



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
REALTY OFFICE

April 21, 2023

**Capt. Matthew Scales
Texas Highway Patrol
El Paso District
11612 Scott Simpson
El Paso, TX 79936
United States**

Subject: Update to USIBWC requirements on federal property

This letter responds to your March 29, 2023, email requesting assistance with the City of El Paso's electrical permitting process at a mobile command trailer. The State of Texas, operating through various entities, including but not limited to, the Texas Department of Public Safety (DPS) (and its contractors) does not have authorization for its presence on the federal property that is managed, owned, and/or controlled by the United States, International Boundary and Water Commission (USIBWC). The State's unauthorized entry onto federal property includes the site just under "West Bridge (Bridge-17)" and adjacent to Calleros Ct road in El Paso, Texas that is the subject of DPS's request for assistance. Accordingly, the USIBWC declines to process your request at this time.

To seek USIBWC's authorization to enter onto its property, please submit a complete application package as described below. The USIBWC has previously notified DPS and other Texas entities of these application requirements on December 21, 2022, January 11, 2023, January 23, 2023. Currently, DPS has submitted an incomplete application package and the application cannot be processed until a complete application package is submitted. The DPS application package lacks:

1. Letter of Application (PDF if digital)

- Project Application Form
- Identifying organization by letterhead to include full address
- Identifying what type of authorization, they would require (i.e. permit, lease, easement, etc.)
- If construction, list the types of structures, improvement, or work that is being constructed.
- Include a statement of reason for said request (i.e. commercial, public, or private venture).

2. General Maps and Drawings (PDF/KMZ Format if digital)

- Letter-sized drawings in landscape format are the minimal acceptable size.
- Meridian or North arrow shown. (Maps)

- Drawn to scale with scale stated and shown graphically.
- Project areas will show Latitude and Longitude GPS Coordinates. (Maps).

3. **Vicinity Map (PDF/KMZ Format if digital)**

- Letter-sized maps in landscape format are the minimal acceptable size.
- Show a town, highway, bridge, or major identifiable landmark nearby.
- Show specific location of work, outlines of circled in red.
- KMZ file depicting work area(s) - (if applicable)
- Project areas will show latitude and longitude GPS coordinates (Vicinity Map)
- Include start and end points for energy infrastructure (if applicable)

4. **Location Map (PDF/KMZ Format if digital)**

- Letter sized maps in landscape format are the minimal acceptable size.
- Show areas where facilities are to be constructed outlined in red.
- Show property lines (meters 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 Specifications (PDF Format if digital)**

- Drawings of sufficient detail to determine exactly what is proposed, how it is to be constructed or carried out, and by whom
- In an operation involving earthwork, such as an excavation, drilling, or boring, a cross section and profile of the postponed work must be furnished. See example in Criteria for Construction Activities with Limits of USIBWC Floodways.

6. **Land Ownership Other than Federal (PDF Format if digital)**

- If the proposed (event) is on land owned by an entity other than USIBWC, the applicant must include a statement from the owners giving permission for such construction on their property and access thereto (Provide statement in PDF Format)

7. **Resource Agency Statements-(PDF Format if digital)**

- Must provide proof of correspondence to the following resource agencies (excluding entertainment/recreational requests); the applicant is responsible for contacting and securing written statements to include no objection correspondence to proposed works. **Statements must first be obtained by the requester before the USIBWC can process your application:**
 - Appropriate State Historical Preservation Officer(s) letter: including cultural resources survey of the area, if needed.
 - United States Fish and Wildlife Service (FWS), to determine the impact of the project on threatened and endangered species, both animal and plant life.

- United States Army Corps of Engineers (USACE), to determine the effects of the proposed project on the waters of the U.S. (Wetlands, streams, and rivers) in the area.
- Texas Parks & Wildlife (TPWD) and the Texas Commission on Environmental Quality (TCEQ)

Once a complete application is submitted to the USIBWC, USIBWC may contact the applicant for further documentation to supplement the materials submitted as part of the application packet. (For example, if liquid contaminants are stored on-site, a spill plan to prevent pollutant discharge into the floodplain may be requested.) Once all requested materials are received by the USIBWC, a full review will be conducted of the application and supplemental materials, at which point USIBWC will issue a determination to whether to authorize DPS presence and activity on USIBWC property.

If you have any questions, please feel free to contact me at (915) 832-4716 or by email at frankie.pinon@ibwc.gov.

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USIBWC