

PERMITS AND LICENSE CHECKLIST

1. LETTER OF APPLICATION - 3 copies

- a. Identify your organization and state what is requested: Permit or License.
- b. List the type of structure, improvement, or work that is to be constructed.
- c. Statement of reason for said work, i.e., commercial, public, or private venture.

2. MAPS AND DRAWINGS - General

- a. Letter-size drawings are the minimum acceptable.
- b. Meridian or north arrow shown.
- c. Drawn to scale with scale stated and shown graphically.

3. VICINITY MAP – 3 copies

- a. Show a town, highway, bridge, or major identifiable feature.
- b. General location of work outlined should be circled in red.

4. LOCATION MAP – 3 copies

- a. Area where facilities are to be constructed should be outlined in red.
- b. Show property lines (metes and bounds, if possible) and/or location of property line markers, such as steel pipes driven into the ground with permanent identification data.

5. PLANS AND SPECIFICATION – 3 copies

- a. Drawings of sufficient details to determine exactly what is proposed, how it is to be constructed, and by whom.
- b. In any operation involving earthwork, such as an excavation, drilling or boring, a cross sections and profile of the proposed works must be furnished. See examples in Attachments I-IV at http://www.ibwc.state.gov/Files/construction_criteria.pdf

6. If the construction is also on land owned by personnel other than the government, the applicant must include a statement in triplicate from the owners giving permission for such construction on their property and access thereto.

7. If the proposed work requires clearing, excavation, or dredging on government property, you must first contact the following agencies:

- a. Appropriate Historic Preservation Officer(s), to find out if you need a cultural resources survey of the area.
- b. U.S. Department of Interior, Fish and Wildlife Service, to determine the impact of the project on threatened and endangered species, both animal and plant life.
- c. U.S. Army Corps of Engineers, to determine the effects of the proposed project on the waters of the U.S., (wetlands, streams, and rivers) in the area.
- d. The Texas Parks & Wildlife and TCEQ, if applicable, for projects along the Rio Grande.

8. The letters from these various state and federal agencies, concurring with the proposed work, must be obtained by the requestor before the International Boundary and Water Commission will issue the requested permit.

9. A permit from the State Water Commissions, to divert waters from rivers or reservoirs, is necessary before a permit for pumps and water lines can be issued.

10. LICENSE FEES, (EFFECTIVE JANUARY 1, 1977) ARE AS FOLLOWS:

- a. Commercial License - \$150 per year plus \$28 per year per acre or part thereof.
- b. Permanent Commercial Utilities - \$115 per year

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
UNITED STATES SECTION

INSTRUCTIONS ON REQUESTS FOR LICENSES
TO CONSTRUCT FACILITIES ON
INTERNATIONAL BOUNDARY AND WATER COMMISSION
RIGHTS-OF-WAY

INSTRUCTIONS

The purpose of this pamphlet is to help you in applying for authority to perform work or place structures on or across rights-of-way of projects under the jurisdiction of the United States Section, International Boundary and Water Commission (USIBWC), and to describe briefly such jurisdiction and your responsibility under the Federal laws and the method of compliance therewith. The United States Section is responsible for the construction, operation and maintenance of all United States properties under its jurisdiction and, the administration of laws for the protection and preservation of these properties. Licenses for all work to be performed on rights-of-way must be approved by the Commissioner for the United States Section before such work is begun. The authorization is ordinarily granted in the form of a revocable license. The license does not authorize any trespassing upon or injury to private property, or the invasion of private rights, nor does it affect water rights or concede that the licensee has any water rights.

FEE - Generally, in the Upper Rio Grande Canalization Project, an administrative fee of \$150.00 is charged for each license issued. No fee will be charged to Cities, States or political subdivisions thereto, or to owners of lands over which the Government has an easement only, and to others where the purpose of the license is for the direct benefit of such landowners.

If licensed works will cause additional cost to the United States a special fee for such license will be assessed in an amount determined appropriate in the circumstances by the United States Commissioner.

