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United States and Mexico

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Chairwoman Johnson, Ranking Member Boozman, and Members of the Committee, thank you for the opportunity to appear before you today to discuss the U.S. Section of the International Boundary and Water Commission's Fiscal Year 2010 budget request and our priorities for using the funds appropriated to us to improve infrastructure and the quality of life along the U.S.-Mexico border.

The International Boundary and Water Commission (IBWC) is an international body composed of a U.S. Section and a Mexican Section. Each Section is administered independently of the other. The U.S. Section (USIBWC) is a quasi-independent federal government agency headquartered in El Paso, Texas that operates under the foreign policy guidance of, and is funded through, the Department of State.

The IBWC has over a century of experience in bi-national cooperation and partnership. We trace our roots to the temporary boundary commissions established by the Treaty of Guadalupe Hidalgo, the Gadsden Treaty, and an 1882 Convention to survey, mark, and map the new international boundary between the United States and Mexico. The International Boundary Commission (IBC), our direct predecessor, was established in 1889 to apply rules established by the United States and Mexico for determining the location of their shared boundary when tracts of land were transferred from one bank of the river to the other due to changes in the bed of the Rio Grande and Colorado River and to settle any differences that might arise concerning the boundary line. The IBC prepared the hydrological studies that formed the basis for the first water allocation treaty between the United States and Mexico in 1906 and the second water allocation treaty in 1944, under which the IBC became known as the IBWC.

Today, the IBWC is charged with applying U.S.-Mexico boundary and water treaties and settling differences that arise in their application. The U.S. and Mexican Commissioners are responsible for developing joint recommendations to the two governments for resolution of current and anticipated boundary and water problems arising along the 1,952 mile border, including the southern borders of Texas, New Mexico, Arizona, and California.

The IBWC is engaged in a number of joint cooperative activities, including: demarcation of the land boundary, ports of entry and international bridges; preservation of

the river boundary; operation and maintenance of international flood control projects and associated diversion dams; operation and maintenance of international storage dams and associated hydro-electric power generation plants; determination and accounting for national ownership of the waters of the Rio Grande and Colorado River; construction, operation and maintenance of three wastewater treatment facilities; ownership of three international bridges in the El Paso/Ciudad Juarez area; investigations and studies, including water quality monitoring and data exchange; and approval of all plans for new international bridges, border crossings, and pipelines that cross the international boundary.

The President's FY 2010 Budget requests a total of $76.25 million for the USIBWC, including $33 million for the Salaries and Expenses (S&E) Account and $43.25 million for Construction. The S&E request covers expenses related to the salaries and expenses for a staff of 295 and administrative costs of the U.S. Section, as well as the funds needed for the continued operation and maintenance of the U.S. portion of bi-national infrastructure along the U.S.-Mexico border, pursuant to treaties and other agreements between the United States and Mexico that are within the purview of the IBWC.

To carry out its duties, the USIBWC has eleven field offices that span the border from San Diego, California to Brownsville, Texas. Staff in these offices operate and maintain a myriad of projects, including many operated jointly with Mexican Section personnel based in companion offices on the Mexican side of the border. Of the $33 million request, over $23.5 million would be allocated for the cost of continued operation and maintenance (O&M) of existing infrastructure and bi-national projects. This activity finances the measurement and determination of the national ownership of boundary waters and the U.S. share for O&M of three international wastewater treatment plants, two major international storage dams, with associated hydroelectric power plants, four diversion dams, river channel and levee projects, water quality control efforts, and boundary demarcation activities.

The remaining amount that is requested for the S&E Account includes over $6.8 million for administration, which covers negotiations and supervision of joint projects with Mexico to solve international boundary, water, and environmental problems; overall management of the USIBWC; formulation of operating policies and procedures; and financial management and administrative services to carry out international obligations of the United States pursuant to treaty and congressional authorization. Over $2.6 million is included in the S&E Account to cover technical engineering guidance and supervision of planning and construction of new projects; environmental monitoring and compliance; studies relating to international problems of a continuing nature; and preliminary surveys and investigations to determine the need for and feasibility of future projects designed to resolve international problems arising along the boundary.

The FY 2010 President's Budget requests $43.25 million for the Construction Account. Of this amount, $21.4 million is requested for flood control rehabilitation efforts to continue with upgrades to the aging levees in the USIBWC's Rio Grande flood control projects along the upper and international reaches of the Rio Grande, which have impacts in

New Mexico and Texas. Levee rehabilitation is one of the USIBWC's top priorities. These upgrades, which include structural improvements and raising the height of levees, are needed to provide protection for communities along the Rio Grande during a 100-year flood event in accordance with criteria established by the Federal Emergency Management Agency (FEMA) and to enable certification to FEMA standards, thus alleviating the need for border residents to purchase costly flood insurance.

