

1 UNITED STATES SECTION
2 INTERNATIONAL BOUNDARY AND WATER COMMISSION
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6 DRAFT
7 PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
8 RIO GRANDE FLOOD CONTROL PROJECTS
9
10

11 International Boundary & Water Commission

12 Tuesday, August 21, 2007

13 4171 North Mesa

14 Suite C-100

15 El Paso, Texas 79902
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18 REPORTED BY: Rachel Simons, CSR
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ORIGINAL

1 MR. BOURNDA: Good evening everyone. My
2 name is Daniel Borunda, I'm with the U.S. International
3 Boundary and Water Commission. I work in the
4 environmental management division as project manager of
5 the Programmatic project. I would like to welcome
6 everyone tonight to this public hearing on the Draft
7 Programmatic Environmental Impact Statement for
8 improvements to the Rio Grande Flood Control Projects
9 along the Texas-Mexico Border.

10 For the record, let me state that this
11 public hearing is being convened at 6:12 p.m. on
12 Tuesday, August the 21st, 2007 in the USIBWC conference
13 room located at 4171 North Mesa, Suite C-100 in El Paso,
14 Texas. I want to let you know that the entire
15 proceedings are being recorded by a court reporter and
16 that an official transcript will be prepared and posted
17 on the USIBWC's web site within a few weeks. We have
18 several public hearings that need to take place. A
19 summary of the transcript will also be available here at
20 the USIBWC Communications and Records Office located at
21 the entrance of this building.

22 Again, thank you for taking the time to
23 come here tonight. I will be your meeting moderator.
24 And before we begin, I just want to state a few
25 administrative remarks. The restrooms are out the door

1 and to your left; please feel free to get up at any time
2 during the meeting. If you haven't already done so,
3 before you leave tonight we would like for you to sign
4 in in the back with Anthony Davis. Also in the unlikely
5 event of an emergency, calmly exit the door and out to
6 your left.

7 Okay. Slide two. This meeting is another
8 step in the NEPA process. Many of you may recall, we
9 conducted public scoping meetings back in January
10 of 2005, and some of you were present at that time to
11 hear about this project. Tonight this is a public
12 hearing, a forum that provides an opportunity for
13 members of the community to provide comments on the
14 Draft Programmatic EIS. The Draft Programmatic EIS was
15 officially released for public review following the
16 notice of availability published in the Federal Register
17 on August 10th, 2007; and tonight we would like to hear
18 your comments on that draft.

19 In the back of the room we have packets --
20 folders with information about tonight's presentation,
21 maps, written comment sheets, and also CD copies of the
22 Draft Programmatic EIS, if you have not received a copy
23 or received the document yet. The environmental review
24 process is mandated by the National Environmental Policy
25 Act, commonly referred to as NEPA. Your input and

1 comments are beneficial to this agency. The IBWC is
2 interested in hearing your views, opinions, and
3 recommendations concerning the Draft Programmatic EIS.

4 I do want to clarify one thing up front,
5 this is a public hearing, and the purpose of this
6 meeting is to provide you with the opportunity to
7 present your views, opinions, and recommendations
8 regarding the Draft Programmatic EIS. Your comments
9 will be addressed in the final Programmatic
10 Environmental Impact Statement. Tonight the USIBWC will
11 not be formally responding to comments or concerns, only
12 to the extent that we would clarify information and
13 clarify questions. We will have an open comment session
14 later in the program, and I will be providing you with
15 rules regarding the public input session.

16 The USIBWC is the lead federal agency for
17 this project. The USIBWC is leading this project
18 through the environmental review process. The U.S.
19 Bureau of Reclamation El Paso field office; the U.S.
20 Field and Wildlife Service, Corpus Christi field office;
21 and the United States Army Corps of Engineers, Galveston
22 district are cooperating agencies for this Programmatic
23 EIS.

24 Several members of the project team are
25 here tonight, and I would like for you to meet them.

1 From the IBWC, Carlos Peña is the division engineer for
2 the environmental management division; Sally Spener is
3 out in the hall conducting an interview; and from
4 Parsons, Parsons is the consulting firm that is
5 assisting the USIBWC with this Programmatic EIS. We
6 have Carlos Victoria, he's the Programmatic EIS project
7 manager. We have James Hinson, he's the lead biologist;
8 and in the back we have Anthony Davis, he's the senior
9 environmental engineer.