HOW TO APPLY FOR A LICENSE - An application for a license shall consist of a letter, in duplicate, requesting the license and accompanied by four copies each of a location map, vicinity map, and plan of the proposed work. The letter of application will be addressed to the Engineer in Charge of the Commission activities of the locality in which the proposed work lies. The letter will bear the date, the applicant's address and telephone number and, the location and description of work. It will give an explanation of the plans in sufficient details to enable the Commission to determine exactly what work is proposed and, to show that the structure or other works will not create a hazard or interfere with any project operations. The letter will be signed by the owner or proprietor of the proposed work, or his duly authorized agent, but not by the contractor who it is proposed to be employed to do the work. In case the application is from a corporation, the letter will give the name and location of principal office, telephone number, State in which incorporated and, title and name of official who will sign the license.

If the proposed work requires clearing, excavation or any other form of ground disturbance on government property, the applicant must first contact the following agencies for the state where the works will be performed:

- a. The Historical Preservation Commission
- b. The U. S. Fish and Wildlife Service
- c. The U. S. Army Corps of Engineers

Letters from these state and federal agencies, concurring with the proposed work, must be obtained and provided with the application, as required under the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 et. seq.). Where a major adverse impact will result, the applicant may also be required to furnish a detailed Environmental Impact Statement (EIS) as is further required by said National Environmental Policy Act.

Since all of the lands administered by the United States Section are within floodplain areas, no permanent improvements will be licensed except those that are not subject to flood damages and are floodproofed in accordance with the Unified National Program for Flood Plain Management of the Water Resources Council.

In the event a license is requested for the purpose of constructing facilities to convey water diverted from the Rio Grande, independent of, or in connection with any project works of the United States Section of the International Boundary and Water Commission, or for the purpose of enlarging or expanding facilities to increase the conveyance of such diversions, the applicant must submit a copy of his Water Rights Certificate with his application or, if he has a riparian right, state by affidavit under what authority or law the water has been, or is to be diverted.

The vicinity map will show the location of the proposed work with reference to a town, highway, or some major topographical feature. The location map will show the specific location of the proposed work with reference to some established monument on the Commission's project. Ideally, each map will be on an 8-1/2" x 11" sheet, or if practical, the vicinity map may be shown as an inset on the location map.

The location of the work will be outlined in red on each map. All drawings and maps should be drawn to scale and the scale shown graphically. Maps must have the usual meridian arrow. In general, the meridian arrow should be parallel with the 10-1/2" dimension of the drawing.

If, upon examination of the application, it is found that the proposed work or its operation and maintenance will not interfere with the operation and maintenance of any project works of the United States Section, and is consistent with permissible flood plain uses defined in the Unified National Program for Flood Plain Management of the United States Water Resources Council, a license will be prepared by the Commission and transmitted to the applicant, in duplicate, for his signature and return to the office from which it was received. The applicant shall send, if applicable, a postal money order or certified check, made out to the International Boundary and Water Commission, United States Section, in the amount of the appropriate fee for each license. Upon final execution of the license, a duplicate-original copy will be sent to the licensee for his files.

Applicants desiring to make application for authority to perform work or plan structures on or across right-of-way of projects under the jurisdiction of the United States Section of the Commission will often find it in the interest of economy and convenience to write or visit the nearest office of the Commission relative to their desires before incurring any expense in connection with the preparation of maps and plans.

GENERAL CONDITIONS - For the information of the applicant, the general conditions established by this Commission, relative to licensing, are given below. Special conditions may be added if it is determined that the interests of the United States so require:

1. The work shall be subject to the inspection and approval of the Engineer in Charge of the area in which the proposed work is to be done, to determine if the work is being performed in conformance with the plans, as approved. The Engineer in Charge may temporarily suspend the work at any time if, in his judgment, the interests of the Commission so require.
2. The United States will not be held liable for any damage or injury to the structure or work herein authorized which may be caused by, or result from, the future operations of Government-operated and maintained properties under the jurisdiction of the Commission, and no claim or right to compensation shall accrue from any such damage.
3. The licensee is required to operate and maintain the facilities for which the license is requested and such operation and maintenance shall be performed in such manner as not to interfere with the construction or operation of project works. The license granted is personal and shall not be assigned without the written permission of the Commissioner of the United States Section or his duly authorized representative.
4. The license will continue so long as, in the opinion of the Commissioner, it is considered to be expedient and not detrimental to the public interests, and shall be revocable by said Commissioner upon 90 days written notice to the licensee. Upon such revocation, or if the project is abandoned, the structure or other works shall be removed by licensee without delay and at his sole expense.