The USIBWC flood control system consists of over 500 miles of levees and interior floodways, segments of which date to the 1930s and 1940s, as part of a bi-national flood control effort undertaken with Mexico in order to preserve the Rio Grande as the international boundary between the two countries and to protect lives and property of U.S. and Mexican residents on both sides of the river. The U.S. and Mexican Sections of the IBWC are responsible for the maintenance of the levees and floodways along the international reach of the Rio Grande that are located in their respective territory.

Major improvements to the Lower Rio Grande Flood Control Project were undertaken by both countries in the 1970s after a 1967 hurricane revealed the need for enhanced flood protection. Between 1938 and 1943, the USIBWC also constructed and now maintains the levee system in the Rio Grande Canalization Project located in Texas and New Mexico upstream from the international boundary. This project facilitates the delivery of Rio Grande water to Mexico in accordance with a 1906 Convention, provides protection of lands along the project from floods, and regulates and controls the water supply for use in the United States and Mexico.

The USIBWC began a multi-year program to rehabilitate its levee system in 2002 after airborne and surface geophysical surveys suggested that there were significant structural and height deficiencies. We prioritized levee segments in the Upper and Lower Rio Grande Valley based upon greatest impact to the largest number of residents, the greatest economic benefit, and the segments ready for FEMA certification.

With prior-year appropriations and with the funding appropriated to the USIBWC under the American Recovery and Reinvestment Act of 2009, we have been able to complete the majority of pre-construction work, i.e. geo-technical analysis, environmental assessments, cultural resource surveys, and design for the majority of segments in the Upper and Lower Rio Grande Valleys. We will begin construction this fall using Recovery Act funding and expect to complete most of that levee rehabilitation work in Dona Ana County, New Mexico and in El Paso, Hudspeth, and Hidalgo Counties in Texas by the end of calendar year 2010. Projects funded in FY 2010 to finish levee work in all high impact areas should be completed by September 2011.

Using USIBWC's own crews we have also raised the Rio Grande levee system in Cameron County, Texas. Additional in-house construction is currently underway in Dona Ana County, New Mexico and El Paso County, Texas, using prior year appropriations. Using funding appropriated under the Disaster Relief and Recovery Supplemental

Appropriations Act, 2008, we have completed emergency repairs on 2.5 miles of levees that we maintain in Presidio, Texas that were damaged by heavy flooding in September 2008.

Funding appropriated in FY 2010, will be used to construct approximately 8.2 miles of flood control levee and floodwall improvements in the Upper Rio Grande at Canutillo, Texas and immediately upstream of American Dam at the cities of Sunland Park, New Mexico and El Paso, Texas. In FY 2010 the USIBWC will continue to develop design plans for improvements along the interior floodways and construct improvements along the river levee in the Lower Rio Grande region. The agency will also work toward acquiring easements, preparing design plans, and constructing improvements in the Upper Rio Grande Flood Control System. The USIBWC plans to begin design work for levee improvement of the Presidio Flood Control Project after conclusion of geotechnical investigations.

Another one of my top priorities is to complete the South Bay International Wastewater Treatment Plant, in San Diego, California, for which we have requested $6 million in FY 2010. This funding will allow the USIBWC to construct an administration building and laboratory facilities for the treatment plant. In 1997, the USIBWC completed construction of the advanced primary treatment portion of the South Bay plant, which treats up to 25 million gallons per day of wastewater from Tijuana that would otherwise flow into the United States, mainly via the Tijuana River. In the interest of addressing public health and environmental concerns as expeditiously as possible, the USIBWC and the Environmental Protection Agency decided to construct the South Bay plant in stages and operate the advanced primary plant and discharge effluent into the ocean prior to the construction of secondary treatment facilities. The USIBWC awarded a construction contract in 2008 to upgrade the existing plant to secondary standards as required by the Clean Water Act and court order. The secondary treatment component is currently under construction and is scheduled to come on-line in November 2010, thus bringing the plant into compliance with its discharge permit and the Clean Water Act.

