

DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC HEARING AND COMMENT PERIOD SUMMARY

River Management Alternatives for the Rio Grande Canalization Project

Prepared for:

**United States Section
International Boundary and
Water Commission**

El Paso, Texas



Cooperating Agency:

**U.S. Department of the
Interior
Bureau of Reclamation**



March 2004

Prepared by:

PARSONS

Austin, Texas

**Public Hearing and Comment Period Summary
for the
Draft Environmental Impact Statement
River Management Alternatives for the
Rio Grande Canalization Project**

Prepared for:

**UNITED STATES SECTION,
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The Commons, Building C, Suite 100
4171 North Mesa Street
El Paso, TX 79902-1441

Prepared by:

PARSONS
Austin, Texas

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EXECUTIVE SUMMARY

The United States Section of the International Boundary and Water Commission (USIBWC) prepared a Draft Environmental Impact Statement (DEIS) for River Management Alternatives for the Rio Grande Canalization Project. The DEIS was made available for public review and comment on December 26, 2003. During the comment review period, the USIBWC held a formal hearing on January 27, 2004 to receive public comment on the adequacy of the DEIS. Verbal comments were taken through transcription by a certified court reporter. The USIBWC extended the public comment from a 45-day period ending February 10, 2004 to March 1, 2004 to allow the commentors additional time to review the DEIS and provide written comments.

In general, the key issues expressed during the public comment period varied and included the following:

- Support for the No Action Alternative;
- Support for the No Action Alternative excluding conditions contained in the 1999 Memorandum of Understanding between the USIBWC and the Southwest Environmental Center;
- Preference for the Targeted River Restoration Alternative with additional measures; and
- Concern regarding the USIBWC's focus on environmental changes instead of focusing on their mandate to deliver water and provide flood protection.

The USIBWC will respond to the public's comments and concerns in the Final EIS.

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SECTION 1 INTRODUCTION

1.1 INTRODUCTION

The cornerstone of the National Environmental Policy Act (NEPA) is full public disclosure and open public participation in the decision making process; therefore, lead agencies must provide sufficient notification and opportunity for public involvement to take place during the preparation of an Environmental Impact Statement (EIS).

The initial step in the EIS process is to notify the public and other government agencies of the lead agency's intent to prepare an EIS by publishing a Notice of Intent (NOI) in the *Federal Register*. The United States Section of the International Boundary and Water Commission (USIBWC) published a NOI in the *Federal Register* on April 17, 1999 notifying its intent to prepare an EIS on the River Management Alternatives for the Rio Grande Canalization Project. The scoping process began following publication of the NOI. The public scoping period allows the public and interested parties the opportunity to express their concerns about the proposed action and to identify issues to be addressed in the EIS. Public scoping meetings were held in El Paso, Texas (October 6, 1999) and Las Cruces, New Mexico (October 5, 1999) to receive comments from the public. Comments were compiled in a public scoping document, which became the basis for environmental analysis in the Draft Environmental Impact Statement (DEIS). During preparation of the DEIS, river management alternatives were considered and developed over a 3-year public consultation process that included input at public workshops from the general public and stakeholders such as regulatory agencies, irrigation districts, and environmental organizations. The no action alternative and three potential action alternatives were formulated for analysis in the DEIS.

The USIBWC issued a Notice of Availability (NOA) for publication of the DEIS in the *Federal Register* on December 26, 2003 releasing the document for public comment and review. The USIBWC held a formal public hearing on January 27, 2004 at the USIBWC offices in El Paso, Texas. Following the public comment period, comments were compiled and evaluated. Responses will be prepared and incorporated into the Final EIS. The USIBWC extended the public comment from a 45-day period ending February 10, 2004 to March 1, 2004 to allow the public additional time to review the DEIS and provide comments. See Appendix A for correspondence related to the public comment review period extension.

This is a summary of the written and verbal comments received during the public hearing and public comment period. Public hearing information and attendance sheets are presented in Appendices B and C, respectively. Appendix D is an official transcript of the public hearing. Copies of the written comments, and the DEIS NOA are provided in the Appendices E and F, respectively.

1.2 PUBLIC HEARING

A public hearing was held on Tuesday, January 27, 2004 at the USIBWC offices located at The Commons, Building C, Suite 100, 4171 North Mesa Street, El Paso, TX from 6:30 to 8:00 p.m. to receive verbal and written comments on the DEIS. An open house was held from 6:00 to 6:30 p.m. to allow individuals to ask questions about the project prior to the official hearing. Mr. Doug Echlin, Lead Environmental Protection Specialist representing the USIBWC, opened the official hearing with a PowerPoint presentation describing the project, alternatives evaluated, and preparation of the DEIS. Thirty-four individuals were in attendance at the meeting; three individuals provided verbal comments. Verbal comments were formally received through transcription by a certified court reporter. These comments are summarized in Section 2 and provided in their entirety in Appendix D.

