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Public Hearing

at the Offices of

USIBWC

4171 North Mesa Street, C-100

El Paso, Texas 79912

on Tuesday, January 27, 2004

A P P E A R A N C E S

Mr. R.C. Wooten  
Mr. Douglas Echlin  
Dr. Carlos Victorio

COPY

1 THE FACILITATOR: Good evening, ladies  
2 and gentlemen. If everyone would please take a seat.  
3 Thank you. My name is R.C. Wooten. I'm with Parsons  
4 in Austin, and I'm the public hearing facilitator for  
5 this evening. I welcome you to tonight's public  
6 hearing on the draft Environmental Impact Statement  
7 and the river management alternatives for the Rio  
8 Grande Canalization Project.

9 For the record, let me state that this  
10 public hearing is being convened at 7:00 p.m. on  
11 Tuesday, January 27, 2004, in the first floor  
12 conference room at the offices of the United States  
13 International Boundary and Water Commission, 4171  
14 North Mesa Street, El Paso, Texas.

15 I want to let you know that the entire  
16 proceedings are being recorded by a court reporter and  
17 that an official transcript will be prepared and  
18 posted on the IBWC's website within two weeks of this  
19 meeting.

20 The purpose of this public hearing is  
21 to provide you with an opportunity to present your  
22 views, opinions and recommendations concerning the  
23 draft Environmental Impact Statement. Parsons has  
24 provided support to the USIBWC in preparing this draft  
25 Environmental Impact Statement.

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At this time, I want to introduce our panel here this evening. Mr. Doug Echlin, he's the project manager for the U.S. section of the United States Boundary and Water Commission on this project, and Dr. Carlos Victorio who is the EIS project manager for Parsons from Austin, Texas.

We will begin with a presentation of the draft EIS by Mr. Echlin to review the alternatives and look -- take a look at the environmental effects of this proposal.

MR. ECHLIN: Thank you, R.C.

Let me start with the project area. The canalization project is a 105-mile segment of the Rio Grande from the low Percha Dam to American Dam in New Mexico and Texas. The river segment was modified in early 1940s to improve water delivery and flood control. The project has been operated and maintained by the USIBWC.

We're dealing with a long, narrow corridor, typically 500 to 1,000 feet wide, largely enclosed by levees. It extends from Percha Dam in New Mexico to American Dam in El Paso. The project encloses about 8332 acres of land, 11,000 acres including the river bed.

The action under consideration is the

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1 long-term change in river management practices and  
2 implementation of environmental measures. The EIS is  
3 conducted as required by the 1969 National  
4 Environmental Policy Act, or NEPA, to assess effects  
5 of any major action conducted by a federal agency.

6 A key element in the development of  
7 alternatives is of the need to meet the canalization  
8 project requirements for flood control and water  
9 deliveries. Today's hearing is an integral part of  
10 the EIS, the review of the draft EIS by the public and  
11 agencies that will extend until March 1st, extended at  
12 stakeholders' request.

13 The development of alternatives  
14 followed a three-year consultation process that  
15 resulted in the preparation of an alternatives  
16 formulation report in March 2001 and a reformulation  
17 of alternatives report distributed in August 2003.  
18 Comments received during the review period will be  
19 addressed by the USIBWC and final EIS will be  
20 prepared. We anticipate release in April.

21 The USIBWC will select an alternative  
22 for implementation after the comment period and  
23 indicate its selection in the final EIS. After the  
24 final EIS 30-day waiting period, the record of  
25 decision will be published.

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1                   An extensive and open consultation  
2 process has been followed for EIS preparation.  
3 Stakeholders include the public, federal, state and  
4 local agencies, elected officials, academic  
5 institutions, irrigation districts and environmental  
6 organizations. The initial scoping meetings took  
7 place in November 1999. Input received was  
8 incorporated into a preliminary formulation of  
9 alternatives that was then discussed in technical  
10 workshops and public presentations. A final report  
11 was made available to stakeholders in March 2001.

12                   Additional input and recommendations  
13 from stakeholders were then included in a set of  
14 reformulated alternatives, reviewed in subsequent  
15 workshops and presentations, and completed in a final  
16 report in August of 2003. The potential effects of  
17 alternatives under consideration were evaluated in the  
18 draft EIS released to the public on December the 18th  
19 and filed with Environmental Protection Agency as  
20 required by the NEPA process, and it was announced  
21 December 24th in the EPA Notice of Availability.

