June) resulting from heavy snowmelt; 2) widespread summer flooding resulting from extensive summer rains in years with a significant spring flood; 3) local summer flooding (July-September) resulting from localized thunderstorms. (Stotz, p. 11)

The construction of Elephant Butte Dam in 1916 brought an end to spring flooding in the Canalization and Rectification reaches, and reduced average peak spring runoff from 4400 cfs in predam years to 1300 cfs. (Mueller, 1975, cited in Collier et al, *Dams and Rivers: Primer on the Downstream Effects of Dams*, U.S. Geological Survey, Circular 1126, 1996, p. 32) The dam transformed the Rio Grande into a clear water stream. "Starved of its sediment, the river scoured approximately two feet from the bed of its channel from Elephant Butte to Las Cruces during the first fifteen years of the dams operations. (Lagasse, 1980, cited in Collier et al.)

Although annual flows in the river fluctuated according to climatic variability, Crawford believed the MRG in its predisturbance state generally supported perennial flows, except during periods of prolonged drought. This view is supported by Scurlock's compilation of floods and dry-ups for the El Paso region between 1665 and 1942. Occasions in the historic record of the river drying up completely are relatively infrequent. The fact that the river has sustained a permanent settlement in El Paso since 1665 based on irrigated agriculture also suggests that the river seldom ran completely dry.

- *Surface Water Features*

Periodic flooding and channel shifting by the Rio Grande, along with a high water table and/or shallow bedrock, led to the formation of various water features in the floodplain, such as marshes, oxbows and ponds. The dynamic nature of the river ensured that the size and distribution of these features was probably dynamic as well.

- *Vegetation*

In addition, the river's dynamic hydrology created a dynamic mosaic of habitat types across the floodplain. These included cottonwood-willow stands patchily distributed in a variety of age/size classes; tornillo and honey mesquite stands on terraces above the active river channel; transitory baccharis-coyote willow stands on sandbars; and meadows. Data from cadastral land surveys taken in the 1850s suggest

that cottonwood-willow “timbered” stands covered about one-third of the area surveyed in the Canalization reach of the river valley.

- *Fish*

Stotz reports 21 native fish species from the Canalization Reach prior to disturbance. Other sources suggest there may have been several others. These species and their current status are shown below:

	<i>Scientific name</i>	<i>Common name</i>	<i>Current status in so. NM</i>
1	<i>Notropis simus simus</i>	Rio Grande bluntnose shiner	extinct
2	<i>N. orca</i>	phantom shiner	extinct
3	<i>Scaphirhynchus platyrhynchus</i>	shovelnose sturgeon	extirpated from RG
4	<i>Anguilla rostrata</i>	American eel	extirpated from RG
5	<i>Astyanax mexicanus</i>	Mexican tetra	extirpated from so. NM
6	<i>Macrhybopsis aestivalis</i>	speckled chub	extirpated from so. NM
7	<i>Gila Pandora</i>	Rio Grande chub	extirpated from so. NM
8	<i>Hybognathus amarus</i>	Rio Grande silvery minnow	extirpated from so. NM
9	<i>N. jemezianus</i>	Rio Grande shiner	extirpated from so. NM
10	<i>Dionda episcopa</i>	roundnose minnow	extirpated from so. NM
11	<i>Pimephales promelas</i>	fathead minnow	extirpated from so. NM
12	<i>Scartomyzon congestus</i>	gray redhorse	extirpated from so. NM
13	<i>Ictalurus furcatus</i>	blue catfish	extirpated from so. NM
14	<i>Cycleptus elongates</i>	blue sucker	extirpated from so. NM
15	<i>Lepisosteus osseus</i>	longnose gar	extirpated from so. NM
16	<i>Ictalurus sp.</i>	Chihuahua catfish	extirpated from so. NM
17	<i>Aplodinotus grunniens</i>	freshwater drum	extirpated from so. NM
18	<i>Dorosoma cepedianum</i>	gizzard shad	present
19	<i>Cyprinella lutrensis</i>	red shiner	present
20	<i>Carpoides carpio</i>	river carpsucker	present
21	<i>Lepomis macrochirus</i>	bluegill	present
22	<i>Gambusia affinis</i>	mosquitofish	present
23	<i>Pylodictis olivaris</i>	flathead catfish	present
24	<i>Ictiobus bubalus</i>	smallmouth buffalo	present?

In summary, the best available historic and scientific information indicates that the key elements of the structure and function of “predisturbance” (pre-1865) Rio Grande in Canalization and Rectification Reaches were the following:

- Braided, meandering form
- Periodic small-scale channel shifts and large-scale channel avulsions
- Perennial but variable annual flows
- Peak flows corresponding to snowmelt (late spring) and summer rains
- Periodic overbank flooding
- Numerous surface water features in the floodplain, e.g. marshes, oxbows and ponds
- A mosaic of different plant communities that may have changed location over time but remained in a relatively stable proportion to one another
- Approximately 21-24 native fish species.

**5. The PEIS should include an analysis of the potential economic and ecological benefits of managing releases of water out of Caballo Reservoir to produce channel-forming flows**

The management of reservoir water releases to create channel-forming flows offers opportunities to increase instream and riparian habitat diversity while simultaneously maintaining flood conveyance

capacity and reducing management costs. These opportunities should be fully analyzed in the PEIS. Channel-forming flow may be defined as the flow at which the bed material is mobilized and the banks begin to erode.