10 After my brief remarks I will be turning
11 the podium over to Carlos Victoria, who will provide an
12 overview of the project. And following his
13 presentation, we will open up the hearing for public
14 input. Your comments are very important, and -- well,
15 your comments are very important. We would like to hear
16 your opinions and your concerns regarding this project.
17 We encourage you to submit comments either written or in
18 oral -- or provide them in oral form if you would like
19 to make an oral statement. We will be -- there's some
20 cards within the folders so that you can fill out and
21 submit them in the back of the room with Anthony, and
22 then I will be calling people individually in the order
23 received.

24 Again, I would like to state that your
25 letters and comments are appreciated. If you decide to

1 mail your comments they should be postmarked no later
2 than September the 24th. If you've already mailed your
3 written comments, there's no need to submit those
4 written comments again. For those of you wishing to
5 speak tonight, again, please sign in, and sign in on the
6 blue speaker form. Also for those of you speaking
7 tonight, if the court reporter cannot hear you well or
8 understand something you say, Rachel may interrupt you
9 and ask for clarification, so please don't be offended
10 by that. When a person is making a public statement,
11 please respect them and do not interrupt them as well.

12 And at this time I will go ahead and turn
13 the podium over to Carlos Victoria, so that he can give
14 you an overview of the project. Carlos.

15 MR. VICTORIA: Thank you, Daniel. Good
16 evening ladies and gentlemen. I'm Carlos Victoria with
17 Parsons. What I would like to do today is to review for
18 you some important aspects of the Programmatic EIS. The
19 presentation is going to cover three main areas.

20 First, I'll have an overview of the three
21 Rio Grande Flood Control Projects that are currently
22 maintained and operated by the USIBWC along the
23 Texas-Mexico border. The second, the process
24 description will be followed by the selective
25 alternatives for evaluation in the EIS. I will give

1 some examples of the improvement measures that are under
2 consideration. Finally, the evaluation of potential
3 impacts of each alternative will be described at a
4 Programmatic level, and we'll touch on that issue a
5 little later.

6 Let's start with the project description.
7 Please refer to the maps in the handouts in the back of
8 the room for a more detailed illustration of this
9 project. The diagram that you see on the screen
10 illustrates the general location of those three projects
11 along the Rio Grande. Starting downstream from the City
12 of El Paso, those projects are the Rectification
13 Project, the Presidio Project, and the Lower Rio Grande
14 Flood Control Project. In that diagram a red box
15 indicates the location of each project. And also the
16 box size gives you an idea of the scale of each of those
17 projects.

18 Let's go on an overview of each of the
19 projects. First, there's an overview of common
20 measures, common features to all of them. Examples of
21 those common features are, that all of them are built
22 with the same three objectives. First, to protect from
23 flooding urban agricultural lands on both sides of the
24 border; and second, they are built to ensure efficient
25 water delivery for agricultural and municipal use; and

1 third, they are intended to maintain international
2 boundary along the Rio Grande as established by the
3 international treaties.

4 The second common feature is the relatively
5 narrow floodway that is enclosed by levees and both
6 margins of the river. Third, vegetation control is
7 requiring the floodway, that is typically done by mowing
8 and it's done to prevent disruption of floodwater flow.
9 As a fourth feature we have the need to maintain the
10 stream channel to ensure that the water deliveries are
11 efficient. And finally when we look at the season of
12 stream flow, it varies seasonally in a great degree.

13 With those features in mind, let's go over
14 the three projects. The project located further
15 upstream is the Rectification Project. Key features of
16 that project, which is the one right here in El Paso, is
17 an approximate length of 86 river miles and covering
18 from the American Dam, the south of the City to Fort
19 Quitman. The levee system covers most of the project
20 area, and levees are typically 7 to 10 feet high. The
21 floodway is narrow with an average width of 600 feet.
22 On an important item is that the entire floodway is
23 under direct USIBWC control.

