

Rio Grande Citizens' Forum
New Mexico State University, Corbett Center
Las Cruces, NM
June 22, 2009
Tentative Meeting Notes*

Board Members in Attendance

Heidi McIntyre-Wilkinson, Texas Commission on Environmental Quality
Philip Partridge, Individual Owners of the Rio Grande
Sal Masoud, Del Rio Engineering, El Paso Association of Builders
Conrad Keyes Jr., Paso del Norte Watershed Council
Mary Frances Keisling, Save the Valley
Louis Irwin, retired University of Texas-El Paso (UTEP) biology professor
Doug Echlin, Coronado Neighborhood Association

Board Members Absent

John Balliew, El Paso Water Utilities
John Hernandez, Elephant Butte Irrigation District

USIBWC Staff

Cesar Boisselier
Sally Spener
John Merino
Gabriel Duran
Hayley Goodstein

Members of the Public

Woody Irving, Reclamation
Mike Landis, Reclamation
Lorenzo Arriaga, Reclamation
Junelle Echlin, El Paso resident
Carol Irwin, environmental scientist, UTEP instructor
Greg Bloom, Sen. Bingaman's Office
Mike Fahy, El Paso Water Utilities
Dolores Halls, Las Cruces resident
John Woosley, MWH
Nicolas Chapa, Ninyo and Moore
Ernesto Ochoa, Ninyo and Moore
Joseph Fluder, SWCA environmental consultants
William Porter, Las Cruces resident
Mrs. Enrique Lucero, Las Cruces resident
Gustavo Payan, Specialized Steel Contractors, Inc.
Pete Flores, Specialized Steel Contractors, Inc.
Jake Redfearn, Congressman Teague's office
Ms. Caskowik, New Mexico resident

Hilary Brinegar, New Mexico Department of Agriculture, Paso del Norte Watershed Council
Mary Hoffman, Las Cruces resident
Paul Howard, Doña Ana County Planning
Judy Beryman, Environmental Engineering, Inc.
Steve Fishman, New Mexico State Senator, interested in recreational opportunities
Kim Keisling, El Paso resident
Nancy, professor
Don Kurtz, Las Cruces resident
Ed Kallman, Senator Tom Udall's office
Barbara Kauffman, Rio Grande Council of Governments
Jack Diehl, Las Cruces resident
Brad Forsyth, Doña Ana County property owner
Gene Cassidy, New Mexico resident
John Douglas, Las Cruces resident
Jared Jason Mendoza, El Paso-Traffic
Denis Roark, El Paso resident

Welcome and Introductions

USIBWC Principal Engineer John Merino chaired the meeting in lieu of USIBWC Co-Chair Al Riera, who was out of town.

Mike Landis of Reclamation announced that Bert Cortez, Director of Reclamation's El Paso office, suffered a heart attack on Sunday night and is in stable condition in intensive care at an El Paso hospital.

The board members introduced themselves.

Conrad Keyes, Chair of the Paso del Norte Watershed Council, which is working on water quality in the river and other issues.

Sal Masoud, Del Rio Engineering, is interested in the levee rehabilitation work. He is participating in the Citizens' Forum on behalf of the El Paso Association of Builders.

Philip Partridge, El Paso resident, recreational user of the river, interested in river access and enjoyment of the environment.

Heidi McIntyre-Wilkinson, environmental investigator for the Texas Commission on Environmental Quality (TCEQ), interested in the projects and in giving input about what concerns TCEQ may have.

Mary Frances Keisling, Save the Valley Neighborhood/Civic Association representing over 700 members. She is interested in flood control and quality of life issues in the Upper Valley. She was also on the citizen advisory committee for the El Paso stormwater utility.

Louis Irwin, retired Biology Department Chair at the University of Texas at El Paso. He is interested in technical and political issues, the biology of aquatic ecosystems, engineering and agriculture issues, international cooperation and collaboration.

Doug Echlin, Coronado Neighborhood Association, worked 27 years as an Environmental Protection Specialist with IBWC before retiring several years ago.