SECTION 2 SUMMARY OF COMMENTS

2.1 INTRODUCTION

During the public comment period, individuals and agencies submitted their comments to the USIBWC, either in writing or verbally during the official public hearing. This section summarizes both the written and verbal comments the USIBWC received during the public comment period on the DEIS River Management Alternatives for the Rio Grande Canalization Project. A brief summary of the comments is presented below; Appendix D – Public Hearing Transcript and Appendix E – Written Comments include the comments in their entirety.

2.2 WRITTEN COMMENTS

Public hearing attendees were provided comment sheets at the public hearing to briefly state their concerns (a sample is provided in Appendix B). Participants could submit their written comments the evening of the public hearing or were given the option to mail their written comments to the USIBWC before the March 1, 2004 public comment period extended deadline. The following highlights the key issues addressed in the written comments received on the DEIS during the public comment period. Comments are organized by commentor affiliation; government agency, organization, and individuals.

2.3 GOVERNMENT AGENCIES

U.S. Environmental Protection Agency

- DEIS received an EPA Rating of “LO” (Lack of Objections)

U.S. Department of the Interior

- Supports the Targeted River Restoration Alternative.
- Suggests that fish and wildlife affected by conservation measures be identified.
- Supports development of effective grazing guidelines, compliance, and monitoring programs.
- Recommends point project areas be excluded from grazing.
- Supports meander development to create habitat for the Southwestern willow flycatcher and yellow-billed cuckoo.
- Recommends working with irrigation districts to replace water-intensive crops with crops requiring less water.
- Recommends leaving debris in channel to develop habitat diversity and improve aquatic habitat.
- Recommends minimizing the use of permanent erosion-protection structures.
- Recommends that project-related effects on the yellow-billed cuckoo be addressed in the Final EIS.

- Recommends reducing or terminating grazing in riparian areas.

New Mexico Historic Preservation Division

- Requested copy of the Archaeological Report prepared for the project.
- Indicated that additional tribes should be contacted in accordance with government-to-government consultation.
- Stated concerns regarding potential effects on cultural resources with the Land Management Alternative and the Targeted River Restoration Alternative.
- The DEIS provided insufficient information for consultation under Section 106 of the National Historic Preservation Act.
- Mitigation measures provided in the DEIS are inadequate to resolve adverse impacts to cultural resources.

Texas Parks and Wildlife Department

- Supports the Targeted River Restoration Alternative

New Mexico Forestry Division

- Supports the Targeted River Restoration Alternative

New Mexico Department of Agriculture

- Public hearing should have been held in New Mexico.
- Recommends detailed cost estimates should be included in the appendices of the DEIS.
- DEIS should expand explanation of changes to grazing leases.
- DEIS does not discuss impacts associated with groundwater use to establish riparian vegetation.
- DEIS does not address the effects of retired farmland from agricultural production.
- DEIS does not address the socioeconomic impacts to each of the three counties affected.

New Mexico Interstate Stream Commission

- Supports all action alternatives provided implementation does not create additional increase in water depletion.

2.4 ORGANIZATIONS

El Paso Water Utilities

- Supports the Integrated Land Management Alternative.
- Opposes the Targeted River Restoration Alternative.
- Suggests that formal determination be pursued with respect to the eligibility of the prehistoric and historic sites discussed in the DEIS.

Paso del Norte Watershed Council

- Concerns regarding flood control improvements; supports two-dimensional hydraulic modeling.

- Supports the Targeted River Restoration Alternative.

American Rivers

- Suggests an additional alternative be developed and evaluated that focuses on river restoration measures developed by the Alliance for the Rio Grande Heritage.
- Supports restoration of natural meanders and streamside ecosystems.
- Land should be purchased for flood control improvements.
- Eliminate all grazing and mowing along the river.
- Additional detailed modeling is needed to determine need for flood control improvements.
- Supports restoration options detailed in the Memorandum of Understanding (MOU) between USIBWC and Southwest Environmental Center (SWEC.)

New Mexico Natural History Institute

- Supports the Targeted River Restoration Alternative.
- Releases from the Caballo Reservoir should include removal of barriers to maintain flow.
- Saltcedar should be removed; cottonwoods should be restored.
- Eliminate all grazing along the river.