24 As to the stream channel, it's up to a 100
25 feet wide. On one feature for this project is that the

1 base stream flow is relatively low most of the year. As
2 is true for most of the Lower Rio Grande, the flow of
3 water is largely controlled by stream reservoir
4 operations. Second, downstream from the Rectification
5 Project is the Presidio Project, which is the smallest
6 of the three of them. Also that has been maintained and
7 operated by the USIBWC for several decades. Key
8 features of this project are 13 river miles that cross
9 the Presidio-Ojinaga Valley. Second, the levee system
10 is large relatively to the other two projects, height
11 ranges from 12 to 35 feet. The levees in this project
12 are higher in the lower region, and that increase highly
13 is due to the increasing flow due to the Cibolo Creek
14 contribution, Rio Concho River from Mexico; these are
15 major tributaries. And finally the project has a narrow
16 floodway that runs into an increasing steep terrain.

17 Next, the longest and more complex of the
18 three projects is the lower Rio Grande Flood Control
19 Project. This project extends 186 river miles from the
20 Town of Penitas near McAllen down to the City of
21 Brownsville near the Gulf of Mexico. The levee system
22 in this project covers nearly 106 miles along the U.S.
23 margin, and the typical height of those levees is
24 15 feet. In terms of floodway, the area is far greater
25 than those areas of the rectification of the Presidio

1 projects. One key difference is that the USIBWC
2 jurisdiction on the floodway is really very limited.
3 Most of those areas are really used for natural
4 resources, conservation areas, and for agriculture. The
5 commission maintenance areas are really limited to two
6 narrow corridors; one along the levee system, and the
7 second along the river, the river stream bank. Another
8 unique feature of this Lower Rio Grande Flood Control
9 Project is the presence of two flood diversion dams.
10 These dams route floodwater into two interior floodways;
11 one in Texas, and one in northern New Mexico.

12 Summarizing the features that are unique to
13 each project include the scale going from 13 miles to
14 186. This is important because the scale and extent of
15 the floodway dictates, to a large extent, the potential
16 for multipurpose use. Second, the extent of required
17 floodway maintenance and direct control by the IBWC also
18 dictates, to some extent, the potential for multipurpose
19 use. A third difference among the projects is the
20 dry-weather flows are very variable in different regions
21 of the Rio Grande. On a final feature that varies
22 widely among the projects is proposed plans for habitat
23 diversification and improved water use. Some of them
24 have been already proposed, some of them are already in
25 place, and most of them tend to be in the Lower Rio

1 Grande Project.

2 With this overview of the projects, let's
3 now move to the development of alternatives. This
4 diagram gives you the rural development phases of the
5 Programmatic EIS. On it, it serves to indicate how the
6 development of the alternatives is really a key step in
7 the preparation of the environmental evaluation. These
8 alternatives developed include -- address comments from
9 the scoping process that was done annually last year,
10 and those comments were addressed and incorporated as
11 applicable into the Alternative Report document; that
12 document was completed last February.

13 Let's see how the alternative development
14 process was conducted. Three general steps were
15 followed for developing the alternatives. First, the
16 potential improvement measures were identified, as I
17 said, with input from the scoping process. Second,
18 measures that were feasible for implementation were
19 selected for each project based on those unique features
20 of each of them. On the third and final step, measures
21 were organized into alternatives for improvement of the
22 flood control project. A key criteria that must be
23 emphasized in the process was compatibility of the
24 project mission of flood control, water delivery, and
25 boundary stabilization has to be a requirement for any

1 alternative that was selected.

2 Four, the alternatives were evaluated. And
3 the first alternative that's required by the NEPA
4 process is the No Action Alternative. And that
5 alternative is a continuation of the current maintenance
6 and operation of practices. And relative to that No
7 Action Alternative, three action alternatives were
8 developed. First, it was the enhance operation and
9 maintenance alternative, that focused primarily on the
10 engineering and operational improvements; and a step
11 further was the integrated water resources management
12 alternative. That incorporated both those measures from
13 the previous alternative, but also measures for improved
14 water use and water conservation. And the final step in
15 the alternative development process is the alternative
16 that includes additional measures for multipurpose use
17 of the project.

18 The typical elements of the four
19 alternatives are as follows: For the No Action
20 Alternative, there are really four categories that are
21 currently conducted. First, the maintenance of the
22 levee system. Second, the floodway management that is
23 conducted primarily by seasonal mowing, and as I
24 mentioned before, it's needed to prevent disruption of
25 the floodwater flow. The third category of those

1 measures was channel maintenance, including the stream
2 bank stabilization and the removal of channel
3 obstructions. And finally of those measures related to
4 sediment removal and disposal is that it's conducted on
5 an as needed basis.