Board Member Orientation

Sally Spener gave a presentation about the history of the IBWC, projects of the IBWC, and responsibilities of the Citizens' Forum Board. Board members serve as volunteers for a two-year term. The board conducts quarterly public meetings at sites alternating between El Paso and Las Cruces. Board members are expected to attend all meetings. The purpose of the forum is to promote the exchange of information between the USIBWC and the community. It is not a federal advisory committee. The USIBWC would like to hear a diversity of viewpoints. Board members are expected to share information learned at the Citizens' Forum meetings with the various organizations they are involved with and to inform the USIBWC of issues, concerns, or projects that those organizations have that relate to the USIBWC's work.

Following the presentation, Sally Spener outlined the responsibilities of the community Co-Chair position and the possible selection procedures. The Co-Chair helps to determine the meeting agenda, meeting date, and handles other business in between meetings of the full board. The Co-Chair presides over every other meeting of the Citizens' Forum. She explained that the Co-Chair may be agreed on through an informal consensus vote, a more formal procedure including the submission of personal biographies from interested candidates, or by any other method agreed to by the Board.

On their applications, three board members had expressed interest in serving as Co-Chair – Philip Partridge, Louis Irwin, and Conrad Keyes. Mr. Partridge deferred to the other two applicants. Mr. Keyes suggested that two individuals could each be responsible for one year of the two-year term, as was done during the previous term. After brief discussion, it was determined that Louis Irwin would serve as the Co-Chair for first year and Conrad Keyes for the second year. The USIBWC Co-Chair is Al Riera.

There was discussion of meeting days and times during the board's term. The new board is comfortable with continuing to meet at 6:30 p.m. following the Paso del Norte Watershed Council meetings. The board did not indicate a preference for any particular day of the week. The next Citizens' Forum meeting will be September 29 at 6:30 p.m. at USIBWC Headquarters, 4171 N. Mesa Street in El Paso, TX.

A member of the public inquired as to whether there is any interaction between the IBWC and Elephant Butte Irrigation District (EBID). It was noted that John Hernandez, though not present at this meeting, is a current board member representing EBID.

Rio Grande Public Access Issues

Philip Partridge of Individual Owners of the Rio Grande (RiGO) then gave a presentation about river access issues.

He expressed concern about restrictions on access to the river, including few places to park and, in some cases, difficulty finding the river. He noted that the existing USIBWC "No Trespassing" signs further discourage river access. He recently participated in a river clean-up but to do so he had to pass by a "No Trespassing" sign. He raised questions about what agency has enforcement authority for trespassing violations and the type of penalty that would be imposed on trespassers. He noted that USIBWC has indicated that it plans to replace the "No Trespassing" signs with a new sign that will allow greater access.

Acting Upper Rio Grande Area Operations Manager Cesar Boisselier reported that the signs have been designed and are currently being manufactured. Mr. Partridge

expressed disappointment that the wording on the signs was developed without any additional public input that he is aware of.

Mr. Partridge is interesting in having USIBWC do more to encourage recreational use of the river. The levees are usually barricaded with locked gates. He would like to see parking areas in proximity to river access points and he would like the USIBWC to provide information to the public about what areas are available for public use. He also suggested that the USIBWC establish certain days/times when the gates would be opened to encourage access, an “open gate Sunday” similar to the program the City of El Paso has on Scenic Drive where the road is blocked to vehicular traffic on Sundays in the summer so that it can be used by pedestrians and cyclists.

He also discussed that some people have keys to the gates for authorized access. He would like more information about the reasons for providing keys to some individuals/groups.

He added that USIBWC has announced plans to enhance the river corridor (this relates to the Rio Grande Canalization Project Record of Decision and River Management Plan). He suggested that IBWC expand its mission statement to include recreational enhancement.

He started an organization called RiGO, Individual Owners of the Rio Grande, to address access issues. He stated that he had submitted a proposal to USIBWC to construct a dock on the Rio Grande, which was turned down. However, he pointed out that the USIBWC has authorized construction of some structures along the river, such as exercise/playground equipment at the City of Sunland Park. He cited examples of other cities, such as Detroit and San Antonio, which have developed attractive riverfront projects.

He then showed a video of the Rio Grande near and upstream of Sunland Park. He suggested that if vehicle access is provided, the levee road be designated a “no dust zone.” He proposed construction of a small river dock so people can stand by the river without fear of falling in.

He continued with a video of the June 13 river clean-up. He would like to organize another clean-up during the non-irrigation season as well. He noted that the USIBWC’s Texas Clean Rivers Program was very instrumental in putting together the clean-up. He also showed video of the Raft the Rio Festival in Las Cruces, with people rafting down the river.