22                   A series of river management  
23 alternatives were developed and modified based on  
24 stakeholder input. Following a three-year evaluation  
25 period, a no-action alternative and three action

1 alternatives were selected for evaluation in the EIS.  
2 The no-action alternative maintains  
3 operations and maintenance procedures as currently  
4 conducted; a second alternative that emphasizes flood  
5 control, a third alternative that focuses on  
6 management modification to lands under USIBWC  
7 jurisdiction; a fourth alternative that intends to  
8 partially restore environmental condition of the  
9 river.

10 Current practices were arranged in four  
11 management categories for analysis of potential  
12 changes. Levee system management includes routine  
13 inspection and maintenance, including the levee road,  
14 vegetation control, and local repairs as needed.  
15 Floodway management includes vegetation control by  
16 annual mowing to control the vegetation, uses of  
17 grazing leases, and cooperative agreements for  
18 recreational use of IBWC lands.

19 Channel maintenance includes removal of  
20 obstructions from the channel, as well as maintenance  
21 of infrastructure such as gates and other irrigation  
22 facilities and the American Diversion Dam. Sediment  
23 management includes dredging of the mouths of the  
24 arroyos as required and maintenance of the National  
25 Resources Conservation Service sediment control dams.

1           The first three action alternatives  
2 focuses on flood control improvement. The levee  
3 system is efficient, but potential improvements were  
4 identified in a 1996 study conducted by the U.S. Army  
5 Corps of Engineers. And that was a study using  
6 modeling.

7           The IBWC is currently completing an  
8 evaluation of the levee system along the canalization  
9 project. This alternative would include identified  
10 levee improvements such as increased height, which in  
11 flood control terms is called the "free board." New  
12 grazing leases would be modified to meet Environmental  
13 Protection Agency and Bureau of Land Management  
14 management guidelines as required by the USIBWC  
15 directives. Options would be evaluated for outside  
16 right-of-way sediment disposal from dredging  
17 operations.

18           The second action alternative includes  
19 environmental measurements to improve overall  
20 ecosystem conditions on USIBWC lands. This  
21 alternative would include identified levee  
22 improvements and changes in grazing leases as  
23 identified in the previous alternative.

24           A key element of the alternative is the  
25 increase in native vegetation along the riverbanks for

1 stabilization and to provide wildlife habitat. Use of  
2 managed grasslands on the floodway was identified as a  
3 measure to control erosion and to provide wildlife  
4 habitat.

5 Riparian bosques, the predominantly  
6 cottonwood forested areas by the sides of the river,  
7 would be developed by selected floodway locations for  
8 bank stabilization and wildlife habitat. Two  
9 environmental measures would be used, depending on the  
10 site elevation. Tree planting and lowering of stream  
11 banks, all measures to be implemented within USIBWC  
12 lands. A 20-year time frame would be used for  
13 implementation of this alternative.

14 At full implementation, the anticipated  
15 modifications would apply to modified grazing  
16 guidelines, about 43 percent of the lands under USIBWC  
17 jurisdiction compliance with new directives. About 20  
18 percent of right-of-way would be converted from an  
19 annual mowing regime to managed native grasslands.

20 A potential for 223 acres of planting  
21 area was identified, a potential for cottonwood willow  
22 establishment. Lowering of stream banks was  
23 identified for about 127 acres of USIBWC lands, which  
24 is approximately 2 percent of the total land. The  
25 extent of planting and bank shavedowns would be

1 dictated by practical considerations, such as extent  
2 of soil removal and disposal: -----

3           The third alternative would improve  
4 ecosystems in USIBWC lands and partially restore  
5 stream conditions. Levee improvements, as identified  
6 for previous alternatives are included. Also included  
7 are changes in floodway maintenance, grazing lease  
8 modification, managed grasslands and cottonwood  
9 planting for bank stabilization and wildlife habitat  
10 development.

11           Limited stream channel reconfiguration  
12 would be conducted at selected locations. Three  
13 potential measures are, partially reopening of six  
14 meanders closed during the canalization construction,  
15 modify arroyo, dredging to diversify the habitat, and  
16 controlled water releases from Caballo Dam for  
17 overbank flows.

18           At full implementation at 20 years, the  
19 anticipated modifications would apply to modified  
20 grazing guidelines, about 42 percent of the  
21 right-of-way. About 20 percent of the right-of-way  
22 would be converted to managed grasslands. A potential  
23 for 189 acres of planting areas was identified.  
24 That's 3 percent. Overbank flows would extend up to  
25 516 acres that include voluntary conservation

1 easements limited to the Rincon Valley.