6 The second option alternative incorporates,
7 as I was saying, those improvements to the levee system
8 and to maintenance of the floodway and stream channel
9 with measures related to water management. Sorry, I
10 believe I've jumped here. For enhance operation
11 management typical changes for the levee system are
12 increasing height of the improvement structural
13 condition; and the potential changes in floodway
14 management can be the change in the extent or timing of
15 the vegetation removal as well as changes in the
16 sediment removal.

17 Now, going back to the integrated water
18 management alternative, those measures are for efficient
19 water use to include the conservation measurements such
20 as removal of salt cedar removal, which is a very water
21 consuming plant. On the improvements to water quality
22 along the river, these measures would be typically
23 conducted within the project right-of-way. The final
24 alternative would add some measures in two general
25 categories to the previous one mentioned for the other

1 alternative. Those that would apply to the
2 jurisdictional floodway, for example, use of the
3 floodway for recreational areas, and more general
4 measurements that would be implemented outside the
5 project area to support regional initiatives and would
6 be conducted under cooperative agreements with agencies,
7 with organizations that propose them and present the
8 plan and implementations. Examples of those initiatives
9 are the sediment control in the upstream regions of the
10 Rio Grande, improvements in wildlife habitat, and
11 actions to increase the diversification of the aquatic
12 habitat.

13 The following table is really a summary of
14 the three action alternatives to indicate how the three
15 of them are really followed in an increasing level of
16 complexity, and really shows how they were in general
17 organized. And each of those lines would have some
18 subsections indicating which of the options -- which
19 measures could be part of each of those categories.

20 The final step in the preparation of the
21 Programmatic EIS is the evaluation of impacts, and, of
22 course, this is the goal of preparing this document.
23 And one consideration that we need to make in this
24 particular case is, that the evaluation was done at a
25 Programmatic level. This is somewhat unusual, and this

1 approach differs from the traditional EIS that evaluates
2 specific projects and plans.

3 In this case the measures are potential
4 measures to be implemented, not specific projects.
5 Following the preparation of this document typically an
6 environmental documentation is subsequently prepared
7 when a specific action is already planned and designed.
8 In the evaluation of impacts, first, impacts were
9 evaluated for each flood control project and then
10 consideration was given to multiple resource areas. A
11 list of major resource areas presented in the slide,
12 include affected water resources; biological resources,
13 including wildlife habitat and vegetation; historic and
14 archaeological resources; potential changes in land use;
15 socioeconomic aspects; and issues on environmental
16 health such as air quality and noise.

17 The impacts at this stage of evaluation
18 vary from project to project, but in general we can say
19 that globally there is a potential to impact or to
20 improve wildlife habitat and aquatic ecosystems,
21 depending on which of those measures are implemented.
22 Cultural resources could be partially effected, and
23 mostly that would happen with the levee expansion areas.
24 When you incur the levee height, the footprint also
25 expands beyond the current limits of the levee; and that

1 was where we saw the most risk for potential impact.

2 The conclusion that there will be large
3 scale changes in land use if the corridor's powering
4 plains are functional and really expanding the scale,
5 the project is not proposed, just improve the
6 engineering and it's functionality. On effects of
7 regional economics and air quality would be minor and
8 temporary during construction. As a result of this
9 process a number of issues were identified as important
10 for this evaluation that could drive really the
11 selection of measures. The first one that we have
12 applied before is the need to increase flood containment
13 capacity is a measure consideration. It's going to
14 drive many of the -- or really limits, or frames which
15 measures can be conducted and to which extent.

16 Again, requirements for flood control was a
17 restricted potential habitat development within the
18 jurisdictional floodway. As we mentioned, vegetation
19 removal implemented by mowing needs to be retained, so
20 when the floodwater comes through the floodway, it's not
21 retained and back into the upper regions of the project.
22 Given the long disposability of water in the Rio Grande,
23 the availability of water is going to be a key criteria
24 to make or to implement environmental initiatives.
25 That's going to be a big component that will be in this

1 initiative feasible. On a point that must be emphasized
2 also is that the floodway is generally used extensively
3 by the Border Patrol for their operations. So changes
4 within the floodway characteristics need to be
5 compatible with the operations of Border Patrol, as we
6 know they are steadily increasing.