The outlet at Caballo Dam currently limits the maximum discharge to 5000 cfs. Unless the system is completely full or the outlet works are restructured, 5,000 cfs will be the peak discharge that limits the channel morphology in the RGCP and RGRP. The PEIS should analyze the feasibility of enlarging the outlet works at Caballo to permit greater peak discharges.

In lieu of increasing the outlet works peak discharge, the channel restoration components and proposed channel morphology should be designed to accommodate the 5,000 cfs release. Releasing 5,000 cfs with the frequency, duration and timing to sustain the restored channel morphology will maximize opportunities to enhance aquatic and riparian habitat and sustain dynamic river functions.

It will also provide the greatest channel conveyance capacity to limit flooding during project design flood events (~100 year flood). If a seasonal peak discharge less than 5,000 cfs is provided on frequent basis, the river will gradually adjust to the lower flow regime with channel narrowing, vegetation encroachment and sediment deposition.

An analysis should also be included in the PEIS to determine the optimal timing, frequency and duration of channel forming flows. These flows should occur with a prescribed frequency to sustain channel function and eliminate vegetation growth within the active channel.

A channel forming flow frequency on the order of four out of ten years with no more than two consecutive years without the channel forming flow is necessary to sustain the active channel geometry over the long term. This frequency of channel forming flows is also conducive to native vegetation regeneration for mixed stands of vegetations and will reduce the need for mowing in the floodway (one of the objectives for restoration of natural river functions). In the absence of channel-forming flows on a frequent basis, IBWC will be required to continue mechanical techniques (mowing) and dredging to maintain channel flood conveyance capacity.

The timing of restoration flows is critical. The abundance and diversity of native species in the Rio Grande riparian ecosystem is strongly linked to the river's natural hydrograph (Crawford, et al., 1993). Both the rising and recessional limbs are documented to affect the reproductive strategies of many aquatic and riparian species. The decline of the river functions and biological diversity of the system can be primarily attributed to the reduction in peak flow magnitude, frequency and duration.

Releases of restoration flows should be orchestrated to mimic the shape and timing of historic hydrographs. The spring peak flushing flow should be timed to occur the last two weeks of May and it should reflect the shape of the typical pre-1900 hydrograph in terms of the rate of change in the rising and recessional limbs. This peak discharge timing will encourage regeneration of native riparian vegetation.

The PEIS should include the necessary analysis to design a restoration target flow. The product of this analysis would be a series of flow hydrograph scenarios for a restoration channel design that would relate peak discharge, duration, frequency to flow volume and area of inundation. Selection of an appropriate restoration discharge hydrograph and timing would then be based a knowledge of required water volume, costs and constraints.

Both channel and floodplain restoration activities require flows that will equal or exceed the bankfull discharge. Long term sustainability is contingent on designing restoration activities to the channel forming flow.

## **6. The PEIS should include an analysis of the sediment balance of the river**

One of the keys to designing self-sustaining restoration activities in the Rio Grande is an accurate estimate of long-term sediment loading. The success or failure of restoration activities will depend on channel response to variable sediment yields. Sediment supply and sediment transport capacity will dictate whether the restored channel geometry will be self-sustaining with managed flows or will require continual mechanical maintenance.

The PEIS should include an analysis of whether the existing sediment load will sustain a restored channel morphology, a determination of the impacts of continued long-term sediment dredging at the arroyos on channel restoration and an analysis of the relationship between future sediment loading and the proposed restoration plan.

Several important questions related to channel morphology and restoration need to be addressed:

- What has been the historical change in bed material size?
- Will the restoration components be sustained over the long term without sediment dredging?
- Can future arroyo sediment loading enhance channel dynamics and stimulate channel migration?
- Would sediment loading sustain a higher width to depth ratio for the channel geometry?
- What is the relationship between the potential sediment loading and RGCP channel conveyance capacity and tributary hydrology?
- If tributary experiences a 100-year flood event, will the proposed channel restoration be positively or adversely impacted?

The relationships between the tributary hydrology, sediment loading, tributary bed material size and channel bed material size and restoration channel morphology must be understood to select a restoration flow.

The analysis should also quantify the progressive decline in sediment supply to RGCP RGRP. The current channel response to variations in sediment supply has been limited by bank stabilization methods. Bank erosion and channel migration are two components of an active wide channel that have been thwarted by management of these projects and tributary sediment retention facilities.

## **7. The PEIS should recognize the importance of acquiring sufficient water rights to support desired changes in management, and evaluate all reasonable methods of acquiring water.**

Many changes to current USIBWC management will result in increased “loss” of water through increased evapotranspiration, especially those intended to benefit the river ecosystem. The PEIS should include a realistic analysis of these effects, and the full range of alternatives for acquiring water to support these changes.

It should not be assumed, as it was in the Canalization FEIS, that restoration measures that consume water will have little or no political viability. Our experience suggests that if the dominant source of environmental water is voluntary water transfers, either through the marketplace or by donation, the agricultural community will be supportive of restoration measures. If the irrigation districts play an administrative role in overseeing these transfers, through, for example, an environmental water user’s bank, the districts can ensure their farm constituents are not injured by environmental water transfers. For further discussion of this approach, we refer you to Phil King and Julie Maitland’s report, “Water for River Restoration: Potential for Collaboration between Agriculture and Environmental Water Users in the Rio Grande Project, available on the web at

[http://www.worldwildlife.org/wildplaces/cd/pubs/PhilKing\\_report.pdf](http://www.worldwildlife.org/wildplaces/cd/pubs/PhilKing_report.pdf). There may be other viable sources that could be agreed upon with further negotiations between agricultural water users and the environmental community.

