

Proposed Appropriation Language

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [~~\$43,250,000~~]~~\$26,900,000~~, to remain available until expended, as authorized. (*Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.*)

INTERNATIONAL BOUNDARY AND WATER COMMISSION CONSTRUCTION

Resource Summary (\$ in thousands)

Appropriations	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
Positions	18	18	18	0
Funds	263,051	43,250	26,900	(16,350)

FY 2009 Actual includes \$219.8 million provided by the American Recovery and Reinvestment Act (P.L. 111-5), net of \$0.2 million transferred to International Boundary and Water Commission - Salaries and Expenses.

Program Description

The International Boundary and Water Commission (IBWC) is a treaty-based binational organization comprised of a United States Section and a Mexican Section. The United States Section is headquartered in El Paso, Texas, and the Mexican section is headquartered in Ciudad Juarez, Chihuahua. Both Sections have field offices strategically situated along the boundary, which enables the IBWC to carry out its mission objectives and meet its required obligations.

Pursuant to treaties between the United States (U.S.) and Mexico and U.S. law, the IBWC carries out several construction projects. This appropriation provides funding for construction projects undertaken independent of, or with, Mexico to rehabilitate or improve water deliveries, flood control, boundary preservation, and sanitation.

Since the Convention of February 1, 1933, which provided for rectification of the Rio Grande through the El Paso–Juarez valley, the two governments have participated in several binational construction projects. The Treaty of 1944 provided for the two governments to construct diversion and storage dams on the Rio Grande and Colorado River. The dams provide the means for conservation and regulation of international river waters. In addition, the 1944 Treaty provides for flood control works on the Rio Grande, Colorado River, and Tijuana River. It also provided for both governments to give priority attention to border sanitation issues.

This appropriation provides funding for construction and major renovations along the U.S. – Mexico border that enables the storage, distribution, and delivery of international waters in the Rio Grande and Colorado River, affording protection of lives and property from floods in bordering communities. In addition, the appropriation provides for the preservation of the international boundary, and the improvement of the water quality on both sides of the border.

Border Sanitation

Under the authority of the 1944 Water Treaty between the U.S. and Mexico, the IBWC is entrusted to give preferential attention to border sanitation issues. Presently, residents in IBWC’s jurisdiction are facing a number of sanitation problems in the western land boundary region. These problems are mostly a result of trash, debris, and sewage entering into the U.S. from Mexico through rivers and storm water runoff. The IBWC is currently working toward addressing bi-national sanitation issues at the following areas: Nogales AZ, Calexico, CA (New River), and in San Diego, CA (Tijuana River Valley, Estuary and coastal environment).

The inflow of trash, debris, and raw sewage from Mexico through the New River has for years created major health and sanitation concerns in Calexico, CA. The U.S. Environmental Protection Agency (EPA) is currently working on a project to address the sewage issues across the border in Mexicali, and the IBWC is working on addressing the trash and debris problem that impacts U.S. residents in

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Calexico, California. The IBWC is working with the City of Calexico to develop defensive measures to eliminate or reduce the amount of trash and debris conveyed into the U.S. through the New River.

In 1997, the IBWC completed construction of the advanced primary treatment portion of the South Bay International Wastewater Treatment Plant (SBIWTP). The purpose of the SBIWTP is to capture and treat Tijuana wastewater, which would otherwise flow into the U.S. through the Tijuana River and canyons, to secondary standards for discharge into the Pacific Ocean. In the interest of addressing public health and environmental concerns as expeditiously as possible, the IBWC and EPA decided to construct the SBIWTP in stages and operate the advanced primary plant and discharge the effluent into the ocean prior to the construction of the secondary treatment facilities. Secondary treatment facilities are now under construction and should be completed by November 2010, thereby bringing the South Bay International Wastewater Treatment Plant into compliance with the Clean Water Act and its discharge permit.

The City of Nogales and the IBWC jointly own the Nogales International Wastewater Treatment Plant (NIWTP), located 8.8 miles from the border in Nogales, Arizona. The plant, which is operated by the IBWC, provides treatment of wastewater from both Mexico and the United States, and discharges the effluent into the Santa Cruz River. In 2001, more stringent standards, which could not be attained by the NIWTP, were applied to the CWA discharge permit. As a result, the IBWC worked with the City of Nogales, EPA, and the Border Environmental Cooperation Commission (BECC) to upgrade the NIWTP to meet current CWA discharge permit standards. BECC certified a project, which was primarily funded by EPA, to develop and incorporate upgrades at the NIWTP to ensure compliance with the new discharge standards. A design-build contract was awarded in November 2006. Construction of the NIWTP upgrades was completed in August 2009.