7 With this general overview, I would like to
8 turn the microphone back to Mr. Daniel Borunda; and he
9 will facilitate the public comment session of this
10 hearing tonight. Thank you.

11 MR. BORUNDA: Thank you, Carlos.

12 Again, as I mentioned earlier, as part of
13 the analysis we're asking for your input. And we're
14 interested in hearing from you and finding out if you
15 have any particular concerns, questions, comments on the
16 Draft Programmatic EIS. Should you have any concerns or
17 questions, this is the time to express them tonight.
18 And also remember that if you're going to submit
19 comments in writing, please submit them before September
20 the 24th.

21 We'll go ahead and start the second part of
22 tonight's meeting where you may give us your comments;
23 and I'd like to get the list of people that have signed
24 up for oral comments from Anthony. And if you would
25 like, come forward or just stand. Stay where you are

1 and just stand up and state your name and comments.

2 Okay. The first person is a Heather
3 McMurray. Would you like to please come forward?

4 MS. McMURRAY: Is this on?

5 MR. BORUNDA: Yes, it should be on.

6 MS. McMURRAY: Can you hear me?

7 MR. BORUNDA: Yes.

8 MS. McMURRAY: Okay. I need the mic. I
9 didn't realize we were meeting until I saw the back of
10 the Sunday paper last night; so I'm going to speak kind
11 of informally, but about an issue that has concerned me
12 for four years, and that I've done extensive research
13 on.

14 For a long time we never wanted to mention
15 the name of the industry, but I will, and let's start
16 talking about it, an American dam. We have a smelter
17 run by ASARCO. Presently that company has idled the
18 smelter, they intend to restart it. Beneath that upper
19 American Canal that reaches from American Dam down to
20 about our -- where our Canal street station is, water
21 treatment plant, there's \$24 million worth of ASARCO
22 contamination in the ground. The groundwater reaches
23 the bottom of that upper part, upper, old American
24 Canal; not the middle or the lower, but the upper. The
25 upper is cracked, it's leaking, and these contaminations

1 have been documented reaching the water.

2 So we need to address the \$24 million worth
3 of waste underneath that canal before you can fix it,
4 even though we had a patch job on it after the flood
5 last year. No environmental suits, no masks, no oxygen,
6 no gloves. A lot of the toxins, you can't taste them,
7 you can't smell them, especially arsenic; and it's been
8 documented in high concentration there underneath the
9 canal. We have need to face this. We need to be honest
10 about it. We need the problem solved about it as a
11 community, as a region, and an international group.

12 This water is now providing our drinking
13 water from Canal Street Station, it's pumped up the
14 Franklin Mountain into gravity chambers, and then fed
15 throughout El Paso. The Canal water treatment plant --
16 Canal Street Water Treatment Plant will be expanded and
17 deliver more and more water to Juarez. It concerns both
18 of us on each side of the border because now we know
19 that ASARCO, for over a decade -- or nearly a decade,
20 maybe over a decade, burned toxic waste that we received
21 from Corpus Christi here, and that we have written
22 evidence that the EPA and TCEQ are hiding contamination
23 found both here and in Corpus Christi by -- that was
24 made -- caused by ASARCO incineration of this illegal
25 toxic waste.

1 The document it's in news- -- we have a
2 link to it through Newspaper Tree; you can find it on
3 other sites, through a web site I have. We got it
4 directly from the Department of Justice, and it had been
5 held confidential for nearly eight years. We know for a
6 fact that ASARCO burned toxic waste for profit. We
7 don't know all the things that went into it, and we need
8 to know. All of us here, who live here, drink the
9 water, raise children, work with people on both sides of
10 the border, we need to be honest about it. We need to
11 work together. We need the problem solved. It's time
12 that we didn't keep it secret anymore.