The PEIS should include a realistic analysis of the cost of acquiring water to support USIBWC management changes. One method of obtaining water rights is to buy land with associated Rio Grande Project water rights. With the exception of the Las Cruces area where water righted lands sell on average for \$10,000 per acre, water righted agricultural lands within EBID range from \$4000 to \$8,000 per acre with an average 3 acre-foot allotment per acre (King and Maitland, 2003 at p.99). Thus, the cost of securing 1 acre-foot of water would range from \$1,333 to \$2,666 throughout EBID with the exception of Las Cruces. Under this method of water rights acquisition, the average cost per acre-foot is \$2000. This is 33 percent less than the estimate contained in the Canalization FEIS for obtaining water by financing water conservation practices.

It may be possible to purchase water rights without the associated land. If a water bank were established, like the Special Water User's Association (see NMS Sec. 73-10-48), then the cost of purchasing water rights would become even lower. Currently, the City of Las Cruces is purchasing water rights on a 40-year lease basis (that amounts to an outright purchase) for between \$333 to \$1000 per acre-foot (King and Maitland, 2003 at p. 100). IBWC has over 8000 acres in the floodway that these water rights could be made appurtenant to. The average cost per acre-foot is \$666, or almost 80 percent less than what was in the Canalization FEIS.

#### **8. The PEIS should include a rigorous analysis of indirect and cumulative impacts**

The MOU (and NEPA) require that USIBWC undertake a comprehensive analysis of indirect and cumulative impacts in the PEIS. For both the RGCP and RGRP, the MOU states:

*The DEIS shall analyze, pursuant to NEPA, the indirect and cumulative effects of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions," such actions' impacts are to include, but not be limited to, impacts of USIBWC actions in the project on the Rio Grande ecosystem above and below the project.*

According to federal regulations, indirect impacts "are caused by the action and [may be] farther removed in distance." 40 C.F.R. § 1508.8. Cumulative impacts, because they are the result of actions regardless of who undertakes them, may also occur farther in distance. *See id.* 1508.7.

The analysis in the PEIS should include an examination of USIBWC's past as well as present activities. It should include information about the impacts of construction and operation of USIBWC's flood control projects themselves. The RGRP, for example, indisputably eliminated all of the river's previous sinuosity.

We recognize that significant changes occurred to the Rio Grande ecosystem prior to construction of the RGCP and RGRP, notably the straightening of the river's alignment and the changes in flow patterns following construction of Elephant Butte Dam in 1916. As observed in the Engineering Report for the RGCP:

*In past years the river has occupied channels in various parts of the valley. After numerous changes the present channel, now occupied by the river, has resulted, and this channel is shorter and straighter than at any time in its history. (Final Report. Control and Canalization of the Rio Grande: Caballo Dam, New Mexico to El Paso, Texas. American Commissioner to the Secretary of State. December 14, 1935. p. 41)*



However, we believe construction and management of the projects have exacerbated a process of environmental degradation that was already in motion at the time of their construction. By fixing the river channel in its 1935 alignment, for example, the RGCP made permanent the loss of aquatic habitat diversity that had resulted from the straightening of the river in response to the altered flow and sediment regimes following construction of Elephant Butte Dam. Indeed, IBWC engineers viewed the river's post-dam straightness as a distinct advantage to the project:

If a channel approximating the present one can be stabilized and maintained, before other major changes occur, the construction cost will be minimized. It is accordingly proposed to use the present channel whenever feasible, changing its alignment only in places where excessive curvature results in erosion of its banks. (*Final Report*, p. 41)

Others have commented about the ecological impacts of the RGCP:

Management practices associated with the Canalization Project aimed at maintaining the water conveyance and flood capacity of the river channel have resulted in a notable loss of in-stream habitat diversity, riparian vegetation and floodplain wetland habitat. The traditional means of maintaining water conveyance and flood capacity have also disrupted ecological processes that are vital to the functioning of the riverine and riparian communities. (Presentation before the NM Water Quality Control Commission—IBWC Canalization Project, by John Pittenger, aquatic biologist, NM Department of Game and Fish. May 12, 1992.)

The environmental consequences of channelization activities include the severance of the river from its floodplain; the straightening, narrowing and incising of the river channel; the curtailment of the meandering process that formed oxbows and backwaters, and the loss of native wetland and riparian vegetation. The incised channel and dam operations prevent overbank flows and periodic scouring of floodplain areas...the streambed consists almost entirely of sand, which actively shifts and moves downstream even at moderate flows. The changed hydrology and current management practices largely preclude natural regeneration of native cottonwoods and willows and promotes the growth of non-native vegetation such as salt cedar and Russian olive, which have largely replaced the native cottonwood/willow vegetative complex. Cumulatively, all of these changes have significantly reduced the complexity of aquatic habitat and its ability to support a healthy fish community. (Fish and Wildlife Coordination Act Report for the El Paso-Las Cruces Regional Sustainable Water Project. Submitted to International Boundary and Water Commission. March, 2001. Prepared by Mike Buntjer, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office.)

We are particularly interested in the impacts of the projects on native fish. The RGCP appears to have had a profound impact on the fish community. Only 8 of an estimated 21-24 native fish species still occur in the project. Of the 13-16 that have disappeared, six are known to have been extirpated either during or after the construction of the RGCP (Stotz, Table 3-1). Those six species and dates of extirpation from the RGCP are listed below.