2 A number of issues analyzed for  
3 development of alternatives were related to Rio Grande  
4 Canalization Project functionality. Among these are,  
5 comply with the canalization project mission for flood  
6 control and efficient water delivery. Potential levee  
7 deficiencies limited the extent and location of  
8 environmental measures under consideration. The need  
9 for control of salt cedar and avoid reduction in flood  
10 control capability requires continued mowing of  
11 approximately 2200 acres, or about half of the  
12 currently mowed areas.

13 Water-related issues were extensively  
14 analyzed for development of alternatives. Key issues  
15 for implementation are feasibility of several  
16 environmental measures is tied to water availability.  
17 The need for compensation for water consumption was  
18 evaluated as part of the effects analysis.

19 Water acquisition by sponsoring on-farm  
20 conservation programs was given the first priority for  
21 implementation. Retaining existing farmlands in  
22 production along the canalization project was adopted  
23 as a goal.

24 Potential effects on water resources  
25 are tabulated for the five -- I'm sorry -- for the

1 four alternatives. At full implementation, 20-year  
2 horizon, potential increase in water consumption  
3 relative to current conditions would be 1078 acre feet  
4 per year for flood control improvement alternative  
5 equivalent to about two-tenths of a percent of the  
6 current water diversions along the canalization  
7 project. 2203 acre feet per year for integrated land  
8 management alternative, equivalent to about .35  
9 hundredths of a percent of current diversions along  
10 the canalization project. 9461 acre feet per year for  
11 the targeted river restoration alternative, equivalent  
12 to about 1.55 percent of current diversions along the  
13 canalization project. Most consumption due to one  
14 measure, controlled water releases. Overall long-term  
15 improvement in water quality by erosion control and  
16 delivery by bank stabilization. Short-term adverse  
17 effects due to ground disturbance.

18 A comparative effect analysis in terms  
19 of biological resources indicates considerable  
20 positive changes relative to current conditions would  
21 be associated with two alternatives. For the  
22 integrated land management alternatives, improvements  
23 would be in native bosque and grasslands increases,  
24 350 and 1641 acres.

25 For the targeted river restoration

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1 alternative, greater improvements would be expected,  
2 particularly in native bosques, 1549 acres. Salt  
3 cedar control would be a benefit of implementing  
4 environmental measures, 130 and 543 acres,  
5 respectively.

6 Land use change in areas outside the  
7 right-of-way would be expected. With the proposed  
8 on-farm conservation program, land retirement would be  
9 limited to material borrow sites for levee  
10 rehabilitation, estimated at 50 acres. For the  
11 targeted river restoration alternative, 288 acres of  
12 farmland would be added as voluntary conservation  
13 easements. Without the proposed on-farm conservation  
14 program, additional farmland would need to be retired  
15 for acquisition of water rights.

16 The estimated acreage would be 734 and  
17 3154 acres for the integrated land management and the  
18 targeted river restoration alternatives, respectively.  
19 For all alternatives, existing and proposed USIBWC  
20 incentives for park, recreational use within the  
21 right-of-way would be continued as cooperative  
22 agreements.

23 To sum up the presentation, the USIBWC  
24 is currently considering four alternatives for  
25 long-term management of the Rio Grande canalization

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1 project. Those alternatives range from continuation  
2 of current practices to multiple changes in floodway  
3 management and aquatic habitat diversification.

4 Potential effects of each alternative  
5 were evaluated in the draft EIS that has been  
6 available for public review since December 18th, 2003.  
7 Comments will be addressed in the final EIS. A  
8 preferred alternative will be selected by the USIBWC  
9 after the comments are addressed.

10 I'll give the podium back to you.

11 THE FACILITATOR: Thank you, Doug.

12 Now we're going to move into the public  
13 comment portion of the program. When you signed in  
14 this evening we asked that you would fill out a card  
15 if you intended to speak. So far I only have two  
16 cards. If there is anyone else who's decided to speak  
17 now that you have heard the presentation, please fill  
18 out a card and hand it in at the table to Peggy so we  
19 can put you in line for your comments.

20 I ask that everyone give all the  
21 speakers your courtesy in not make any comments during  
22 their presentation, that you limit your verbal  
23 statements to five minutes each. In your handout, we  
24 did give you some ground rules, and we would expect  
25 that you follow those ground rules for speaking.