Elephant Butte Irrigation District

- The DEIS does not identify a preferred alternative.
- The No Action Alternative is appropriate; two alternatives examined in the DEIS are outside responsibilities mandated for the USIBWC.
- USIBWC is not obligated to create habitat for threatened and endangered species or to protect, create, or enhance riparian or species habitat within the Rio Grande Canalization Project.
- DEIS did not evaluate the No Action Alternative excluding terms outlined in the MOU between USIBWC and SWEC.
- DEIS fails to discuss all significant effects associated with the restoration and integrated alternatives.
- DEIS does not address potential conflicts with local plans as a result of implementing project alternatives.
- DEIS does not effectively provide the ability to compare benefits versus costs of alternative implementation.
- DEIS understates water use in the various alternatives and therefore, the effects on water removal from productivity.
- The analysis does not address impacts to the local economy.
- DEIS does not analyze the effects on environmental justice resulting from removal of productive water.
- The DEIS analysis does not account for drought conditions.
- Alternatives evaluated have greater adverse impact on the State of New Mexico; one state should not be favored over another.
- A DEIS public hearing should have been conducted in New Mexico.
- Proposed alternatives analyzed in the DEIS conflict with the international agreements between the United States and Mexico.

- The DEIS references studies that are unavailable to the public and doesn't disclose pertinent analysis for flood control.
- DEIS fails to address salinity issues and the impacts associated with increase salinity on downstream water users.
- Consumptive loss estimates in the DEIS are inaccurate and poorly documented.
- The DEIS does not provide proof that the original canalization project activities have not enhanced the ecology.
- The effects of increased vegetation and mosquitoes related to public health are not addressed in the DEIS.

Doña Ana County Farm and Livestock Bureau

- Continue dredging activities as USIBWC has been mandated.
- Maintenance within riverbanks would reduce the need for additional flood control.
- Trees requiring substantial water should not be planted.

Southwest Consolidated Sportsmen

- Supports the alternative that fulfills the USIBWC and SWEC agreement with additional measures.
- Restore meanders and streamside habitats; acquire water rights to restore ecosystems.
- Cease grazing and curtail mowing activities.
- Purchase land along the river for flood control; complete modeling to determine the need for improved flood control.

The Alliance for the Rio Grande Heritage

- Supports the Targeted River Restoration Alternative; however, implementing the alternative is not feasible.
- DEIS does not address problems associated with releases from Caballo Dam; discharge duration, ramp-up or ramp-down flows are not discussed.
- Proposes a new alternative that would use a two-dimensional flood routing model.
- Establish long-term funding to purchase water rights and land to support restoration; supports outright purchase of water rights.
- Phase out mowing and grazing and establish non-native invasive species program
- Delay Final EIS and revise DEIS when a cooperative hydraulic study is complete.
- Work with local government to discourage development near the river.
- Project area is not well-defined in DEIS.
- Indirect and cumulative impacts that extend beyond the project area are not addressed.
- DEIS does not accurately describe the condition of the existing environment.
- DEIS doesn't adequately describe the environmental consequences of the proposed alternatives.
- Cumulative impacts discussion in the DEIS does not address the Rio Grande Project.
- Additional evaluation should be conducted for impacts associated with controlled releases from the Caballo Dam.

El Paso Zoo

- Concerns regarding methodology for biological field survey work.

2.5 INDIVIDUAL STAKEHOLDERS

The following briefly describes comments received from individuals during the public comment period. The USIBWC received comments stating a preference to the No Action Alternative as described in the DEIS; others supported the No Action Alternative, but with the exclusion of the conditions agreed to in the MOU between the USIBWC and SWEC.

Several stakeholders indicated their preference for a River Restoration Alternative that included the following additional measures:

- Use controlled releases from the Caballo Reservoir.
- Allow river meandering, plant native vegetation, control non-native species, and phase out mowing and grazing.
- Establish a long-term program to buy land for water rights and additional floodplain.
- Use two-dimensional hydraulic modeling for flood analysis; use “non-structural” measures for flood control.
- Work with local governments to discourage additional development near the river.

Several comments were also received from individual stakeholders opposing changes to current maintenance practices and/or objecting to the DEIS development. Two detailed examples are summarized below:

Example 1:

- USIBWC should focus on water delivery and flood protection, not environmental concerns; riparian restoration is outside the responsibilities mandated for USIBWC.
- Objects to spending in support of grazing lease management, restoration of meanders, and other “environmental changes.”
- Public hearings should have been advertised and conducted in New Mexico where the greatest impact from project implementation would occur.
- Supports the No Action Alternative; concern that the action alternatives presented in the DEIS would reduce water flow for productive uses.