Scientific name	Common name	Date of Extirpation
<u>Notropis simus</u> <u>simus</u>	Rio Grande Bluntnose Shiner	1940
<u>Notropis jemezianus</u>	Rio Grande Shiner	1949
<u>Astyanax mexicanus</u>	Mexican Tetra	1950s
<u>Hybognathus amarus</u>	Rio Grande Silvery Minnow	1950s
<u>Gila pandora</u>	Rio Grande Chub	1960s
<u>Macrhybopsis aestivalis</u>	Speckled Chub	1960s

We suspect a similar loss of native fish species has occurred in the RGRP.

As required by the MOU and NEPA, the analysis of cumulative and indirect impacts should not be limited to USIBWC's activities. For example, the federal Rio Grande Project has impacted and will continue to impact the RGCP and RGRP, and a discussion of these impacts should be included in the PEIS.

**9. Alternative development and analysis should not be undertaken until two-dimensional hydraulic modeling has been undertaken and completed**

Since continued flood control is a paramount concern for all of USIBWC's flood control projects, management decisions should be based on the best available information regarding actual flood risks. USIBWC has historically relied on one dimensional hydraulic models such as HEC-RAS to determine those risks. However, a new generation of superior and affordable two dimensional models are widely available, and should be used by USIBWC instead.

NEPA requires that agencies incorporate the best available information and tools when preparing environmental impact statements. 40 C.F.R. § 1502.22. Indeed, such modeling is already in progress for the RGCP. The PEIS should be delayed until this modeling can be completed for Canalization and done for the other USIBWC flood control projects.

The continuing reliance one-dimensional hydraulic modeling does not allow for the kind of analysis needed to comply with NEPA and the MOU. Specifically, this kind of modeling does not provide accurate or credible answers to the following key questions that are central to all the alternatives:

- the fate of the design flood event as it travels downstream, and hence,
- the quantitative need for flood protection at each point within the project
- the extent to which vegetation can be allowed to occupy the floodway
- the extent to which flood protection requirements could potentially be met by non-structural means
- the amount of floodplain that could be wetted by design restoration flows of various sizes
- the amount of water consumed by restoration features, such as riparian vegetation or sloughs

Accurately predicting channel and floodplain interaction with flow attenuation and infiltration/evaporative losses cannot be accomplished with a single discharge, one-dimensional HEC-2 or HEC-RAS model.

Without using the best available analytical tools, any need identified in the PEIS for levee improvements or new levee construction will remain open to question (and litigation). It is widely accepted that one dimensional models such as HEC RAS tend to overestimate downstream flood flow elevations compared

to two-dimensional models. The USIBWC has acknowledged that "current estimates of levee deficiencies and potential flood risk will be reduced with the use of two-dimensional models because they account for the attenuation of flood peaks as they spill into the floodway." (Letter of Nov. 4, 2003, from Debra Little, Acting Commissioner, to Kevin Bixby.)

In its evaluation of levee freeboard deficiencies in the 2004 RGCP FEIS, USIBWC relied on the 100-year flood event estimated by a HEC-1 Corps watershed model. Floodwave attenuation in the arroyos and the Rio Grande channel due to overbank storage flows is probably underpredicted resulting in relatively narrow high peaks at various locations in the RGCP. The conservative estimates of the flood peaks in the RGCP may result in a recommendation that the RGCP levee system was deficient in some areas when in reality the levee was not impacted by flooding. A conservative estimate of the design flood peak discharges will result in higher costs associated levee flood protection improvements.

It would certainly seem to be in the interest of IBWC to do this kind of modeling since it could help the agency avoid wasting potentially a great deal of money on restoration and/or flood control measures that may not be needed or sustainable. We refer you to Appendix A of the comments submitted to USIBWC by the Alliance for the Rio Grande Heritage regarding the RGCP DEIS on March 1, 2004 for a more detailed technical discussion of this issue.

**10. The PEIS should consider the elimination of livestock grazing and vegetation mowing on USIBWC lands**

The USIBWC currently leases out land within some (perhaps all) of its flood control projects for livestock grazing. This practice should be eliminated for the following reasons: 1) uncontrolled livestock grazing is detrimental to riparian habitats and water quality; 2) the program raises little income for the agency; 3) grazing reduces the value of USIBWC lands for other uses, particularly recreation.

Similarly, the practice of annual mowing of the floodway should be discontinued unless it can be quantifiably demonstrated that it is needed to provide the required degree of flood protection. The PEIS should include a discussion with enough detail and specificity about the analysis used by USIBWC such that a reasonable person might conclude that continued mowing and/or grazing was necessary to achieve flood control objectives. This was not done in the RGCP FEIS.

**11. The PEIS should consider all reasonable alternatives**

"The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." *Resources Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1994) (citations omitted).

We propose here an alternative for RGCP and RGRP that we believe is feasible, sustainable, and environmentally friendly. Inclusion of such an alternative in the PEIS would assist in IBWC achieving NEPA compliance.

*Proposed alternative:*

- Analyze the exact degree of flood protection required for each project using a two-dimensional flood routing model.
- Select a design restoration hydrograph and peak discharge out of Caballo Reservoir. The frequency, duration and magnitude of the peak flow should be selected based on a review of the bankful discharge and gaging records.

