

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

MINUTE NO. 262

Ciudad Juarez, Chih.  
December 26, 1979

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
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RECOMMENDATIONS FOR WORKS TO PRESERVE FOR  
THE RIO GRANDE ITS CHARACTER AS THE INTERNATIONAL BOUNDARY  
IN THE REACH FROM CAJONCITOS, CHIHUAHUA TO HACIENDITA, TEXAS

The Commission met in the offices of the Mexican Section in Ciudad Juarez, Chihuahua at 10:00 a.m. on December 26, 1979, to consider recommendations for works which should be executed to preserve for the Rio Grande its character as the international boundary in the 199-mile (320 kilometer) reach from Cajoncitos, Chihuahua to Haciendita, Texas pursuant to "The Treaty Between the United States and Mexico to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary" signed November 23, 1970, hereinafter referred to as "The 1970 Treaty".

The Commission reviewed the problem that has developed in the Cajoncitos-Haciendita reach of the Rio Grande incident to the reduction in its flows in recent decades to the extent that the river is not capable of naturally maintaining its channel. The Commissioners noted that in many places the channel has become so filled with sediment and become so overgrown with vegetation that the channel, and hence the boundary, is difficult to find. The Commissioners noted that several changes in the course of the river occurred in 1978 because of the high water of that year and because of the lack of a well-defined channel, and that the Commission will have to take up these cases under the terms of the 1970 Treaty. The Commission agreed that this reach of the Rio Grande presents a serious boundary problem and that unless measures are soon taken to restore and preserve the channel, its character as the boundary will be completely lost in large sections of the reach, and that in other sections of the reach the river may be expected to change its course to cause separation of tracts of lands from one side of the river to the other. The Commission noted that this is the only reach in the 1250 miles (2013 kilometers) of the boundary marked by the Rio Grande that the described problem exists, because in other reaches the river has sufficient flow to naturally maintain its channel.

The Commission reviewed the 1970 Treaty and observed that one of its principal purposes is to provide for restoration of the character of the Rio Grande as the international boundary in the reaches where that character has been lost, to preserve that character, and to minimize changes in the channel. The Commissioners noted that Article IV C (1) stipulates 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 and of the Colorado River in their limitrophe sections..."

The Commission reviewed the "Joint Report of the Principal Engineers on Plans and Procedures to Preserve the Channel of the Rio Grande as the International Boundary in the Reach from the end of the Rectification Project near Cajoncitos to Haciendita", dated April 11, 1979, and submitted by Principal Engineers Delbert D. McNealy and Jenaro Paz Reyes. The text is attached to this Minute and forms a part hereof.

The Commission agreed that improvement and maintenance of the channel of the Rio Grande and adjoining overbank areas in the Cajoncitos-Haciendita reach, in accordance with the engineering plans proposed by the Principal Engineers in their Joint Report, would be the most practical means of restoring and preserving for the Rio Grande its character as the international boundary. The Commissioners further agreed that division of the restoration work and of the maintenance work as proposed by the Principal Engineers would effect an equal division of the costs between the two Governments, with the understanding that such divisions should be subject to exchanges of items of construction work and of items of maintenance work to facilitate their performance, as may be agreed upon by the Commission.

The Commission also agreed that the proposal by the Principal Engineers to provide and maintain a cleared berm on each bank of the river channel for a width of 100 feet (30.5 meters) from the international boundary except for a 25-foot (7.6 meter) strip of natural vegetation along each bank, would satisfy the requirement of Article IV B (1) of the 1970 Treaty; namely that each Government shall prohibit the construction of works which, in the judgment of the Commission, may cause deflection or obstruction of the

normal flow of the river or of its flood flows. The Commissioners also agreed that such cleared width will be consistent with that provided for in Minute No. 247 for the lowermost section of the reach from Paradero to Haciendita.

The Commission then referred to Article IV C (2) of the 1970 Treaty which provides that as soon as may be practical, after the two Governments approve the Commission's recommendation, each of the contracting States shall execute, at its expense, its share of the construction, operation and maintenance for the improvement and stabilization of the channels. The Commissioners confirmed the urgency of execution of the plan for preservation of the channel in the Cajoncitos-Haciendita reach and agreed that it should be completed within three years subject to and after approval of the recommendations by the two Governments. They further agreed that because of the long length of the channel to be improved by each Government through its Section of the Commission, and because each Government can perform its share of the channel work and of the adjoining overbank clearing and other work on its side of the river without in any way interfering with or depending upon the work of the other, the execution of the works by the two Governments does not have to be undertaken and performed simultaneously. Each Government through its Section may proceed independently to perform its share of the work in accordance with its schedule under the supervision of the Commission.

The Commission then adopted the following Recommendations subject to the approval of the two Governments:

1. That the two Governments, through their respective Sections of the Commission and under its supervision, construct the works for the preservation of the channel of the Rio Grande as the international boundary in the Cajoncitos-Haciendita reach, in accordance with the plan and procedures described in the Joint Report of the Principal Engineers on Plans and Procedures to Preserve the Channel of the Rio Grande as the International Boundary in the Reach from the End of the Rectification Project near Cajoncitos to

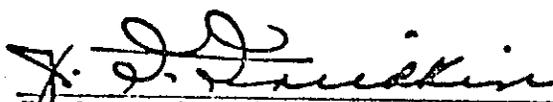
Haciendita, dated April 11, 1979, the text of which is attached to this Minute and forms a part hereof, and subsequently maintain the works as described in the same report; and that the costs of the works of construction and of maintenance be equally divided, with each Government performing through its Section of the Commission one-half of the works of construction and of maintenance as described in the Joint Report of the Principal Engineers.

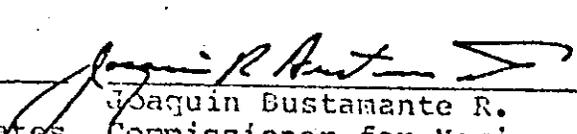
2. That to conform with the stipulations of Article IV B (1) of the 1970 Treaty each Government prohibit the construction of levees or other works in its territory for a distance of 100 feet (30.5 meters) from the international boundary including a 25-foot (7.6 meter) strip of vegetation along each bank of the river as provided for in the Joint Report of the Principal Engineers.

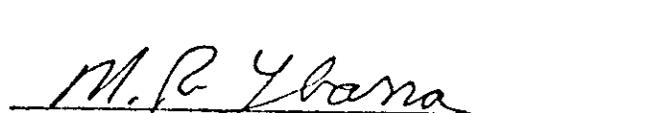
3. That the two Governments, through their respective Sections, undertake and complete construction of the works recommended within three years after approval of this Minute with the understanding that each Government through its Section may proceed independently to perform its share of the work, in accordance with its schedule under the supervision of the Commission.

4. That this Minute requires the specific approval of the two Governments.

The meeting adjourned.

  
J. F. Friedkin  
Commissioner for the United States

  
Joaquin Bustamante R.  
Commissioner for Mexico

  
Manuel R. Charra  
Secretary for the United States  
Section

  
Lorenzo S. Padilla  
Secretary for the Mexican  
Section