1                   When you're called, please come forward  
2 ~~to the microphone in the center of the seats there.~~  
3 Speak into the microphone. Identify yourself by your  
4 full name and affiliation. This is for the purpose of  
5 the public record. As a reminder, the ground rules  
6 for comments are provided in the handout given to you  
7 this evening.

8                   Our first commenter this evening will  
9 be Mr. Kevin Von Finger, if you would come forward,  
10 please.

11                   MR. VON FINGER: I guess I'm more  
12 confused than when I came in here, which wasn't too  
13 hard to do. I noticed that the statistics for tree  
14 planting, riparian plantings, 200-some acres, but the  
15 increase in the bosque would be over 1500 acres.  
16 What's -- so a lot of bosque increase is not from  
17 planting. What is it due to?

18                   THE FACILITATOR: Mr. Echlin, if you  
19 would like to clarify.

20                   MR. ECHLIN: The bosques are areas that  
21 preexist. We have bosques within our right-of-way in  
22 the Rincon Valley. And it's those areas that we're  
23 talking about. Tree plantings would be areas that  
24 don't necessarily already have trees and likely could  
25 support further forestation.

ST1-1

ST1-1  
(cont'd)

1 MR. VON FINGER: So there really wasn't  
2 an increase in that graph you saw? The graph had 1500  
3 acres. I thought that was an increase. Maybe that  
4 could be clarified.

5 THE FACILITATOR: We will clarify that  
6 in the EIS. Our primary role is to take the comments.  
7 We appreciate that concern, and we'll make sure that's  
8 addressed and clarified.

9 MR. VON FINGER: I've got another  
10 question for you. Tree planting, the 223 acres  
11 approximately, does that mean that there won't be any  
12 additional cottonwood planting of the kind that you've  
13 done in the past, up and down the entire stretch? Is  
14 that not -- I mean, that's not excluded, is it?

15 MR. ECHLIN: No. The plantings that  
16 we've done in the past, we're just taking it to  
17 another level. We're going to be identifying the  
18 areas where we feel that the tree plantings are going  
19 to be even better supported by the reconfiguration, if  
20 you will, of these point projects that are identified  
21 in the EIS.

22 MR. VON FINGER: But that doesn't  
23 exclude other areas to be planted.

24 MR. ECHLIN: That are already planted  
25 or --

ST1-2

ST1-2  
(cont'd)

1 MR. VON FINGER: No, that are not  
2 ~~planted that could.~~ For example, you can continue  
3 doing what you started a long time ago.

4 MR. ECHLIN: I would suspect that there  
5 may be additional areas that probably could be  
6 supported.

7 MR. VON FINGER: You may want to  
8 clarify that in the EIS. It does not artificially  
9 constrain the planting; otherwise, it sounds kind of  
10 arbitrary.

11 MR. ECHLIN: It will be helpful, Kevin,  
12 if you would put your comments in writing. I would  
13 appreciate it, and that way we can address them in the  
14 EIS as well.

15 MR. VON FINGER: I will do that. And I  
16 do have another question on the hydrological model.  
17 From what I understand, you're using a one dimension,  
18 and doesn't that -- instead of a two-dimensional  
19 model. Isn't two dimensions much more robust in terms  
20 of data it gives you? That's what I'm told, and  
21 that's what I've read, especially in terms of lateral  
22 flow.

23 MR. ECHLIN: We'll take that as a  
24 comments and address it in our responses in the EIS.

25 MR. VON FINGER: Okay.

ST1-3

ST1-3  
(cont'd)

1 MR. ECHLIN: We've addressed it in the  
2 reformulation of alternatives report as well. I can't  
3 recall the exact chapter where that's located.

4 MR. VON FINGER: Because it sounds like  
5 it might be very important to have that extra data,  
6 and it might benefit folks to just delay the decision  
7 making until you get that extra data. That's all I've  
8 got.

9 MR. ECHLIN: Thank you.

10 THE FACILITATOR: Thank you very much  
11 for your comment, Mr. Von Finger.

12 Our next commenter will be Lori Rivera.

13 MS. RIVERA: My name is Lori Rivera. I  
14 would like to make a few comments on behalf of the  
15 Ysleta del Sur Pueblo's Environmental Management  
16 Office at 119 South Old Pueblo, El Paso, Texas.

17 First, I would like to point out that  
18 the Ysleta del Sur Pueblo is a federally recognized  
19 Indian Tribe that has significant historical,  
20 cultural, and religious ties to the Rio Grande. Our  
21 people have a significant stake in water quantity,  
22 environmental quality, and cultural resource issues.