- Using a two-dimensional flood routing model, identify potential areas of inundation and design site specific restoration projects intended to maximize the area of inundation and reestablish an active channel able to move laterally. Such projects would include: wetland enhancements, bank destabilization, river channel widening, development of secondary and side channels, floodplain terracing, reconnected meanders, etc.
- Implement restoration projects at evenly distributed locations throughout the project. Because of the unique opportunities they present for enhancing wetlands and aquatic habitats, *restoration projects should focus on sites where water and sediment are currently discharged into the river*, including arroyos, drains, wasteways, and outfall channels.
- Establish a long-term funding program to purchase water rights and land from willing sellers as needed to support restoration activities.
- Maintain minimum winter flows to sustain native fish species as recommended by the New Mexico Fishery Resource Office of the U.S. Fish and Wildlife Service in their report, Davenport, S.R., C. Hoagstrom, and J.R. Smith, (2003), *Fish Community and Physical Habitat Associated with Habitat Enhancement Structures*.
- Phase out mowing and grazing unless needed to achieve clear restoration or flood control objectives. Establish a program to control non-native invasive species.
- Use a two-dimensional flood routing model to conduct an integrated analysis of the impacts of flood control measures and restoration projects, rather than treating them as separate and unrelated activities. Where additional project flood containment capacity is needed, give priority to river-friendly measures such as increased floodplain storage, purchase of additional land or easements, and levee setbacks.
- Work with local governments to actively discourage development near the river.

## **12. Other issues that should be addressed in the PEIS.**

- The MOU states that “the DEIS shall make explicit the statutory or other basis for USIBWC’s flood protection mandate.” To fulfill this requirement, the discussion of this mandate in the PEIS should not be limited to generalities, but should identify and discuss the specific treaty(s), convention(s), agreement(s), statute, or other document that details the origin of the 100-year design flood, the flood protection mandate, etc.
- In analyzing the ecological baseline condition of USIBWC projects, the PEIS should consider adopting the use of an index of ecological integrity as a tool for assessing ecosystem health. Such an index, specific to the Rio Grande based on native fish species, has been developed by Dr. Salvador Contreras-Balderas ([saconbal@axtel.net](mailto:saconbal@axtel.net), (52-81)8313-1641).
- Similarly, in its assessment of the health of aquatic biota and impact analysis, the PEIS should limit its focus to native fish species. The presence of non-native species is a symptom of the river’s poor health. The presence of suitable habitat for non-native fish should not be taken as a positive ecological indicator. This was a mistake made in the RGCP FEIS, and it should be corrected in the PEIS.
- The PEIS should explore ways to leave/restore a significant portions of native plant communities along the river, including cottonwood bosque, wetlands, off-channel ponds and meadows.

- The PEIS should analyze the feasibility of USIBWC establishing a funded program to buy land and/or flood easements from willing sellers as a means to widen the 100-year floodplain, reduce flood risks and reduce maintenance costs while improving the Rio Grande ecosystem and preserving open space. This would seem particularly appropriate where adjoining lands are currently occupied by flood-irrigated pecan orchards.
- USIBWC should become actively involved in local land use planning efforts to discourage further construction near the river so as to reduce the demand for flood protection rather than continually increasing the supply.
- The analysis of flood control measures and restoration projects should be integrated and not separate. The impacts of these two types of activities are interrelated. Restoration projects that promote overbank flooding and hydrologic connectivity between the channel and floodplain will reduce the water surface elevations downstream, possibly eliminating the need for additional levee enhancement. Conversely, flood control improvements, by confining flooding to the active floodplain, will force more water volume downstream. In addition, restoration projects may decrease the efficiency of water delivery in the river channel, necessitating the purchase of water to offset additional losses to evapotranspiration. However, these costs may be more than offset by the cost savings in additional levee height and floodwall construction.
- Consult with the U.S. Fish and Wildlife Service, New Mexico Fishery Resources Office, on the design of effective aquatic habitat enhancement structures. You may wish to consult the report *Fish Community and Physical Habitat Associated with Habitat Enhancement Structures*, by Stephen Davenport et al, 2003, submitted to USIBWC. This report investigated the efficacy of various enhancement measures done by USIBWC in the RGCP.

Thank you for the opportunity to provide these comments. We look forward to assisting USIBWC in restoring the Rio Grande ecosystem to health.

Sincerely,

Kevin Bixby  
Executive Director

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
UNITED STATES SECTION  
INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO  
AND  
SOUTHWEST ENVIRONMENTAL CENTER

This Memorandum of Understanding (MOU) is made this        day of       , 1999 by and between the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), represented by the United States Commissioner, John M. Bernal of El Paso, Texas, and the Southwest Environmental Center (SWEC), represented by its Director, Kevin Bixby of Las Cruces, New Mexico.

WITNESSETH:

WHEREAS, the USIBWC operates and maintains flood control works along the Rio Grande in the "Canalization Project," which runs from Percha Dam in New Mexico south to just above American Dam on the New Mexico-Texas boundary, and in the "Rectification Project," which runs from American Dam south to Fort Quitman, Texas. The Rectification Project reach of the Rio Grande also serves as part of the boundary between the United States and Mexico and provides flood protection in both countries.

WHEREAS, construction of the Canalization Project was authorized by Act of August 29, 1935, 49 Stat. 961; and construction of the Rectification Project was authorized by the Convention Between the United States of America and Mexico on Rectification of the Rio Grande, dated November 13, 1933.

WHEREAS, the USIBWC and SWEC share the common goals of exploring and implementing means of maintaining and operating the Canalization and Rectification flood control projects in a manner that will serve the purpose of the projects and enhance the potential natural qualities of the Rio Grande and its surroundings.

