

**United States Section
International Boundary and Water Commission**

Directives Management System

Volume II : Engineering
Part 0100 : Engineering Management
Chapter 0103 : Construction Management
Directive 01031 : Design and Construction Requirements for Work within USIBWC
Jurisdiction
Citation: : SD.II.01031
Proponent: : Construction Management Division
Effective Date: : December 6, 2023

1. **Purpose.** The purpose of this document is to present policy, criteria and guidelines for the review, approval, and inspection of construction activities not performed by or for the United States Section, International Boundary and Water Commission (USIBWC) when within the limits of USIBWC flood protection works, international reaches of the Rio Grande and Colorado River, the international land border between the United States and Mexico, as well as any other property which is owned or controlled by the USIBWC.
2. **Authority.**
 - A. The USIBWC is required by the 1970 Boundary Treaty (23 UST 371), Article IV, between the United States and Mexico, to join the Mexican Section of the IBWC in reviewing any activities within the channel of the Rio Grande and Colorado River or their floodplains from the design flood to determine whether they will cause deflection or obstruction of the normal or flood flows of these international boundary rivers and to prohibit the construction of such works. The Article IV prohibition provision of the 1970 Boundary Treaty is implemented by 22 USC §277d-34 which allows the USIBWC to condemn land and remove such obstructions.
 - B. Further, the IBWC under provisions of the 1944 Water Treaty (59 Stat 1219) between the United States and Mexico must be assured that the construction will not result in problems with water allocation and that the activities will not interfere with the operation of IBWC flood control projects.
 - C. Statutory authority of the USIBWC for carrying out actions in the United States is provided in 22 USC §277 a-d.
 - D. Executive Order 13337, Issuance of Permits with Respect to Certain Energy-Related Facilities and Land Transportation Crossing on the International Boundaries of the United States.
3. **Applicability.** This Directive applies to all USIBWC employees to include its field offices and to any government agency, individual, corporation, or organization that wishes to construct improvements on land in which USIBWC holds a property interest (hereinafter

“USIBWC-controlled property”). Insofar as there are private inholdings within USIBWC projects, some, but not all, portions of this Directive will apply to the private inholdings as indicated throughout this Directive, its manuals, and its appendices.

4. Policy.

- A. The USIBWC retains right of approval of all improvements located on USIBWC-controlled land. USIBWC will issue a letter of no-objection for projects on private property within USIBWC’s projects.
- B. Approval must be received from the USIBWC prior to commencement of construction of any facility which passes over, under, or through the floodwalls, levees, and improved channel or floodways that are USIBWC-controlled property in the following USIBWC river reaches:
 - (1) Rio Grande from Percha Dam, New Mexico to Box Canyon, Hudspeth County, Texas.
 - (2) Rio Grande within the Presidio-Ojinaga Valley, Texas
 - (3) Rio Grande from Falcon Dam to the Gulf of Mexico
 - (4) Colorado River from Imperial Dam on the California-Arizona border to the US-Mexico border
 - (5) Tijuana River from the US-Mexico border to Dairy Mart Road
 - (6) Arroyo Colorado and emergency floodways in the Lower Rio Grande
- C. Approval must be received from the USIBWC prior to commencement of construction of any facility on USIBWC-controlled property which passes over, under, or within the floodplain of the international reaches of the Rio Grande and Colorado River. Where the floodplain contains private inholdings, then USIBWC may issue a letter of objection or no-objection; however, its enforcement and regulatory authority is limited to that set-forth in 22 USC §277d-34 and USIBWC must condemn the private land or otherwise turn to judicial intervention to address a structure to which USIBWC objected.
- D. Approval must be received from the USIBWC prior to commencement of construction of any facility which passes over, under, or within the international land boundary between the United States and Mexico.
- E. In addition, approval must be received from the USIBWC prior to commencement of construction of any facility which passes over, under, or within the boundary of any USIBWC-controlled property and facilities. USIBWC facilities include, but are not limited to:
 - (1) South Bay International Wastewater Treatment Plant
 - (2) Morelos Dam
 - (3) Nogales International Wastewater Treatment Plant
 - (4) American Dam and Canal
 - (5) International Dam

- (6) Rio Grande American Canal Extension (RGACE)
 - (7) Amistad Dam and Powerplant
 - (8) Falcon Dam and Powerplant
 - (9) Anzalduas Dam
 - (10) Retamal Dam
 - (11) USIBWC Field Offices
- F. All approvals shall be provided in writing by the USIBWC in the form of an outgrant, a memorandum of agreement/understanding, or a letter of no-objection.