23 Second, Table 3.10-2 summarizes the  
24 consultation that supposedly occurred with Native  
25 American tribes. The table indicates that the Ysleta

ST2-1

ST2-1  
(cont'd)

1 del Sur Pueblo made no response to the letter or  
2 follow-up call by the IBWC. A letter and phone call  
3 do not constitute consultation. Consultation is the  
4 bilateral government-to-government process of  
5 negotiation, cooperation, and policy level decision  
6 making.

7 My third point is, on pages 3-61 and  
8 3-62 both known and undiscovered archeological  
9 resources are discussed. The Ysleta del Sur Pueblo is  
10 culturally affiliated with all known Puebloan groups,  
11 Ancestral Pueblo sites, and all Jornada Mogollon,  
12 Piro, Suma, Manso, and Jumano sites. The Tribe is  
13 also culturally affiliated with all prehistoric,  
14 protohistoric, and historic indigenous cultural  
15 traditions found in our Spanish Land Grant areas as  
16 well as aboriginal claim area.

17 THE FACILITATOR: Thank you very much  
18 for your comment.

19 Our next commenter will be Mr. Armando  
20 Vega. Come forward, please.

21 MR. VEGA: My name is Armando Vega.  
22 I'm a consultant with A and R Environmental Service.  
23 And my question is regarding grassland management  
24 grass. Specifically, it will describe that there are  
25 going to be some modifications in grazing leases.

ST3-1

ST3-1  
(cont'd)

1 That is -- and it's also described as changes in range  
2 land management. Those are pretty much the same. I  
3 mean, modifying a grazing lease would modify the  
4 grassland management, but those -- the changes are not  
5 described. They are just mentioned.

6 In order to evaluate those -- someone  
7 that wants to contribute to this draft Environmental  
8 Impact Statement needs to know what the current  
9 management is and what the current leases, agreements,  
10 are, and then what the changes are going to be. You  
11 don't describe in the draft Environmental Impact  
12 Statement. Can someone here elaborate a little on  
13 those?

14 THE FACILITATOR: We -- thank you for  
15 your comment, and what we are trying to do tonight is  
16 just take comments. We will address that comment in  
17 the EIS to clarify that.

18 MR. VICTORIO: In the description of  
19 chapter 3 -- in chapter 2, when we described the  
20 actions for each alternative, we do describe what the  
21 grasslands management, native grasslands management,  
22 is or entails and the modification of grazing leases.  
23 And you're right -- I'll be able to point out to you.  
24 It's in generic terms.

25 But essentially, they are separate

ST3-1  
(cont'd)

1 areas. Right now we have grazing areas that are  
2 established, and we have agreed with the lessees for  
3 several years. And what we would like to do with that  
4 is put directives in place to improve erosion control.  
5 That might be rotation of grazing areas or different  
6 ways to manage that land.

7 The other areas are separate, and that  
8 will be native grasslands. Grassland areas that would  
9 not have cattle at all. They would be intended to  
10 encourage the development of native grasses. They are  
11 separate areas.

12 I guess that was the -- I'll be glad to  
13 show you where in the document you can find some more  
14 information.

15 THE FACILITATOR: Thank you.

16 Is there someone else who would like to  
17 make a comment? Is there someone else who would like  
18 to make a comment? You can come forward to the  
19 microphone.

20 We would appreciate you saving any  
21 written comments. We have forms in the back on the  
22 table. If there are no more comments, the comment  
23 period has been extended to March 1st, based on the  
24 request of several stakeholders.

25 Thank you to USIBWC for hosting this

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1 hearing, and to all of you for attending. If there  
2 ~~are no other comments, no one desires to speak, this~~  
3 hearing is now adjourned.

4 (Hearing adjourned)

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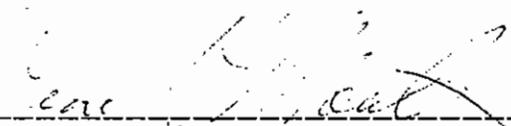
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C E R T I F I C A T E

The State of Texas )  
County of El Paso )

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

Given under my hand and seal of office on this 16<sup>th</sup> day of February, 2004.

  
Anne H. Mountin, Texas CSR #4803  
Firm Registration No. 384  
BRANNON RASBERRY & ASSOCIATES  
300 E. Main, Suite 1024  
El Paso, Texas 79901  
My Commission expires: 12/31/05