NOW, THEREFORE, the parties hereto agree as follows:

1. The USIBWC will take the following actions:

A. USIBWC has requested and received a list of endangered, threatened and candidate species from the appropriate United States Fish and Wildlife Service (USFWS) field offices to begin the biological assessment process leading to consultation on both Canalization Project and the United States portion of the Rectification Project. The biological assessment on the Canalization Project will be completed by August 15, 2000. The biological assessment on the Rectification Project will be completed by October 1, 2000. Each biological assessment shall consider the impacts of USIBWC actions in both projects. USIBWC will provide interested members of the public, who have previously requested notice, and members of the citizens' environmental forum (see I(D) below) notice of the transmission of each BA to the U.S. Fish and Wildlife Service when that transmission takes place, and USIBWC will provide to those requesting them a copy of each BA immediately upon request.

B. USIBWC shall issue a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) relating to the Canalization Project by August 15, 1999. USIBWC will hold at least two Scoping Meetings for the EIS, one of which will take place in Las Cruces, New Mexico. USIBWC will release a Draft EIS by February 15, 2001 and will issue a Record of Decision (ROD) by August 15, 2001. The scope of the EIS will include analysis of available flood protection measures and alternatives to current management, including watershed-oriented and non-structural alternatives, and including collaborative measures with other agencies and landowners, to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders and overbank flooding. The DEIS shall analyze, pursuant to NEPA, the indirect and cumulative effects of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions;" such actions' impacts are to include, but not be limited to, impacts of USIBWC actions in the project on the Rio Grande ecosystem above and below the project. The DEIS shall make explicit the USIBWC's modeling assumptions concerning the magnitude and frequency of flood events that flood protection is meant to control. The DEIS shall make explicit the statutory or other basis for USIBWC's flood protection mandate.

C. USIBWC will issue a NOI for an EIS relating to the United States portion of the Rectification Project within five months after funds become available, if the funds become available for fiscal year 2000. Funds are requested for fiscal year 2000 and, if they are not received in fiscal year 2000, then USIBWC will issue a NOI within two months of the time it becomes aware that funds are not available, and USIBWC will continue to pursue acquisition of funds. If funding becomes available in fiscal year 2001 or later, USIBWC will publish another NOI within 30 days after funds become available to USIBWC. When the funds are available, the USIBWC will complete a Draft EIS within two years after the NOI is issued and will issue the ROD within three years after the NOI. The scope of the Rectification EIS will include analysis of available flood protection and alternatives to current management, including watershed-oriented and non-structural alternatives, and including collaborative measures with other agencies and landowners, to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders



and overbank flooding. The DEIS shall analyze, pursuant to NEPA, the indirect and cumulative effects of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions;" such actions' impacts are to include, but not be limited to, impacts of USIBWC actions in the project on the Rio Grande ecosystem above and below the project. The DEIS shall make explicit the USIBWC's modeling assumptions concerning the magnitude and frequency of flood events that flood protection is meant to control. The DEIS shall make explicit the statutory or other basis for the USIBWC's flood protection mandate.

D. USIBWC by February 1, 1999 will undertake to establish a Rio Grande citizens' environmental forum for exchange of information, which the USIBWC will keep informed of its activities on the Rio Grande between Caballo Dam and Fort Quitman, Texas. To select members of the forum, USIBWC will advertise in newspapers of general circulation in Las Cruces, New Mexico, and El Paso, Texas, and consider applications from all interested parties. To the extent possible, the forum will represent all parties with major interest in the Rio Grande (environmentalists, irrigation districts, municipalities, etc.) The forum will meet regularly, with an organizational meeting no later than 60 days following the execution of this agreement, at least four times per year, to exchange information between the USIBWC and forum members. The forum will include a position for the SWEC. The Commissioner of the USIBWC or a senior staff designated by the Commissioner shall attend all meetings of the forum.

E. USIBWC will establish "green zones" along the Canalization Project of the Rio Grande. These green zones are provisional, pending the outcome of the Canalization EIS, and may or may not be permanent. In addition, in emergency situations (i.e., experience in a flood event shows that the green zones, or a portion of them, causes or threatens damage to flood protection or an act of God, such as a fire, requires USIBWC to take action), USIBWC retains authority to conduct maintenance in all these areas after notifying the citizens' environmental forum. The USIBWC has concluded that the establishment of the study areas described herein is categorically excluded from review under the National Environmental Policy Act (NEPA). The green zones are as follows:

1. Percha Dam to the Dona Ana County Line (a 5 river-mile distance on each side of the channel for a total distance of 10 corridor miles) — This will be a study area for the purpose of helping to demonstrate the effects of additional habitat growth on the environment. USIBWC, in cooperation with SWEC, will develop a study protocol for this endeavor by April 1, 1999. USIBWC will permit vegetation to grow along the banks of the river for a width of 10 to 35 feet adjacent to the river channel (depending on the right of way and geography of the river).
2. Selden Canyon (an 8 river mile distance on each side of the channel for a total of 16 corridor miles) — The USIBWC owns the bed and banks of the river throughout Selden Canyon. USIBWC hereby adopts an agency policy against conducting vegetation maintenance in these areas of Selden Canyon.