13 A lot of the waste that came here were from
14 places like NASA, Rocky Mountain Arsenal, other military
15 sites, but they were chemical companies. They were
16 unmanifested, untracked waste. We need to know what's
17 here in our soil, in our water. We know for a fact now
18 that ASARCO contaminated our water, our river, and our
19 aquifer. It's time that we deal with this. And that we
20 talk about it, that we try to keep that smelter closed.
21 We need to find out what happened. We need to be open
22 and honest about it with our friends, our families, our
23 workers -- co-workers. We need to talk about it because
24 we're breathing it, we're affected by it, and we need
25 honesty. We need to know what's there.

1 I am very proud of the IBWC for the way the
2 levees and how the system held up to the flood last
3 year. I am very proud of the IBWC for the action they
4 took to get effective management in. And I'm proud of
5 the IBWC because they continue to work next to the
6 closed, smelter town and they are sick. End of March
7 of 2005 our Federal State Department said the workers at
8 American Dam are sick, and that we needed independent
9 medical review in our region.

10 I am really concerned because our city is
11 pulling environmental monitoring away from medical
12 doctors; it will be now under solid waste in our city.
13 We need independent medical review for the people
14 working there and for all of us. So when we're talking
15 about what to do about this stretch of our river between
16 American Dam and Quitman, the first thing we need to do
17 is ask what ASARCO did here? What toxic waste is here?

18 We need honesty. We need to ask the EPA
19 and the TCEQ and all our public officials to give us
20 honest services. We deserve that. The people employed
21 by these agencies deserve that. They deserve it from
22 our community. They deserve the support from us because
23 they need the community behind them in order to do their
24 jobs right. Thanks.

25 MR. BORUNDA: Thank you, Ms. McMurray. The

1 next speaker is John Sproul.

2 MR. SPROUL: My name is John Sproul. I'm
3 with the Center for Environmental Resource Management at
4 the University of Texas at El Paso. Our center manages
5 Rio Bosque Wetlands Park on behalf of UTEP and the City
6 of El Paso, and we greatly appreciate the U.S. section
7 including increased water supplies to Rio Bosque as a
8 possible measure to look at in conjunction with flood
9 control activities on the Rectification Project. Having
10 some water available at Rio Bosque during the growing
11 season is essential to realizing the full biological,
12 educational, and recreational potential of the park. So
13 we very much support having this particular measure
14 included in the final Programmatic Environmental Impact
15 Statement.

16 And we look forward to working with the
17 U.S. section and with our other partners as
18 opportunities develop to benefit Rio Bosque in
19 conjunction with specific flood control activities. So
20 thank you very much for considering Rio Bosque Wetlands
21 Park in this way. We greatly appreciate it. Thank you.

22 MR. BORUNDA: Thank you, Dr. Sproul. The
23 next speaker is Mr. Kevin Bixby from the Southwest
24 Environmental Center. Kevin, would you please come
25 forward?

1 MR. BIXBY: Thank you. My name is Kevin
2 Bixby, I'm with the Southwest Environmental Center. I
3 haven't had a chance to read the document thoroughly,
4 I've skimmed it, and mostly I have questions.

5 To begin with, Mr. John Bernell in 2000
6 signed a memorandum of understanding with the Southwest
7 Environmental Center committing the U.S. section IBWC to
8 preparing an Environmental Impact Statement for the
9 rectification project and the canalization project and
10 to consider certain scope of work -- scope of analysis
11 that is detailed in the MOU. And so my question is, how
12 was that MOU considered given that it doesn't appear
13 that that scope of analysis was completed and this EIS
14 -- the EIS for the rectification is part of the
15 programmatic for several flood control projects and not
16 a stand alone EIS?

17 And I also have a question, what is the
18 preferred alternative for the agency? Are you guys
19 going to answer these questions or I'm just rambling on?
20 I can get them later?

21 MR. BORUNDA: The setup for the meeting is
22 to have input.

23 MR. BIXBY: Okay.

24 MR. BORUNDA: So we would address your
25 concerns and --

1 MR. VICTORIA: I can clarify. The two
2 approaches when you do an Environmental Impact
3 Statement, you can select the preferred alternative up
4 front, if you already have enough environmental
5 information, which one is environmentally preferred.
6 And the second approach is to get all the input from the
7 public review, and at that point join that with the
8 technical issue and come up with a decision, which is
9 the best alternative to be selected. That decision is
10 produced one month after the final EIS is released as a
11 formal document called the Record of Decision. So in
12 this case, the selection of alternative will follow this
13 public review process.