The Construction Account request includes $5 million for our Safety of Dams program. Recent Safety of Dams inspections have identified seepage problems at the two large international storage dams on the Rio Grande – Amistad and Falcon. This funding will be used for the U.S. share of the cost required to conduct further bi-national investigations to determine viable remediation options to address these safety concerns. The IBWC's technical advisors have rated Amistad Dam as "urgent, potentially unsafe" and Falcon as "high priority, conditionally unsafe." About 98% of water used in the Lower Rio Grande Valley is released from these two reservoirs, providing potable water for 1.5 million U.S. and Mexican border residents, averaging $95 million in irrigation benefits, $29 million in municipal and industrial water supply benefits, and $55 million in recreation/fish and wildlife benefits. Failure of either of these dams would place the lives of U.S. residents at risk and have catastrophic consequences in terms of damage to property and the economy in the Lower Rio Grande Valley.

The USIBWC and the City of Nogales, Arizona are co-owners of the Nogales International Wastewater Treatment Plant, which is located in Rio Rico, Arizona, and provides treatment of sewage for both Nogales, Arizona and Nogales, Sonora, Mexico. We are requesting funding in FY 2010 to initiate needed repairs and replacement of the Nogales International Outfall Interceptor (IOI), which is the pipe that conveys wastewater from Nogales, Sonora, Mexico and Nogales, Arizona to the Nogales International Wastewater Treatment Plant. Constructed in 1970-71, the 9-mile long pipe has severely deteriorated over time, developing many cracks and structural problems. Increased demand due to population growth on both sides of the border has produced a hydraulic capacity problem in the conveyance system. The IOI must be repaired and/or in-part replaced to avoid adverse environmental impacts and to ensure reliable operation of the wastewater collection and treatment system. Repair and replacement of the IOI is envisioned as a multi-year project. The USIBWC is currently working with its stakeholders and other agencies to develop a cost-sharing plan for design and rehabilitation of the IOI. The FY 2010 request would amount to $750,000, which represents USIBWC's assumed 50 percent share of the project's design costs.

We have requested $3 million in the FY 2010 Construction Account to begin a four-year project to reconstruct the American Canal. Located at El Paso, Texas, the American Canal is 1.5 miles in length and was built by the United States in 1938 to divert and convey the U.S. share of Rio Grande waters to U.S. users for municipal and agricultural use. In addition to water conservation, the canal prevents U.S. waters from being illegally captured or diverted in the international segment of the Rio Grande. The concrete-lined canal has severely deteriorated over time, exhibiting numerous cracks, separated panels, and embankment voids, which puts the canal at risk of being unable to deliver Rio Grande waters to U.S. users. We are proposing that the canal be reconstructed in three phases. In FY 2010, the USIBWC intends to design the improvements and undertake environmental remediation measures for the canal.

Our FY 2010 Construction Account request also includes $400,000 to conclude the Colorado River Boundary and Capacity Preservation Program, a project undertaken to restore the flow capacity of the Colorado River channel at Morelos Dam by reducing sedimentation and vegetation that had obstructed flows at the dam and hindered its ability to divert and/or pass high flows downstream. The FY 2010 request will be used to reestablish approximately 43 acres of riparian habitat to mitigate for the environmental impacts of sediment removal.

Funds in the amount of $4.4 million are requested for facilities renovation and the heavy equipment replacement program. Originally funded in FY 1992, under this multi-year program the USIBWC is in the process of renovating and modernizing USIBWC 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 to meet the standards established by the Occupational Safety and Hazards Act, the Americans with Disabilities Act and current environmental laws. If not corrected, the deterioration of facilities will accelerate and the possibility of major accidents, employee injuries, and

property damage will increase. The USIBWC also began a multi-year program in FY 2001 to replace deteriorated and obsolete heavy construction equipment, which is essential for daily operations such as levee maintenance, floodway mowing, erosion control, arroyo clearing, roadway maintenance, riprap replacement, sludge and silt removal. Due to the age of much of the equipment, some of which is between 20 to 30 years old, the USIBWC is incurring excessive maintenance costs to keep the equipment operational and is finding it more difficult to locate replacement parts.

We are also requesting $2.3 million to continue a multi-year project to improve security at our facilities in a post September 11th world. This will allow the USIBWC to implement defensive measures to address security and vulnerability risks at critical transboundary infrastructure, such as Amistad and Falcon Dams, field offices, and headquarters facilities.

The USIBWC welcomes your support as we implement these important projects as part of our mission to address boundary and water issues along the U.S.-Mexico border. Madame Chairwoman, thank you for the opportunity to testify today. I would be pleased to respond to any questions you or other members of the Subcommittee may have.