3. Shalem Bridge to Picacho Bridge (a 5 river-mile distance on each side of the channel for a total of 10 corridor miles) — This will be a study area for the purpose of helping to demonstrate the effects of additional habitat growth on the environment. USIBWC, in cooperation with SWEC, will develop a study protocol for this endeavor by April 1, 1999. On both sides of the river channel, USIBWC will refrain from vegetation maintenance in a 35 foot wide band from the edge of the channel toward the levees. At intervals no more frequent than every 800 feet, the USIBWC will maintain an observation point of not more than 100 feet. Areas 400 feet upstream and downstream from the bridges themselves will continue to be maintained. USIBWC will continue to maintain areas outside the 35 foot wide green zone.

F. USIBWC and SWEC will cooperate in a tree planting effort in 1999. USIBWC will contribute 200 tree poles, which it will obtain from the El Paso Projects Office of the Bureau of Reclamation, in addition to up to 800 poles provided by the SWEC, to be planted in the green zones. SWEC and USIBWC will cooperate and jointly decide the location of poles to be planted within the green zones. USIBWC, in cooperation with SWEC, will utilize its best efforts to obtain and provide necessary equipment, including mechanized augers, to facilitate timely tree planting.

## II. The SWEC will take the following actions:

A. SWEC will provide one individual to be a member of the Rio Grande citizens' environmental forum. That member will make reasonable efforts to attend scheduled meetings and events.

B. SWEC will cooperate with USIBWC in developing by April 1, 1999 a study protocol for the green zone study areas established pursuant to this agreement. SWEC will assist the USIBWC by conducting plot studies within the green zones at locations and frequencies to be determined by the USIBWC and SWEC in the study protocol.

C. The SWEC, pursuant to arrangements made with the USIBWC, will provide and deliver on site up to 800 tree poles for planting in 1999. SWEC will also provide volunteer labor to plant all 1000 poles, including those provided by the USIBWC.

D. For as long as the USIBWC complies with this MOU, SWEC shall refrain from filing an action in any federal court regarding any of the issues raised in the SWEC's Notice of Violation of the Endangered Species Act and the National Environmental Policy Act, dated May 8, 1998, which was addressed to the USIBWC Commissioner, the Secretary of State, and the Secretary of the Interior.

## III. Anti-Deficiency Act

Nothing in this MOU shall be construed to require a violation of the Anti-Deficiency Act, 31 U.S.C. sections 1301, 1341, 1342, 1350, 1351 and 1511-1519.

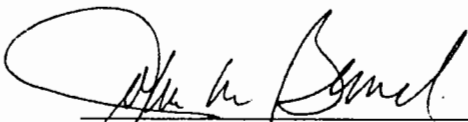
#### IV. Dispute Resolution

In the event of a disagreement over the meaning of or compliance with this MOU, the parties to this agreement will make efforts to settle any such disagreement amicably and cooperatively between the parties prior to seeking any other civil remedies available. In the event of any alleged violation of this MOU, including but not limited to unforeseen delays in accomplishing the measures discussed in this MOU, USIBWC and SWEC will meet within 14 calendar days of written notice of any alleged violation to discuss all pertinent information, and if both parties agree in writing, the parties may amend the MOU.


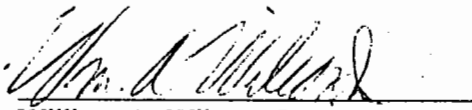
#### V. Termination

Either party may terminate this MOU upon 30 days written notice.

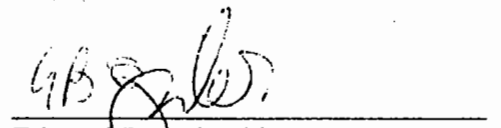
IN WITNESS WHEREOF, the parties hereto execute this instrument to be effective when signed by both parties.

  
\_\_\_\_\_  
John M. Bernal

Commissioner, United States Section  
International Boundary and Water Commission  
United States and Mexico

  
\_\_\_\_\_  
Kevin Bixby  
Director  
Southwest Environmental Center  
\_\_\_\_\_  
William A. Wilcox, Jr.

Legal Advisor, United States Section  
International Boundary and Water Commission  
United States and Mexico

  
\_\_\_\_\_  
Edward B. Zukoski  
Staff Attorney  
Land and Water Fund  
For Southwest Environmental Center

**Guemez, Sarah**

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**From:** Daniel Borunda [danielborunda@ibwc.state.gov]  
**Sent:** Friday, December 10, 2004 1:09 PM  
**To:** Guemez, Sarah; Lopez-Cordova, Salvador  
**Subject:** Fwd: Mailing list

FYI

>>> "Kevin Doyle" <Kevin\_Doyle@comcast.net> 12/10/2004 10:12:10 AM >>>

Please put me on the mailing list for the Programmatic EIS for Flood Control Projects Within the Rio Grande and Tijuana River Basins. If available I prefer a CD and hardcopy summary.

Kevin Doyle  
4 Espira Road  
Santa Fe, NM 87508

To the IBWC:

Whenever I entertain out-of-state visitors and we find ourselves near the Rio Grande, they never fail to be amazed by its pathetic state.

I understand that the Rio Grande is the only major surface water source in south-central New Mexico, and as such, there are many demands placed on it. However, the river has been commoditized practically out of existence. I urge you to manage the river with more attention paid to its incredible ecological importance. Desert riparian areas are the sources of most regional biodiversity. In order to protect this important resource, a number of destructive management practices should be ended or severely cut back. Some of these practices include:

- channelization and the destruction of river meanders
- mowing of native riverside vegetation
- periodic dredging of the riverbed

While these and other ecologically destructive practices surely serve a particular objective, they do not balance utilitarian goals with river conservation. It is imperative that we preserve the Rio Grande's biological function for the purposes of regional ecosystem health and for the enjoyment of future generations.

