

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

El Paso, Texas
February 5, 2008

MINUTE NO. 313

MAINTENANCE IN THE RECTIFIED CHANNEL OF THE RIO GRANDE

The Commission met in the offices of the United States Section on February 5, 2008, at 10 a.m., for the purpose of establishing the respective responsibilities of each Section for maintenance work in the rectified channel of the Rio Grande and associated floodways in an approximately 91.01 mile (146.462 kilometer) reach from El Paso, Texas-Ciudad Juarez, Chihuahua to Fort Quitman, Texas.

The Commissioners noted that Article XI of the "Convention Between the United States and Mexico for the Rectification of the Rio Grande," signed February 1, 1933, provides that "the International Boundary [and Water] Commission is charged hereafter with the maintenance and preservation of the rectified channel. To this end the Commission shall submit, for the approval of both Governments, the regulations that should be issued to make effective said maintenance." The Commissioners further noted that Article IV, Section C of the "Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary," signed November 23, 1970, states that, "The Commission shall recommend to the two Governments the execution of works it may consider advisable and practical for improvement and stabilization of the channels of the Rio Grande...in its limitrophe sections, including among others the following measures: clearing, channel excavations, bank protection and rectifications. The Commission shall include in its recommendations an estimate of the costs of construction, operation and maintenance of the works, and a proposal for the division of the work and costs..."

The Commissioners then considered that IBWC Minute No. 165, entitled "Rules and Regulations for the Maintenance and Preservation of the Rio Grande Rectification Project in the El Paso-Juarez Valley," establishes rules and regulations for the maintenance and preservation of the Rio Grande Rectification Project in the El Paso-Juarez Valley, but pointed out that the rules and regulations contained in Paragraph D required additional clarification to facilitate more effective implementation. The Commissioners noted further that Minute No. 165 does not address which Section is responsible for removing sediment in the channel.

The Commissioners observed that without a clear understanding of the responsibilities to be undertaken by each Section, it has been difficult to schedule and arrange necessary maintenance work on an on-going basis. The Commissioners noted that the August 2006 floods resulted in significant increases in sedimentation in some areas of

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the river that require priority attention. The Commissioners concluded that failure to remove silt and attend to other basic maintenance tasks presents a risk of municipal flooding and could result in a change in the river course, thus altering the international boundary. The Commissioners further pointed out regularly scheduled maintenance would allow for clear delineation of the international boundary, thereby enabling law enforcement authorities in both nations to more effectively execute their assigned duties.

The Commissioners reviewed and found satisfactory the recommendations presented in the "Joint Report of the Principal Engineers Regarding the Division of Maintenance Work in the Rio Grande from the Point Closest to Monument No. 1 to the End of the Rectification Reach in the El Paso-Juarez Valley," signed by United States Section Principal Engineer Alfredo Riera and Mexican Section Principal Engineer Gilberto Elizalde Hernandez on September 25, 2007. The Commissioners approved the criterion applied by the Principal Engineers for the division of maintenance between the two Sections of the Commission and the prioritization of the work based on critical locations where the river channel currently has problems conveying normal and flood flows as a result of sediment, vegetation growth and protection levees in poor condition whose repair is necessary that were identified after flood flows in August of 2006. The Commissioners observed that the Principal Engineers recommended a general distribution of works that would allow each country to better plan, allocate funding and undertake maintenance of the pilot channel, floodway and structures and provide for the assignment of equal areas of responsibility. The Principal Engineers reported to the Commissioners that the cost would be split as nearly as practicable between the two Sections as described in the Joint Report of the Principal Engineers.

Based on the foregoing, the Commissioners agreed to submit the following resolutions for approval of the two Governments:

- 1) The "Joint Report of the Principal Engineers Regarding the Division of Maintenance Work in the Rio Grande from the Point Closest to Monument No. 1 to the End of the Rectification Reach in the El Paso-Juarez Valley," signed by United States Section Principal Engineer Alfredo Riera and Mexican Section Principal Engineer Gilberto Elizalde Hernandez on September 25, 2007, is adopted with its attachments and forms an integral part of this Minute and shall form the basis for the division of work with regard to general maintenance of the pilot channel, floodway and structures .
- 2) Each Section of the Commission shall develop schedules and a plan of operations for conducting the priority maintenance works outlined in the aforementioned Joint Report and exchange an annual work plan no later than the first of April of each year.
- 3) The Mexican Section shall remove silt from kilometer marker 0+000 to 3+200, from kilometer marker 9+400 to 12+900, and from kilometer marker 27+680 to 94+211.

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- 4) The U.S. Section shall remove silt from kilometer marker 3+200 to 9+400, from kilometer marker 12+900 to 27+680, and from kilometer marker 94+211 to 146+462.
- 5) Regardless of the foregoing resolutions, for specific cases the Commission may agree through the exchange of letters between the Commissioners to reassign reaches to equalize the work done by each Section.
- 6) Each Section shall bear all costs related to work in its assigned areas of responsibility.
- 7) In the event that work is funded by one Section but executed by the other Section, it shall be credited as if the work were executed by the Section providing the funding.
- 8) Each Section shall dispose of the material removed from the river in its respective territory. However, in particular cases, the Commissioners may agree to the conditions under which one Section may dispose in its territory of sediment which corresponds to the other Section.
- 9) All activities undertaken pursuant to this Minute shall be subject to the availability of funds, resources, and corresponding personnel as well as to the applicable laws and regulations of each country.
- 10) This Minute shall enter into force upon written notification of approval by the Government of the United States of America and the Government of the United Mexican States through the respective Sections of the Commission.

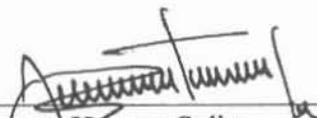
The meeting was adjourned.



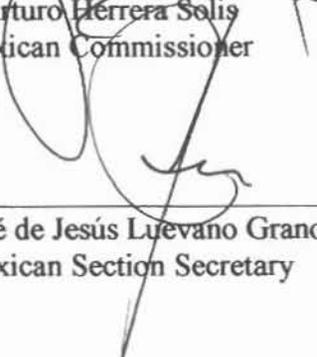
Carlos Marin
United States Commissioner



William F. Harlow
United States Section Secretary



J. Arturo Herrera Solis
Mexican Commissioner



José de Jesús Luevano Grano
Mexican Section Secretary