5. Responsibilities.

- A. Commissioner. The USIBWC Commissioner provides ultimate oversight for USIBWC-controlled property and directs the support and funding to maintain a professional, trained, and equipped staff in support of the USIBWC mission.
- B. Principal Engineer (PE), Engineering Department. The PE for Engineering provides program guidance and helps to develop policy for the criteria and guidelines for the review, approval, and inspection of construction activities not performed by or for the USIBWC.
- C. Principal Engineer (PE), Operations Department. The PE for Operations ensures that this Directive is followed by Operations & Maintenance (O&M) activities. Additionally, O&M personnel shall notify the Realty Office whenever they observe activities which violate this Directive.
- D. Supervisory Engineer, Construction Management Division (COND). The Supervisory Engineer, COND, will identify the specific requirements for construction activities addressed herein.
- E. Supervisory Engineer, Engineering Services Division (ESD). The Supervisory Engineer, ESD, will identify the specific requirements for design activities addressed herein.
- F. Supervisory Program Analyst, Master Planning Division (MPD). The Supervisory Program Analyst, MPD, will ensure this Directive, including any manual(s) or handbook(s) that may be issued or authorized for use, is the basis for processing outgrant requests.
- G. USIBWC Employees. Complete all reviews, approvals, and inspections assigned consistent with this Directive, including any manual(s) or handbook(s) that may be issued or authorized for use.
- H. All USIBWC Divisions and Project Field Offices have a duty to review and approve proposed construction activities not performed by or for the USIBWC, and are responsible for applying the criteria within this Directive, including any manual(s) or handbook(s) that may be issued or authorized for use.
- I. The recipients of this Directive, including any manual(s) or handbook(s) that may be issued or authorized for use, shall be responsible for applying the criteria when

applying for construction within the limits of USIBWC flood protection works, international reaches of the Rio Grande and Colorado Rivers, as well as any USIBWC-controlled property. This Directive sets forth design requirements for projects on private inholdings.

6. **Dissemination.** This document, including any manual(s) or handbook(s) that may be issued or authorized for use, shall be shared with the public to the full extent required to ensure that construction activities within the limits of USIBWC flood protection works, international reaches of the Rio Grande and Colorado Rivers, as well as any other property which is owned or controlled by the USIBWC meet these requirements.
7. **Supersession.** This Directive supersedes Directive SD.III.01012 dated July 27, 2000.

Approved:

MARIAELENA GINER Digitally signed by MARIAELENA
GINER
Date: 2023.12.06 15:46:25 -07'00'

Dr. Maria-Elena Giner, P.E.
Commissioner

12/06/2023

Date

**United States Section
International Boundary and Water Commission**

Directives Management System

Volume II : Engineering
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Chapter 0103 : Construction Management
Directive 01031 : Design and Construction Requirements for Work within USIBWC
Jurisdiction
Manual : Design and Construction of Work within USIBWC Jurisdiction Manual
Citation: : SD.II.01031-M-1
Proponent: : Construction Management Division
Effective Date: :

1. Purpose. The purpose of this document is to present criteria and guidelines for the application, review, approval, and inspection of construction activities not performed by or for the United States Section, International Boundary and Water Commission (USIBWC) when on USIBWC-controlled property and when within the limits of USIBWC flood protection works, international reaches of the Rio Grande and Colorado River, the international land border between the United States and Mexico.

2. Applicability.

- A. This Manual applies to all USIBWC employees to include its Field Offices.
- B. This Manual applies to any entity (Federal, state, local, or private) who wishes to construct or modify any feature which is located on upon USIBWC-controlled property and within international reaches of the Rio Grande and Colorado River, the international land border between the United States and Mexico. Portions of this manual will apply to private inholdings within USIBWC projects.