Sincerely,



Thomas Schuster  
1804 Wyoming Ave #72  
Las Cruces, NM  
505-522-7197  
[nacirema2@yahoo.com](mailto:nacirema2@yahoo.com)

Wednesday, February 02, 2005

Mr. Daniel Borunda  
USIBWC  
4171 North Mesa, C-100  
El Paso, TX 79902

Dear Mr. Borunda:

I am assuming you are "replacing" Doug Echlin, and if my assumption is correct, I wish you all the best in your position and manifold responsibilities.

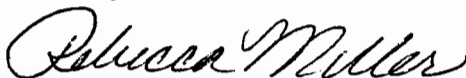
To be very pointed, Alternative 3 as described in the 12/10/04 notice would have farmers "up in arms" after having made clear these past years the negative consequences of all but of few of the options listed therein. That recreating meanders or minimizing dredging are still considerations is not a good beginning – unless, that is, you have found a way to "enhance" the environment without obtaining water rights. Equally, your criteria for evaluation – once again – completely ignores the most significant environmental issue in this region: WATER CONSERVATION – past, present, and future.

Quite frankly, showing no regard for the very life-blood of the valley's communities, that are also the #1 producers of this country's improved variety pecans, is beyond appalling. With respect to detailed comments on the Programmatic EIS and, more specifically, the Canalization or Rectification Project, please refer to my rather lengthy comments submitted on the Canalization Project DEIS, in addition to comments I made at the meetings held following the formal close of the Canalization Project DEIS, which are in the minutes of the meetings.

It seemed that we had made much progress in preventing what was escalating toward a lawsuit from farmers in the Mesilla Valley. Unfortunately, the PEIS does not appear to reflect even a basic understanding of the most significant environmental issues in our region. And you can expect that matters will escalate even more if IBWC does not start taking its flood control mandate very seriously, very soon. The agency has, for more than a decade, mismanaged its scarce resources and it is time it uses what little it has remaining on improving the levies and dredging in those areas that have already experienced flooding. The continued emphasis on the lives of birds and fish at the risk of people's lives is seen in this area of the country as a mental derangement – not good stewardship.

Please don't hesitate to call me if you have any questions at 505.882.9871.

Sincerely,



Rebecca B. Miller

# APPENDIX G

**Guemez, Sarah**

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**From:** Sanchez, Clifford - Socorro, NM [Clifford.Sanchez@nm.usda.gov]  
**Sent:** Friday, February 11, 2005 11:42 AM  
**To:** sallyspencer@ibwc.state.gov  
**Subject:** FW: Next IBWC Meeting in Las Cruces May 4

-----Original Message-----

From: Sanchez, Clifford - Socorro, NM  
Sent: Friday, February 11, 2005 11:39 AM  
To: 'sallyspencer@ibwc.state.gov'  
Subject: Next IBWC Meeting in Las Cruces May 4

Hello Sally Spencer,

Please add me to you mailing list so I can try to attend the meetings in NM. My contact information is below.

I attended the PEIS information meeting in Las Cruces last month, representing my Agency and my Supervisor Mr. Rosendo Trevino.

Thank You,

Cliff E. Sánchez  
SW Area Conservationist  
NRCS Socorro Area Office  
406 N. 6th St  
Socorro, New Mexico 87801  
Phone 505-838-4259  
Fax 505-838-4263  
email clifford.sanchez@nm.usda.gov

224 Bryan Street  
Denton, TX 76201

February 6, 2005

Daniel Borunda  
USIBWC  
4171 North Mesa Street, C-100  
El Paso, TX 79902

Dear Mr. Borunda,

Please accept the following comments on the Programmatic Environmental Impact Statement (PEIS) for the Rio Grande and Tijuana River Flood Control Projects in New Mexico, Texas and California. I recently completed my dissertation in environmental science, focusing on the environmental history of northwestern Chihuahua.

It is my understanding that the USIBWC as the lead agency will analyze flood protection measures and alternatives to current management practices, including structural and non-structural alternatives, watershed-oriented alternatives, and collaborative measures with other agencies and landowners to determine to what extent project management can provide adequate flood protection, facilitate water deliveries, and provide boundary stabilization. The projects also would support restoration of native riparian and aquatic habitats and the development of recreational opportunities. USIBWC, throughout the preparation of the PEIS, will collaborate with the Department of Homeland Security to ensure the accomplishment of the missions for both agencies.

I urge you to emphasize as much as possible the restoration of natural conditions to the river corridor by such measures as restoring meanders and streambank vegetation, and putting an end to the destructive practices of annually mowing the banks and periodic dredging of the river channel.

There is a wide body of literature and evidence that natural riparian conditions both reduce floods and filter pollutants. Perhaps the best-known study was by Costanza *et al.* (1998) that estimated the global value of nature's services at \$33 trillion. There is also the well-known folly of draining and channeling water sources for the Everglades, which now costs over \$8 billion to fix.

Thank you for your consideration of my comments.

Regards,



William Forbes

References:

Costanza, R., R. d'Arge, R. de Groot, S. Farber, M. Grasso, B. Hannon, K. Limburg, S. Naeem, R. V. O'Neill, J. Paruelo, R. G. Raskin, P. Sutton, M. van den Belt. 1998. The Value of Ecosystem Services. *Ecological Economics* 25: 3-15.