Lorenzo Arriaga, Reclamation, explained that there are questions about law enforcement jurisdiction along federal lands. Since there are no federal police for the project, that is why “No Trespassing” signs are posted. Woody Irving, Reclamation, noted that the law enforcement issue is also a concern at Mesilla Dam.

Sally Spener, USIBWC, reported that the new signs USIBWC is putting up will indicate that certain uses, such as vehicles, hunting, etc. are prohibited, so that the agency is being permissive of other uses such as walking. Additionally, the Record of Decision for the new management plan for the Rio Grande Canalization Project considers an increase in recreational uses in partnership with other entities.

Mary Frances Keisling, Save the Valley, pointed out that there is access from Valley Creek Park to the heritage river trail all the way to the state line. The trail stops just short of Country Club Road because the land there is privately owned. On this trail, you can walk, ride a horse, etc.

Mr. Partridge would also like to see boat access for canoes.

Ms. Keisling said the Public Service Board (PSB) might have some land that could be used for a parking area between Country Club Road and the state line. But, in her view, no motorized vehicles should be allowed along the levee/river because it would pose a risk to people walking or otherwise using the area.

A member of the public stated that there is access at Shalem Colony but this has created problems with firearms and trash.

John Merino, USIBWC, stated that USIBWC is going to be doing some restoration projects along the Rio Grande Canalization Project. There may also be enhanced opportunities for access. The Record of Decision for this project has been signed, which opens a lot of doors for how the agency is going to manage the river for wildlife etc.

Rio Grande Flood Control Levee Construction Issues

Gabriel Duran, USIBWC, gave a presentation on this topic. He explained levee terminology, such as seepage, overtopping, slope failure, etc. For the USIBWC levees, levee height is deficient and plating of the slope is required in El Paso and Doña Ana Counties to address structural problems. A new levee/floodwall is needed for the Canutillo area. After Hurricane Katrina, FEMA established new requirements for levees and the USIBWC started looking at its levees. The USIBWC secured \$220 million in Recovery Act funds for Rio Grande levee work.

He then discussed the levee projects that USIBWC will be undertaking.

In the Hatch area, improvements will be made to the west levee from Hatch Siphon to Bignell Arroyo. Construction scheduled for Feb. 2010 to Feb. 2011.

The Mesilla Valley west levee from Shalem Bridge/Picacho to Mesilla Valley Bosque Park is to be completed by Feb. 5, 2011. Some work on the east levee between Selden Canyon and Mesilla Dam is being done with in-house USIBWC forces as part of the levee-raising program. The work being done with in-house crews will be completed by September 30, 2010. The Mesilla east and west levees from Mesilla Dam to Vado Bridge will be done by Feb. 2011. We have a very aggressive schedule, which is consistent with the president's plan to stimulate the economy.

In the Anthony area, the east levee from Vado Bridge to Vinton Bridge and the west levee from Vado Bridge to Country Club Bridge are scheduled to be completed by Feb. 2011. The Anapra levee would also be completed at this time.

For the Canutillo area from Vinton Bridge to Borderland Bridge, a new levee/floodwall will be built on the east side of the river. Recovery Act funds will be used for design and the project will be constructed with out-year funding. This segment is technically challenging due to the need for arroyos to drain to the river. There is currently a railroad embankment but not a levee.

From Borderland Bridge to the Electric Plant, the levee is being rehabilitated using in-house forces rather than Recovery Act funds. The work is to be completed by September 2010. In this segment, Recovery Act funds are being used to rehabilitate structures, such as a culvert at an arroyo.

He showed a drawing of the structural improvements that need to be done. The work includes increasing levee height in areas where this is needed to provide three feet of freeboard. There will also be improvements to the side slope because when the levees

were built in the 1930s, the Commission used dirt from the channel but, as it turns out, if you have high water against the levee for a sustained amount of time, the water could percolate through. The side slopes are being plated with material that is being privately purchased, quarried from around the area.

He then showed aerial photos of the areas where work is planned, as discussed above.

A member of the public asked whether salt cedar will be removed in this segment. Mr. Duran replied that salt cedar removal is not contemplated in the levee construction phase but it will be addressed with the new management plan that is being implemented in accordance with the Record of Decision that was just signed.