3. Application Request.

- A. An outgrant is required from the USIBWC for any proposed construction or modification of an existing feature which is located upon USIBWC-controlled property or which is located within international reaches of the Rio Grande and Colorado River, the international land border between the United States and Mexico, as well as any other property which is owned or controlled by the USIBWC. Letters of no-objection must be sought for projects on private inholdings surrounded by USIBWC projects.
 - (1) In some cases, issuing an outgrant will require the Proponent or Owner to enter into a memorandum of agreement with the USIBWC in regards to operations and maintenance of the structure(s) in question.
- B. To obtain an outgrant or a letter of no-objection from the USIBWC, the Proponent, Sponsor, or Owner (hereafter referred to as Proponent) must meet the requirements set forth in this document and its referenced appendices and must also submit to the USIBWC all

appropriate permits, environmental studies, and documents as required to assure adherence to all environmental laws and regulations for the proposed work.

- C. The Proponent's project is required to comply with Directives SD.II.03011 and SD.II.03031 to ensure proper environmental oversight.
- D. The Proponent is strongly encouraged to consult with the USIBWC sufficiently in advance of a proposed project construction start date to discuss site conditions and other issues which may require specific requirements.
- E. Coordination with USIBWC shall be through our Realty Office (realty@ibwc.gov). The Realty Office schedule discussions between the Proponent and relevant USIBWC personnel.
- F. Construction shall not start until final drawings and specifications have been approved in writing by the USIBWC. In addition, final construction drawings and specifications shall be stamped and signed by a professional engineer licensed in the state where the work will be performed prior to USIBWC approval.

4. Definitions

- A. Easement. USIBWC easement refers to land whereby USIBWC holds a legal interest or easement for flowage, flood control, or other use.
- B. Floodplain. The floodplain encompasses all land between two levees or when no levees are present that is locally adjacent to a river that the Federal Emergency Management Agency (FEMA) indicates as Zones A, AO, AH, A1-A30, AE, A99, AR, AR/AE, AR/AO, AR/A1-A30, AR/A, V, VE, or V1 through V30.
- C. Levee. Levee is an embankment built to prevent the overflow of a river. A levee is typically earthen but also includes floodwalls, floodgates, and all other similar and appurtenant structures. The term "levee" shall not exclude these other structures but shall be all inclusive to any structure that provides flood protection.
- D. Longitudinal. Running along the structure, e.g. parallel to the centerline.
- E. Outgrant. A grant of interest or right to one to use government real property by a lease, easement, license, or permit. It is an agreement whereby a third party may, depending on the type of real estate instrument issued, enjoy an interest in or use of real property.
- F. Pipeline. Pipeline includes pipelines, pipes, utility conduits, and culverts. Pipelines may be round, oblong, arches, square, or rectangular. Pipelines do not include irrigation and stormwater structures within levees.
- G. Property. USIBWC property is USIBWC deeded land, land transferred to USIBWC from another Federal agency, or land transferred to USIBWC via Federal, state, or local law/ordinance.
- H. Proponent. The Proponent is the Owner of the project or the company/person who submits application for an outgrant on behalf of the Owner. Once an outgrant is issued, Proponent refers only to the Owner.
- I. Transverse. Running across the structure, e.g. perpendicular to the centerline.

- J. USIBWC-Controlled Property. All property for which USIBWC holds a property interest including, but limited to, USIBWC property and land for which USIBWC holds an easement.
- K. Utility. These include privately, publicly, or cooperatively owned lines, wires, pipelines, facilities, and systems for producing, transmitting, or distributing communications, power, heat, gas, oil, water, waste, stormwater, or irrigation water.

