MINUTE NO. 165

Ciudad Juárez, Chihuahua,
August 13, 1933.

RULES AND REGULATIONS FOR THE MAINTENANCE AND PRESERVATION OF THE RIO GRANDE RECTIFICATION PROJECT IN THE EL PASO-JUAREZ VALLEY.

The Commission met at the offices of the Mexican Section in Ciudad Juárez, Chihuahua, at 10:00 A.M., August 13, 1933, for the purpose of formulating regulations to make effective the maintenance and preservation of the rectified channel of the Rio Grande in the El Paso-Juarez Valley, in accordance with the Convention of February 1, 1933, and its annexes.

The Commission reviewed the Convention of February 1, 1933, as well as the maps and reports relating to the construction of the Rio Grande Rectification Project, and now finds and determines:

A. That the rectified channel has been completed throughout its length, in accordance with the provisions of the Convention of February 1, 1933.

B. That the rectified channel occupies a strip of land about 225 meters in width, within which there have been constructed a pilot channel for the normal flow of the river and a floodway formed by the building of levees to either side to carry the flood flows. The levees are generally 180 meters apart, and the remaining strips of land on both sides are partly occupied by the levees and other works and partly unoccupied. The structures built within the rectified channel right of way consist of bridges, grade controls and gaging stations extending across the floodway, and culverts through the levees. Additional structures of similar types may be built in the future.

C. That the required maintenance and preservation of the rectified channel will include the following items:

1. An annual clearing of the entire

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right of way to insure a continued maximum flood-flow capacity;

2. The replacement of material in levees and groins which may be eroded by the action of rains or floods;

3. The placing of earthwork in the building of new groins;

4. The placing of revetments along levees where material is unstable or flow conditions so require;

5. The performance of earthwork within or along the sides of the pilot channel where sand bars or islands may form or hard material be encountered or side erosion occur;

6. The placing of revetments along the sides of the pilot channel to prevent erosion;

7. The smoothening of the floodway floor wherever floods may so deposit material as to form obstruction to uniform flow;

8. And as to the structures, their enlargement if needed, the painting of wood and metal work and the replacement of worn or broken parts.

D. That inasmuch as Article XI of the Convention provides that the International Boundary Commission is charged with the maintenance and preservation of the rectified channel, and requires that to this end the Commission shall submit, for the approval of both governments, the regulations that should be issued to make effective such maintenance, there are hereby submitted for adoption the following:

---RULES AND REGULATIONS---

I. The International Boundary Commission shall keep the floodway clear of vegetation. The United States Section shall be responsible for and perform the labor required on the portion comprised between the pilot channel and the left or northerly levees, and the Mexican Section shall be responsible for and perform the labor required on the portion comprised between the pilot channel and the right or southerly levee.

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II. The International Boundary Commission shall maintain the pilot channel reasonably parallel to the rectification levees, preventing the formation of sharp curves. Each Section of the International Boundary Commission shall bear half the cost of these works.

III. The United States Section of the International Boundary Commission shall maintain at its cost the left or northerly rectification levee to the established grade, but shall have the right to increase the levee section on the land side. The Mexican Section of the International Boundary Commission shall maintain at its cost the right or southerly rectification levee to the established grade, but shall have the right to increase the levee section on the land side.

IV. The structures located in, on or across the floodway shall be maintained in good condition by work performed jointly by the International Boundary Commission, and half the cost thereof shall be borne by each Section.

V. The structures located in the levees shall be maintained in good serviceable condition. The United States Section of the International Boundary Commission shall carry out at its cost the work relating to the structures located in the left or northerly levees, and the Mexican Section of the International Boundary Commission shall carry out at its cost the work relating to the structures located in the right or southerly levees.

VI. No structure of any kind shall be constructed nor shall any works be performed within the floodway between the two levees that may interfere with the proper functioning of the floodway.

VII. The United States Section of the International Boundary Commission shall be the sole agency which may issue permits for any and all structures or works which may be constructed within that part of the right of way located

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north of the middle of the deepest channel of the river, and the Mexican Section of the International Boundary Commission shall be the sole agency which may issue permits for any and all structures or works which may be constructed within that part of the right of way located south of the middle of the deepest channel of the river, in accordance with Article VIII of the Convention of 1933.

VIII. Inasmuch as the joint work to be performed may require the accomplishment by one Section of the International Boundary Commission of maintenance and repairs within the national territory of the other Section, it is hereby provided that when one of the two Sections performs work within the national territory of the other, such work will be carried on by the performing Section's own personnel in the same manner and under the same regulations as though the works were being performed within the national territory of the Section doing the work. The crossing of duly authorized and identified personnel of each Section, for the accomplishment of maintenance and repair work, shall be facilitated by informal arrangements with the respective authorities of the two countries.

IX. In order to afford greater flexibility and economy in the work of maintenance and repairs, the performance of a part of the work herein allocated to one Section of the International Boundary Commission may be exchanged for the performance of an equal amount of the work allocated to the other Section, by means of informal agreements of the Commissioners.

X. Periodical inspection of the works, at least semiannually, shall be made by the Consulting Engineers of the two Sections, who shall submit joint reports to the Commission on the condition of the constructed works and the routine work being accomplished, including recommendations as to any other work that should be performed.

XI. Lists of all materials, implements, equipment and supplies intended

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for the rectification works, and which as provided in the Convention are exempt from import duties when passing from one country to the other, shall be prepared in each case. Such lists shall be approved by the Commissioners before the goods may be transported across the boundary.

E. That the International Boundary Commission shall submit, for the approval of both governments, such further regulations as may in the future be found to be required for the effective carrying out of the maintenance and preservation of the Rio Grande Rectification Project.

F. That the rules and regulations here-in set forth shall become of effect immediately upon the approval of both governments being communicated to this Commission, or effective one month from the time of execution of this Minute in the event neither government shall have within such period disapproved this Minute.

The Commission then adjourned.

L. M. Lacosm
Commissioner of the United States.

J. Pedne Cordova
Commissioner of Mexico.

M. B. Moore
Secretary of the United States Section.

M. B. Moore
Secretary of the Mexican Section.

po y mercancías destinadas a los trabajos de rectificación, que de acuerdo con lo previsto por la Convención, están exentos de derechos de importación cuando pasen de un país al otro. Dichas listas deberán ser aprobadas por los Comisionados antes de que los artículos sean transportados a través de la frontera.

E. Que la Comisión Internacional de Límites sometará a la aprobación de ambos Gobiernos los Reglamentos adicionales que en el futuro se consideren necesarios para llevar a cabo en forma efectiva la conservación y preservación del Proyecto de Rectificación del río Bravo (Grand).  

F. Que el Reglamento establecido aquí, entrará en vigor inmediatamente después de comunicarse a esta Comisión su aprobación por ambos Gobiernos, o un mes después de la fecha en que sea firmada esta acta en caso de que ninguno de los dos Gobiernos la hubiere desaprobado.

Se levantó la sesión.

L. M. Lacosm
Comisionado de México.

M. B. Moore
Comisionado de los Estados Unidos.

M. B. Moore
Secretario de la Sección Mexicana.

Secretario de la Sección de los Estados Unidos.