



OFFICE OF THE COMMISSIONER  
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

January 23, 2023

Steven C. McCraw  
Director/Colonel  
Texas Department of Public Safety  
5805 North Lamar Blvd.  
Austin, TX 78752

Mike Novak  
Executive Director  
Texas Facilities Commission  
P.O. Box 13047  
Austin, TX 78711-3047

**Subject:** Violations of the International Boundary and Water Commission requirements for land use authorization of federal lands.

Dear Sirs:

Reference is made to my letter dated January 11, 2023, regarding my notification of violations of the International Boundary and Water Commission requirements for land use authorization of federal lands. As stated therein, the U.S. Section of the International Boundary and Water Commission (USIBWC) was made aware that various Texas entities, including the Texas Division of Emergency Management (TDEM) and the Texas Facilities Commission (TFC), utilizing Texas Department of Public Safety (TDPS) and the Texas National Guard (TNG) services, were conducting unauthorized activities and installing unauthorized barriers along the United States/Mexico border and in some locations within the Rio Grande floodplain.

To assure compliance to the 1970 Boundary Treaty, we require that any proponent considering a project in the floodplain submit to USIBWC a detailed hydraulic modeling of existing and proposed (with project) conditions, calculation of hydraulic impacts (to assess obstructions and deflections) and a detailed drainage report for unauthorized completed and any future projects that have been or may be undertaken in the floodplain.

My January 11, 2023, letter identified the required information that is needed to be submitted for USIBWC's review and approval for any proposed projects that are within our area of responsibility. To date, we have not received a response and the work, which includes but is not limited to, vehicular and personnel use of USIBWC levees, ramps and property, installation of temporary fencing, installation of bollard walls, and placement of concertina wire, and/or Conex boxes, remains in violation of our requirements. Please note that any unauthorized access and/or any infrastructure installed, constructed, or otherwise placed on the floodplain may be considered an encroachment of federal property and may need to cease and/or may require immediate removal.

As such, it is important that these requirements be addressed expeditiously, especially as we near the time of year, generally beginning in the Spring, where potential flooding in these areas may substantially increase the potential for damage to infrastructure and possibly loss of life such as from the containers placed along the riverbanks becoming dislodged or the bollard fence segments deflecting flow. Dislodged containers and other dislodged project elements also pose the risk of colliding with downstream structures such as international bridges in El Paso and Eagle Pass causing damage. The barriers and activity must be properly analyzed to determine their impacts and verify their compliance with the 1970 Boundary Treaty. After submittal of documents and our technical review, any mitigation requirements shall be implemented in an expedited way, to avoid potentially serious impacts as described above

Please accept this letter as my request to you to provide the required project information as stated therein by January 31, 2023.

If you have any questions regarding this process, please contact me at [ramon.macias@ibwc.gov](mailto:ramon.macias@ibwc.gov) or (915) 832-4749.

Sincerely,

**RAMON MACIAS**

Digitally signed by RAMON

MACIAS

Date: 2023.01.23 18:10:25 -07'00'

Ramon Macias, III P.E.  
Principal Engineer

cc:

W. Nim Kidd, MPA, CEM Texas Division of Emergency Management