Flood Control

The IBWC operates and maintains flood control systems along the Tijuana River and the Rio Grande. These flood control systems protect the lives and property of over 3 million U.S. residents. Each country owns and is responsible for the maintenance of flood control works in its respective territory.

Currently, the IBWC is in the process of rehabilitating deficiencies that have been identified in numerous portions of its Rio Grande flood control systems, addressing a large portion with funds appropriated in the American Recovery and Reinvestment Act of 2009. The Canalization segment starts in southern New Mexico and ends at the American Dam where the international segment of the Rio Grande begins. The rectification (in far west Texas), Presidio, and Lower Rio Grande (south Texas) segments are on the international portion of the Rio Grande River, which require coordination with Mexico; however, the work is limited to the U.S. portions of the flood control systems. The canalization segment (130 miles of levees on both side of river), authorized by law in 1935 to facilitate water deliveries to Mexico under the Convention of 1906 and to protect against Rio Grande floods, extends 106 miles from Percha Dam in south central New Mexico to American Dam in El Paso, Texas. The Lower Rio Grande Flood Control Project (270 miles of levee) and the Rectification segment (91 miles of levee) were both authorized by legislation in the 1930's and the Presidio segment (15 miles of levee) authorized by law in 1970. The Lower Rio Grande Project was authorized solely for flood control, while the Presidio and Rectification segments serve the dual purpose of flood control and boundary preservation.

The IBWC's construction program is organized into four subprogram groups, which coincide with the agency's strategic goals: Boundary Preservation, Water Conveyance, Water Quality, and Resource and Asset Management.

- The Boundary Preservation Subprogram addresses all land and river boundary demarcation and delineation efforts, including mapping of the river boundaries.

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- The Water Conveyance Subprogram consists of all mission activities related to the conveyance, distribution, diversion, storage, and accounting of boundary/transboundary river waters, including flood control and hydroelectric power generation.
- The Water Quality Subprogram involves the construction or rehabilitation of sewage treatment facilities or other infrastructure, which improves the quality of river waters.
- The Resource and Asset Management Subprogram provides capital assets that support mission operations, such as administration buildings, warehouses, heavy mobile equipment, and security enhancements at field office facilities.

The IBWC will carry out projects under these subprograms, while exploring innovative and best practices in both the private and public sectors, to achieve its mission.

Justification of Request

The FY 2011 budget request of \$26.9 million supports high priority requirements for the agency to fulfill its mission requirements in flood control, river water allocation, sanitation, and advances on its obligations to stakeholders and employees by protecting its infrastructure and restoring its facilities. The FY 2011 funding request for the construction activities are as follows:

Water Quantity Program: \$26,900,000

Rio Grande Flood Control System Rehabilitation: \$21,400,000

This project, initially funded in FY2001, is a multi-year effort that includes the evaluation of approximately 510 miles of existing Rio Grande levees, and rehabilitation or improvement of deficient levee segments and related flood control structures in the United States. These levees contain about 440 miles of river and interior floodway channel along three unique Rio Grande Flood Control Systems. These three flood control systems are identified as the Upper Rio Grande, Presidio Valley, and Lower Rio Grande Flood Control Systems. The Upper Rio Grande Flood Control System protects one million U.S. residents in the metropolitan statistical areas of Las Cruces, New Mexico and El Paso, Texas with its 225 miles of levees. The 15 mile long Presidio Valley Flood Control System provides flood protection to nearly 5000 people in Presidio, Texas. The Lower Rio Grande Flood Control System, with its 270 miles of river and interior floodway levees, protects one million U.S. residents in the following metropolitan statistical areas of Brownsville-Harlingen and McAllen-Edinburg-Mission in south Texas.

Deficient levee segments will be improved in order of priority by risk, population, and development. The IBWC is currently working together with the Department of Homeland Security and other stakeholders to address the flood control deficiencies jointly with border fence initiative.

In FY 2011 the IBWC will use the request to:

- construct floodwall and levee improvements along the east riverbank at Canutillo, Texas in the Upper Rio Grande region;
- construct levee improvements along the Texas – New Mexico state line in the Courchesne area between the Rio Grande Power Plant and American Dam;
- conclude the refurbishment of drainage and irrigation structures crossing levees in the Upper Rio Grande between Mesilla, NM and El Paso, TX;
- implement environmental enhancements to mitigate for project impacts in the Upper Rio Grande upstream of the international boundary;
- complete the rehabilitation of structures crossing levees in Hidalgo and Cameron Counties in the Lower Rio Grande.