14 MR. BIXBY: Okay. Thank you. Another
15 question, and obviously these are the fundamental issues
16 that we raised in regards to the Canalization EIS as
17 well. There are two current management activities that
18 have very detrimental effect on the river ecosystem, the
19 vegetation management, the mowing, and the channel
20 maintenance, the dredging. And so, again, I would ask
21 what is the legal authority -- specific legal authority
22 for IBWC to carry out these activities in the
23 rectification project?

24 And another way of asking that, are these
25 activities carried out for flood control, for boundary

1 preservation, for efficient water delivery, or some
2 other purpose? And what is the legal authority? It
3 would be helpful to have that, let me put it that way.
4 It would be helpful to have that legal authority --
5 specific legal authority cited in the EIS.

6 And then given that those activities there
7 is legal authority to carry out those activities, how
8 does IBC know when and where it needs to conduct those
9 activities? And I hope it's on the basis of some
10 rational criteria, preferably the use of flow to the
11 modeling, and not on the basis of, Well, we've always
12 done it this way. We can tell when it needs to be done.

13 Okay. My last question, I didn't see any
14 mention of permitting that the Agency has to do
15 dredging, a 404 permit under the Clean Water Act. Does
16 the Agency have that permitting specifically for the
17 Rectification Project? What sort of permit is it? Is
18 it an individual permit? Is it a nationwide permit?
19 And if it's a nationwide, what is the -- when both -- in
20 either case, what mitigation work has been done or is
21 contemplated for -- to mitigate the impacts of that --
22 of those activities? And what is the baseline channel
23 condition that the nationwide is based on, if it's
24 nationwide?

25 MR. BORUNDA: To answer your question,

1 Kevin, to clarify it, the only dredging that has been
2 conducted in the Rectification Project is dredging at
3 American Dam near the gates. And right now Mexico is
4 dredging within the Chamizal, which is the cement line
5 portion of the river. Both instances the dredging takes
6 it down to the -- basically the concrete. We're going
7 back to the invert, the existing invert, which is the
8 concrete in both cases.

9 We have not done any dredging within the
10 actual river channel itself, the actual natural stream
11 bed. Like I said, the only dredging that has been done
12 is within the Chamizal and up here in the American Dam.
13 And it's actually a nationwide permit for both projects.

14 MR. BIXBY: So you don't have existing
15 permits to do other portions of the rectification?

16 MR. BORUNDA: No, we don't.

17 MR. BIXBY: Okay. Thank you.

18 MR. BORUNDA: Thank you.

19 MR. VICTORIA: There's one additional
20 comment that -- a reminder this document is prepared in
21 corporation with the Corps of Engineers, which is the
22 Agency responsible for permitting and managing the
23 natural waters of the United States. So that's an
24 element that is good to keep in mind as to the overall
25 framework that we have for this document.

1 MR. BORUNDA: Okay. The next person that
2 has signed up is Dr. Michelsen from Texas A&M. Please
3 come forward.

4 MR. MICHELSEN: Good evening. My name is
5 Ari Michelson I'm with -- formally with Texas A&M
6 University, but that's not my role tonight. I'm
7 speaking as a public citizen.

8 MR. BORUNDA: Okay.

9 MR. MICHELSEN: Unless we're engaged
10 formally in the evaluation process, my career and what I
11 do, however, has been involved in water resource
12 management and evaluations, and particularly integrated
13 water resource management. I'd like to first compliment
14 and applaud IBWC on development of this EIS, and again
15 say that I support a multipurpose project management
16 approach.

17 There are several things in this study as
18 recognized, it's a Programmatic EIS, so details on
19 specific projects to be evaluated and how they'll be
20 evaluated are not included; however, how they're to be
21 evaluated should be and must be included. This is a
22 Programmatic EIS. When you evaluate and later determine
23 the priority projects, the methods of how those projects
24 will be determined needs to be included.

25 And this addresses the point in the

1 presentation that one of the priorities of this process
2 is the need for increased flood capacity as a primary
3 consideration. Well, how is that need going to be
4 determined? Nowhere in here does it have an economic
5 analysis of that. What are the benefits of these
6 projects? And that needs to be included in the EIS as a
7 mechanism of an evaluation.