Example 2:

- The DEIS’ definition of environmental enhancement is inconsistent with the region’s environmental objectives.
- Proposed alternatives are inconsistent with the USIBWC’s mandate of water delivery and flood control.
- DEIS should be re-written in accordance with the objectives of NEPA
- DEIS does not properly define the condition of the affected environment.
- The importance of farmland and cumulative impacts associated with reallocation of agricultural water to municipal water is not addressed

- DEIS should develop a purpose and need that was established during the public scoping meetings conducted for this EIS.
- Cumulative effects resulting from operation and maintenance activities were not addressed in the DEIS.
- “Green zones,” established in the MOU between USIBWC and SWEC as a Categorical Exclusion, are in violation with NEPA.
- DEIS should consider farmland a resource that would be impacted from project development; DEIS misrepresents the importance of agriculture.
- Requirements pursuant to the Farmland Protection Policy Act should have been incorporated in the process early.
- DEIS does not address public health and safety impacts associated with increased vegetation and mosquito and bird-borne disease.
- DEIS does not discuss sediment accumulation and the affects on groundwater.
- DEIS does not address the cumulative economic impact associated with habitat enhancement.
- DEIS does not discuss actual benefits or costs associated with proposed enhancements.

Other various comments from individual stakeholders are summarized below:

- Supports the alternative with the greatest restoration of riparian, wetland, and aquatic habitat.
- Rio Grande should be well maintained and neighboring property should be protected from flooding.
- Objections to the No Action Alternative described in the DEIS because the conditions of the MOU were not processed through the proper legal and environmental reviews.
- Negative impact to water quality will occur from implementing habitat restoration.
- Land ownership was incorrectly reported in the DEIS, and the impacts on perpetual easements were not addressed.
- Concern regarding creation of habitat for threatened and endangered (T&E) species when T&E species are not present within the project area.
- Economic impacts to the agriculture industry in Doña Ana County are minimized in the DEIS.
- Preference to the Flood Control Alternative; keep channel clean and maintain water delivery and flood control.
- USIBWC’s mandate to deliver water and flood control are not addressed in the DEIS.
- Opposition to any changes on the irrigation system and flows of the river.
- Concern regarding tree planting within the levees and restricting water flow.
- Benefits of saltcedar management should be discussed in the DEIS.
- Enhanced recreational opportunities resulting from the Targeted River Restoration Alternative are not discussed in the DEIS.

The USIBWC received 19 comments from individuals following the extended submittal deadline of March 1, 2004.

2.6 VERBAL COMMENTS

The USIBWC received verbal comments from individuals during the DEIS public hearing held on January 27, 2004. Comments were received through transcription by a certified court reporter. Three individuals spoke; their comments are provided in Appendix D - Public Hearing Transcript, The key issues are summarized below.

Mr. Kevin von Finger, individual stakeholder

- Suggests that the DEIS clarify the amount of tree planting and the increase in bosque acreage.
- Suggests that a two-dimensional hydraulic model be used.

Ms. Lori Rivera, representative of the Ysleta del Sur Pueblo Environmental Management Office

- The DEIS stated the USIBWC sent a letter to the Ysleta del Sur Pueblo, but that the USIBWC did not receive a response. This does not constitute government-to-government consultation.
- DEIS discusses known and undiscovered archaeological resources; the Ysleta del Sur Pueblo are culturally affiliated with all known Puebloan groups, Ancestral Pueblo sites, and all Jornada, Mogollon, Piro, Suma, Manso, and Jumano sites.

Mr. Armando Vega, a consultant with A and R Environmental Service

- Modifying grazing would also modify grassland management; the changes are not described in the DEIS.

2.7 GENERAL SUMMARY

In general, the following key issues were expressed to the USIBWC during the public comment review period and public hearing. As mentioned above, a compilation of all comments is provided in Appendix D and Appendix E. The agency will respond to public comments and concerns in the Final EIS.

- Support for the No Action Alternative, but with the exclusion of the conditions agreed to in the MOU between the USIBWC and SWEC.
- Preference for the Targeted River Restoration Alternative, including the following additional measures:
 - Use controlled releases from the Caballo Reservoir.
 - Allow river meandering, plant native vegetation, control non-native species, and phase out mowing and grazing.
 - Establish a long-term program to buy land for water rights and additional floodplain.
 - Use two-dimensional hydraulic modeling for flood analysis; use “non-structural” measures for flood control.
 - Work with local governments to discourage additional development near the river.
- USIBWC should focus on water delivery and flood protection as mandated, not environmental concerns.