Mrs. Lucero, a member of the public, pointed out that there is no levee at Radium Springs. Mr. Duran indicated that in that reach, water is contained by the width of the canyon. Mrs. Lucero expressed additional concerns about flood control in the area and it was suggested that she write a letter to the Commission so her concerns can be researched and responded to.

With funding currently available, the USIBWC intends to improve all the levees except for the east levee near Hatch and the Canutillo floodwall, which will be constructed in the out years. Otherwise, everything is going to be enhanced.

He showed a photo of construction equipment on the levee and advised of general impacts during the construction phase, including hours of operation and dust control.

FEMA contact information was then shown on the screen. Questions about FEMA certification should be directed to James Orwat, FEMA, 800 North Loop 288, Denton, TX 76209, 940-898-5302, james.orwat@dhs.gov.

John Merino, USIBWC, reported that a meeting was scheduled the following week with USIBWC and FEMA to discuss levee certification issues.

Mr. Duran added that in addition to raising the levees and side slopes, design needs to be done to fix the structures in the flood control project. All of the improvements will be documented and submitted to FEMA for consideration in the certification process. There is also an agreement with the National Weather Service that is required as part of the package of items that must be submitted to FEMA.

Mary Frances Keisling, Save the Valley, stated that a neighbor had raised concerns about levee construction impacts, which were immediately addressed by USIBWC. She thanked Acting Upper Rio Grande Project Manager Cesar Boisselier for the prompt response.

In response to various questions from the public, USIBWC staff reported that an Environmental Assessment had been completed for the levee work. It was also noted that the in-house levee construction south of Selden Canyon will be completed by September 2010. A question was also raised about the process for completing the FEMA flood insurance rate maps, whether they would be done before levee construction is complete and, if so, whether USIBWC or local officials would apply for the map revision to reflect subsequent levee improvements. This process has not yet been determined and will need to be addressed by FEMA. It is likely that portions of the levee will be certified as work is done rather than certifying the entire levee system at once. A variety of materials are being used to construct the levee improvements, including Clayey Sand (SC) in the Las Cruces area and Lean Clay (CL) in El Paso.

Conrad Keyes, Paso del Norte Watershed Council, asked whether any bridges in the flood control project are inadequate given the levee work and FEMA certification requirements. Mr. Duran responded that the majority of bridges will be okay but there may be one or two that would need to be looked at.

Senator Fishman asked a series of questions about the impact of the levee work. Responses indicated that recreational access will be no worse or better than it is right now. The contractors will determine whether they will work from north to south or vice versa. The affected neighborhoods will be notified. Prior to the start of construction in El Paso's Upper Valley, a public meeting was held to which local residents were invited to discuss construction impacts and schedules. Schedule information is also available on the USIBWC web page.

Some members of the audience requested information about contracting opportunities. Companies interested in federal contracting should monitor www.FedBizOpps.gov. That is where the work will be advertised. The design will be complete in the next few months.

Public Comment

Hayley Goodstein, USIBWC, made an announcement on behalf of the Clean Rivers Program (CRP). At the next Citizens' Forum meeting in September, the CRP will be on the agenda to present an overview of the CRP and its activities, the status of water quality, special studies, and projects. To prepare for that presentation, the CRP has a suggestions form. If you would like them to speak on any other issues, please fill out the form. Suggested items will be included in the presentation in September.

Mrs. Lucero expressed concern about flooding that occurs in her neighborhood. Mr. Merino suggested that she write a letter to USIBWC with specific information and the USIBWC will respond. Mr. Duran noted that the flooding problem she described may relate to an arroyo or canal that is outside of the jurisdiction of the USIBWC. The USIBWC only works where it has legal authority, right-of-way, and where it is sensible from a cost-benefit perspective.

Mike Landis, Reclamation, reported that on June 22, 2348 cubic feet per second of water is being released out of Caballo Dam. Elephant Butte Reservoir has 662,000 acre-feet in storage, just over 38% capacity. Reclamation expects 100% deliveries before the end of the year. There will be Section 7 restrictions by about July 25.

Suggested Future Agenda Items

Conrad Keyes suggested a presentation about the Rio Grande Canalization Project Record of Decision that was recently signed.

Greg Bloom proposed a discussion of how the Asarco smelter clean-up will interface with the river and IBWC.

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