8 So one of the major points is add language.
9 The projects will be prioritized or approved based on
10 analysis of economic benefits and cost. The Corps of
11 Engineers and the federal agencies have a very specific
12 procedure to this. It's under the principles and
13 guidelines for evaluating land and water projects. That
14 language is absent in the EIS right now. I would highly
15 recommend that that be included.

16 Something else that's not included in terms
17 of economic analysis is a recent study of IBWC flood
18 control benefits that should be cited in the report. It
19 applies to the three project that are identified in the
20 study and was done less than three years ago. If you'd
21 like additional information on that I could gladly
22 provide it.

23 One of the items, particularly with the
24 hearing tomorrow tonight and the draft study from the
25 Corps of Engineers that I would like addressed, is the

1 incorporation of the Corps of Engineers El Paso Flood
2 Assessment Study with their new flood precipitation
3 estimates, and then also FEMA's FIRM maps. Okay. How
4 are these draft FIRM maps that are being presented
5 tomorrow night to the public incorporated in this? And
6 how are they part of the decision making process of what
7 projects, specific projects IBWC will undertake?

8 THE REPORTER: I'm sorry?

9 MR. MICHELSEN: What specific projects IBWC
10 will undertake.

11 THE REPORTER: Thank you.

12 MR. MICHELSEN: Back to the economic
13 analysis. On the economic analysis text and tables
14 provided, it's largely just an inventory that's not
15 related to projects. It's population, total housing in
16 counties, those are statistics that are not related to
17 IBWC programs. Okay. When you go through an EIS, and
18 you'll need to do this later for detailed ones, you need
19 to look at the population that's impacted by these
20 projects and housing that's impacted by the projects,
21 not the entire county.

22 And this also goes for estimating the
23 multiplier effects. There are no citations or
24 references in the economic section of where those
25 multipliers or data came from. The multipliers on the

1 surface appear to be very high, particularly in rural
2 areas where you have a great amount of leakage of the
3 dollars spent because those rural areas typically don't
4 have the equipment and have the expertise, so many of
5 those dollars will not be an impact in those rural
6 areas.

7 Lastly, and I started with this, the
8 evaluation methods are absent in the EIS. And I
9 strongly recommend that the evaluation methods, they'll
10 be used for -- specific detailed projects to be
11 identified. What models, what techniques, for example,
12 principles and guidelines are going to be used to
13 evaluate these projects. Thank you.

14 MR. BORUNDA: Thank you very much,
15 Dr. Michelsen. Anthony, has anyone else signed up?

16 MR. DAVIS: No.

17 MR. BORUNDA: Again, as a final reminder,
18 the comment period for this Draft Programmatic EIS is
19 September the 24th, therefore, any written comments that
20 you wish to submit to the IBWC which has not been
21 submitted tonight or previously submitted, must be
22 postmarked before that date. And, again, please submit
23 those comments to myself at the following address, the
24 4171 North Mesa, Suite C-100, here in El Paso, 79902.
25 And, again, if you haven't done so, please be sure to

1 sign in and also turn in any completed, written forms
2 that you've filled out here tonight.

3 At this time, for the record, it is 7:03
4 and this hearing is formally concluded, if no one else
5 wishes to speak. And thank you again for taking your
6 time and coming out here tonight, and please drive home
7 safely. Thank you.

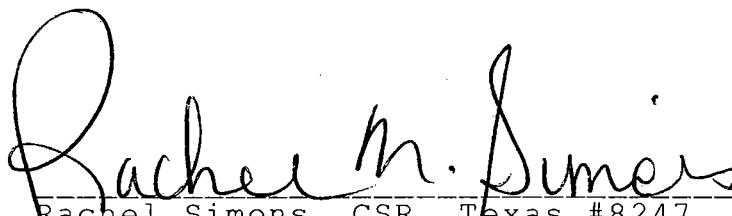
8 (Hearing concluded at 7:02 p.m.)
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CERTIFICATE

State of Texas)
)
County of El Paso)

I, Rachel Simons, a Certified Shorthand Reporter, in and for the State of Texas, do hereby certify that this transcript is a true record, and that said transcription is done to the best of my ability.

Given under my hand and seal of office on this 10th day of September, 2007.



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