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Safety of Dams Rehabilitation: \$5,000,000

Originally funded in FY 2001, this project will continue a multi-year effort for the rehabilitation and proper operation of all IBWC dams, as recommended by the Joint Technical Advisors of the Federal Safety of Dams Program. The IBWC is solely responsible for operation and maintenance of two diversion dams on the Rio Grande (American and International), and jointly responsible for four international dams (Amistad, Falcon, Anzalduas, and Retamal). These dams provide for distribution of the Rio Grande waters between the U.S. and Mexico as well as for the conservation, flood control, water storage, power generation, and regulation of the flow of the river, pursuant to the 1944 Water Treaty.

Amistad, Falcon, Anzalduas, and Retamal Dams were recently inspected by the Joint Technical Advisors, which includes the U.S. Army Corps of Engineers (USACE), in April 2007. These four dams were rated in accordance with the risk-based action classification system used by the USACE. Unfortunately, the safety inspection yielded urgent and high priority deficiencies at three of the four dams. Amistad Dam received a category rating of Dam Safety Action Class (DSAC) II, "urgent, potentially unsafe." Falcon and Retamal Dams received a DSAC III rating, "high priority, conditionally unsafe," while Anzalduas Dam received a DSAC IV rating, "priority, marginally safe." Therefore, the IBWC is developing strategies to address these deficiencies and is revising its work plan accordingly.

The FY 2011 request will be used to address the sinkhole problems on the foundations and embankments at Amistad and Falcon Storage Dams by initiating construction of remediation works at Amistad Dam and designing remediation works at Falcon Dam. If funds permit, the IBWC will also build a new hoist machinery bridge above the center gate of Retamal Dam.

Resource and Asset Management Program: \$500,000

Facilities Renovation - \$500,000

Originally funded in FY 1992, this project will continue with a multi-year program to renovate and modernize deteriorated IBWC facilities along the U.S.-Mexico border region to current industry standards. These facilities, most of which were constructed between 1930 and 1950, require major rehabilitation work to meet OSHA safety standards, current environmental laws, and to provide more efficient, effective and secure working environments. The project consists of structural, electrical and mechanical improvements; as well as renovations necessary for compliance with environmental, occupational safety and health, handicap, and other regulatory requirements.

The FY 2011 request for \$500,000 will allow IBWC to renovate, upgrade, and replace IBWC facilities, which are vital to mission operations, for compliance with environmental, occupational safety and health, handicap, and other regulatory requirements. This project supports the IBWC headquarters and its twelve field office facilities located along the entire U.S.-Mexico border.

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Staff by Program Activity
(\$ in thousands)

International Boundary and Water Commission, El Paso, Texas	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
IBWC-Construction	18	18	18	0
Water Quality Program	2	2	2	0
Secondary Treatment of Tijuana Sewage	2	0	0	0
Water Quantity Program	16	16	16	0
Rio Grande Flood Control System Rehabilitation	16	0	0	0
Total	18	18	18	0

Funds by Program Activity
(\$ in thousands)

Activities	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
IBWC-Construction	43,250	43,250	26,900	(16,350)
Boundary-Wide Program	1,500	6,700	500	(6,200)
Critical Infrastructure Protection	300	2,300	0	(2,300)
Facilities Renovation	1,000	3,400	0	(3,400)
Heavy Equipment Replacement	200	1,000	0	(1,000)
Land Boundary Demarcation	750	0	0	0
Rio Grande Flood Control System Rehabilitation	16,750	0	0	0
Safety of Dams Rehabilitation	2,250	0	0	0
Secondary Treatment of Tijuana Sewage	22,000	0	0	0
Water Quality Program	22,000	6,750	0	(6,750)
Nogales International Outfall Interceptor	0	750	0	(750)
Secondary Treatment of Tijuana Sewage	0	6,000	0	(6,000)
Water Quantity Program	19,750	29,800	26,400	(3,400)
Colorado River Boundary and Capacity Preservation	0	400	0	(400)
Reconstruction of the American Canal	0	3,000	0	(3,000)
Rio Grande Flood Control System Rehabilitation	0	21,400	0	(21,400)
Safety of Dams Rehabilitation	0	5,000	0	(5,000)
ARRA - American Recovery and Reinvestment Act of 2009	219,801	0	0	0
Total	263,051	43,250	26,900	(16,350)

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Funds by Object Class
(**\$ in thousands**)

	FY 2009 Actual	FY 2010 Enacted	FY 2011 Request	Increase / Decrease
2500 Other Services	241,051	43,250	26,900	(16,350)
3200 Real Property	22,000	0	0	0
Total	263,051	43,250	26,900	(16,350)