5. Policy

- A. It is the USIBWC's policy to only allow utilities and pipelines within USIBWC-controlled property when no other option is available.
 - (1) Utilities and pipelines within, under, or crossing levees shall be minimized at all times.
- B. Previous USIBWC policy allowed placement of utilities and pipelines within the USIBWC-controlled property. As these facilities are impacted by USIBWC projects, they are being relocated whenever possible.
 - (1) Proponents cannot assume that approval of a past project will automatically allow approval of their new or modified project.
 - (2) Utilities and pipelines within USIBWC levees shall be removed whenever possible.
- C. Proponents with current USIBWC outgrants who wish to upgrade, change, or otherwise modify their licensed or permitted works must submit an application for these changes. If the project is allowed to remain within USIBWC-controlled property, any portions modified will be required to be brought up to these standards.
- D. All outgrants will have established general conditions. Key items to note for all outgrants include:
 - (1) All outgrants are revocable by the USIBWC.
 - (2) If revoked, all facilities shall be removed and the site restored to pre-project conditions by the Proponent at their expense and subject to the approval of the USIBWC.
 - (3) If the USIBWC requires a modification of the outgrant work, the Proponent is required to make the modification at their expense.
- E. Failure of Proponents to follow this Directive is justification for rejection of their outgrant application or revocation of their issued outgrant.
- F. Approval or a letter of no-objection must be received from the USIBWC prior to commencement of construction of any facility is on USIBWC-controlled property and passes over, under, or within the floodplain of the international reaches of the Rio Grande and Colorado Rivers. USIBWC may require concurrence from the Mexican Section of the IBWC.
- G. Approval must be received from the USIBWC prior to commencement of construction of any facility which passes over, under, or within the Rio Grande American Canal or the Rio Grande American Canal Extension (RGACE) in El Paso, TX. Such project may also require the approval from the El Paso County Water Improvement District Number 1.
- H. Approval must be received from the USIBWC prior to commencement of construction of any facility which passes over or under the land border between the United States and

Mexico from El Paso, TX to San Diego, CA. USIBWC reviews the project to ensure that there are no adverse hydraulic and erosional impacts to either the United States or Mexico and to maintain the structural integrity of the boundary monuments, intermediate markers, and visibility between the adjacent monuments, as well as maintaining access to these monuments per 22 USC §277a and §277d-34. Typically, such projects have a proponent on the Mexican side who will be responsible for coordinating with the Mexican Section of the IBWC.

- I. Approval must be received from the USIBWC prior to commencement of construction on any USIBWC-controlled property.

6. Standard Drawings. USIBWC is developing standard drawings. Work on USIBWC structures must follow these drawings. The Proponent's may download them at www.ibwc.gov/resources-info/.

7. Specific USIBWC Construction and Design Requirements.

- A. Attached as appendices are individual requirements and guidance addressing specific requirements. They are available for download at www.ibwc.gov/resources-info/.

- (1) Appendix A - Design and Construction Requirements for All Projects
- (2) Appendix B - Land Boundary Project Requirements
- (3) Appendix C - Requirements for Projects on or Affecting a USIBWC Flood Control Structure
- (4) Appendix D - Minimum Levee Testing Requirements
- (5) Appendix E - Design Report Requirements
- (6) Appendix F - Hydraulic Modeling Methodology
- (7) Appendix G - Reseeding USIBWC Property
- (8) Appendix H - Floodplain Requirements

- B. The table below provides a general outline of which documents govern work on what type of projects.

Project Location	Appendix A <i>(all)</i>	Appendix B <i>(land)</i>	Appendix C <i>(flood Control)</i>	Appendix D <i>(levee Testing)</i>	Appendix E <i>(design report)</i>	Appendix F <i>(hyd model)</i>	Appendix G <i>(reseeding)</i>	Appendix H <i>(floodplain)</i>
On USIBWC Property (*)	X	As applicable	As applicable	As applicable	As applicable	As applicable	X	As applicable
On USIBWC Easement (*)	X	As applicable	As applicable	As applicable	As applicable	As applicable	As applicable	As applicable
On Rio Grande Floodplain (*)	X		As applicable	As applicable	As applicable	As applicable	As applicable	X
On Colorado River Floodplain (*)	X		As applicable	As applicable	As applicable	As applicable	As applicable	X
On CA/AZ/NM Land Boundary	X	X			As applicable	As applicable	As applicable	

(*) See Section 4 for definitions of property, easement, and floodplain

- C. These appendices hold the same regulatory authority as this Directive, however, the Commissioner has delegated approval authority to the Principal Engineer, Engineering Department. Routing/approval procedures remain unaffected by this delegation.

8. Minimum Time for USIBWC Reviews.

- A. Proponent shall provide all documents to USIBWC allowing a minimum of 30 days for review. Projects requiring the approval of MXIBWC will require longer periods of time.
- B. If comments are generated during USIBWC's review, the revised and/or missing documents shall be resubmitted, allowing another review by USIBWC.

9. Dissemination. This document and all appendices shall be shared with the public to the full extent required to ensure that construction activities within the limits of USIBWC flood protection works, international reaches of the Rio Grande and Colorado Rivers, as well as any other property which is owned or controlled by the USIBWC meet these requirements.

Approved:

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